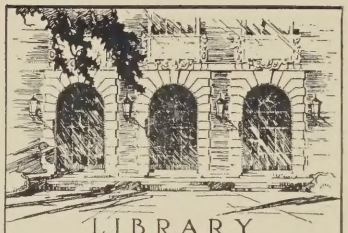

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COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1939. 133d of the General Assembly.

Vol. 23 HARRISBURG, PA., WEDNESDAY, APRIL 5, 1939. No. 34.

SENATE

WEDNESDAY, April 5, 1939.

The Senate met at 12:30 o'clock, p. m.
The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

Our Heavenly Father, as we stand upon the threshold of another blessed Easter season, we are reminded of the millions of faithful hearts who likewise anxiously and expectantly await the dawn of Easter day. Hope, love, glorified suffering, forgiveness, life, victory, joy, all flow commingled down from Thee upon all Thy creatures alike across the span of ages.

Our hearts are exultant, our thoughts quickened and our entire beings keenly alert to that truth of how fullness displaced emptiness, joy supplanted sorrow, defeat being turned into victory, despair into hope and we perceive the blessings of God's greatest benefaction to the children of men.

And just as the hard, arid ground is softened and refreshed by the gentle falling rain so would our hearts be robbed of their hardness and refreshed by these showers of blessings.

May we fully realize, Thou Blessed Master, that the solving of our perplexing problems of state and the faithful discharge of our duties will be much easier when we "take time to be holy" and to "speak oft with Thy Lord." We pray in Thy Holy Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. GELDER and Mr. OWLETT, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

HOUSE MESSAGE

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 250, (Senate Bill No. 426), entitled:

An Act to amend clause one of section three of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "School Employes Retirement Law," as amended, by further extending the time for present employes as defined in the act, to elect to be covered by the retirement system.

Which was committed to the Committee on Education.

House Bill No. 375, (Senate Bill No. 427), entitled:

An Act to amend paragraph (c) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "Fiduciaries Act of 1917," as amended by permitting foreign fiduciaries representing the estates of decedents, minors, and legal incompetents, to foreclose on mortgages, to enter judgment on mortgage bonds, to sell the property bound thereby, to take title to property so sold, and to resell such propery.

Which was committed to the Committee on Judiciary General.

House Bill No. 386, (Senate Bill No. 428), entitled:

An Act to amend section four hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," as amended, providing that boards of school directors may become members of the State School Directors Association, and bear a proportionate part of the expenses of such association.

Which was committed to the Committee on Education.

House Bill No. 549, (Senate Bill No. 429), entitled:

An Act to amend section nine of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "Pennsylvania National Guard Act" as amended, by increasing clothing allowances and requiring a report by commanding officers.

Which was committed to the Committee on Military Affairs.

House Bill No. 856, (Senate Bill No. 430), entitled:

An Act making a deficiency and emergency appropriation to aid certain school districts.

Which was committed to the Committee on Appropriations.

BILLS RE-REFERRED

Mr. WOODWARD, from the Committee on Judiciary General reports Senate Bill No. 47, entitled:

An Act to amend section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," by providing that certain property of an indigent person shall not be liable in any action for the recovery of public funds expended on behalf of such person.

requests the bill to be re-referred to the Committee on Welfare.

Mr. EDMONDS, from the Committee on Judiciary General, reports Senate Bill No. 207, entitled:

An Act to amend section six hundred fifty-four of article six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulations, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing that all premiums and interest charges on account of policies insuring employers against workmen's compensation liability, and all judgments recovered for same, shall be preferred claims in all insolvency or bankruptcy proceedings, and trustees proceedings for administration of estates, and receiverships.

be re-referred to the Committee on Labor and Industry.

REPORTS FROM COMMITTEES

Mr. BARTLETT, from the Committee on Judiciary General reported as committed, Senate Bill No. 248, entitled:

An Act to amend section fifteen of the act, approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363), entitled "An act relating to the organization, jurisdiction, and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," by further clarifying the provisions of said act, as to the powers of the judges of orphans' court to administer the business of the court and to issue process in vacation.

Mr. TALLMAN, from the Committee on Judiciary General, reported as committed, Senate Bill No. 320, entitled:

An Act to amend section seven of the act, approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," by changing the provisions thereof as to the contents of record to be furnished wardens by clerks of the courts of quarter sessions.

Mr. OWLETT, from the Committee on Judiciary General reported as committed, Senate Bill No. 249, entitled:

An Act to amend section twenty-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," further clarifying the provisions of said act as to the issuance of subpoenas by a judge at chambers during vacation.

BILL INTRODUCED

Mr. BARTLETT read in his place and presented to the Chair, Senate Bill No. 431, entitled:

An Act to amend sections one and six of the act, approved the nineteenth day of July, one thousand nine hundred and thirty-five (P. L. 1356), entitled "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of Internal Affairs; and providing penalties," by providing for reciprocal recognition of weight certificates for solid fuel between the Commonwealth of Pennsylvania and bordering states requiring such certificates; and defining the term "licensed weighmaster."

Which was committed to the Committee on State Government.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I rise to a question of personal privilege, for a few moments.

The PRESIDENT. The Senator from Armstrong, Mr. Sipe, will state his question of personal privilege.

Mr. SIPE. Mr. President, I desire to read into the Journal of the Senate, first, a letter from the Right Reverend Hugh C. Boyle, Bishop of Pittsburgh, on behalf of the opening of the new Butler Tuberculosis Sanatorium, reading as follows:

BISHOP'S CURIA
125 N. Craig Street
Pittsburgh, Pa.

Dear Mr. Sipe:

Will you, in whatever quarter you think it helpful, express my complete sympathy with the move you have made on behalf of the Butler Tuberculosis Sanatorium, and my profound conviction that very little money has been expended to better effect than this would be. I shall remember the enterprise in my Masses, and pray for your success in pressing the matter to a satisfactory issue.

Quite apart from politics, I like what I have seen of your efforts; and I wish we had more men less troubled about partisan issues and more troubled about the general good. I wish you success.

Very sincerely yours,
Hugh C. Boyle,
Bishop of Pittsburgh

Mr. C. Hale Sipe
Senate of Pennsylvania
Harrisburg, Pa.
March 28, 1939.

Also, Mr. President, I would like to read the following editorial from the Pittsburgh Press of March 31, 1939, on behalf of the opening of this Sanatorium.

The caption of the editorial is "Still Wrong." The editorial follows:

STILL WRONG

Despite arguments showing conclusively the need

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for additional facilities, Governor Arthur H. James has announced his intention of standing pat on his decision to let the Butler Tuberculosis Sanitarium stand idle for two years, as an economy measure.

In taking this attitude, Governor James ignores both the humane and the real economic factors of the situation. We feel he would have been wiser to have admitted he had been badly advised and reversed his position.

In stubbornly refusing to change his stand the Governor does not answer the argument that the State's death rate from this terrible disease is rising, and has been for two years. Surely, this fact alone is proof that more care is needed for sufferers, to stop the spread of the plague.

The Governor also fails to answer the figures submitted by Dr. S. Howard Marcy, secretary of the Pennsylvania Tuberculosis League, on the needs for hospital care for tuberculars. Dr. Marcy estimates the need at 9800 beds, yet today the State, in public and private institutions, has only 4562 beds. Expansion of facilities at existing State institutions will add only 738 beds. Butler Hospital, if utilized to capacity, would provide adequate treatment to only 550 more patients.

Instead of answering these pertinent arguments, Governor James simply hides behind the recommendation of Health Secretary John J. Shaw and Welfare Secretary E. Arthur Sweeeny that the additions to present hospitals will provide beds for everyone on the existing waiting lists. This argument has been effectively blasted by Dr. Marcy, who points out that most tuberculosis hospitals long ago practically ceased adding names to waiting lists—because there was so little hope of ever being able to give them care. Only the most urgent cases are considered.

This is neither a humane condition, nor an economical one. The tubercular who should get urgent care is the one in the early stages of the malady; he is curable. He also is the one most dangerous to others and most likely to spread the disease.

Real economy and humanity demand adequate care for all tuberculars who need it and isolation of as many of them as possible to help them from contaminating others. Again we repeat the simple illustration that a State which was a leader in stamping out tuberculosis in its cattle, which spent thousands of dollars to insure that its milk supply was uncontaminated, can afford to do no less for the human victims, both for their sake and for the sake of those with whom they come into contact.

Governor James, as chief executive of the State, and his Health and Welfare directors, should be the first to admit this. We urge them to reconsider their untenable decision.

QUESTION OF PERSONAL PRIVILEGE

Mr. OWLETT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Tioga will state his question of personal privilege.

Mr. OWLETT. Mr. President, for the purpose of clarifying the record and with the hope that we shall not have to listen to a discussion of the Butler Sanitarium every day, I would like at this time, with the permission of the Senate, to read an editorial from the Oil City Derrick dated yesterday, April 4th.

FACTS AS TO THE BUTLER SANATORIUM

Democratic newspapers are trying to make political capital out of the refusal of Governor James to open the new tuberculosis sanatorium in Butler until the state is in financial shape to do so.

In view of the fact that the state has got along for a good many years without this institution, no doubt Gov. James is of the opinion that it can get along for awhile longer until he makes sure the state's revenues will make its operation possible without increasing taxes and without adding to the burden of hard times. We agree with the governor.

According to a resolution of the Butler Chamber of Commerce, which asks the governor to reconsider his action and include in his budget a sum sufficient to open and operate this sanatorium, there are 44,000 cases of tuberculosis in the state with at least 12,000 in need of hospital treatment. As the Butler institution was planned for only 550 beds its contribution to the relief of this situation would be the proverbial drop in the bucket.

The state, of course, would have to pay for the care of the patients in the Butler sanatorium, but Grandview Institution in Venango county can take care of fifty patients more than it has. It would be glad to have them if the state would pay the bill. Grandview is open and operating.

The Butler sanatorium was built under the General State Authority, which is carrying out a $65,000,000 building program of state institutions. Twenty millions of this was obtained from the federal government in PWA grants. The rest was raised by the sale of bonds to the state employes' and the state teachers' retirement funds. Therefore, the money to build that institution did not come out of the state's general fund, although the resolution of the Butler Chamber states that the sanatorium is "costing the taxpayers of this commonwealth in excess of $2,500,000." In fact the institution has not yet been completed, so that it is doubtful if it could be used in case Gov. James provided for it in the budget.

Incidentally it is this $65,000,000 building program resulting in a perfect swarm of new buildings, many of which were built by Contractor McCloskey of Democratic fame, including hospitals, sanatoria, armories, State Teachers' and other colleges, which now threatens to bankrupt the Commonwealth when the cost of opening, equipping and maintaining them is concerned. There are five million dollars' worth of these new buildings at State College alone.

No doubt many of these new institutions were necessary, but this was not the spirit in which they were undertaken. It was a part of the great spending program of the Earle administration in Pennsylvania and the Roosevelt administration in Washington. These programs never took into consideration how their cost was to be defrayed.

A program which would take fifty years to finance by current revenue was rushed through in two years for the political power this spending would confer on the Guffey-Lawrence-Earle machine and for the army of job holders necessary to operate these buildings.

Gov. James is not interested in the creation of new jobs. He is interested in bringing Pennsylvania back to a state of tax sanity. He is interested in keeping industry in Pennsylvania instead of driving it out of the state, as the Earle administration was doing when it was interrupted.

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He knows that if this excessive taxation is not stopped industrial operations will decline, and that with this decline unemployment will continue to grow. The present governor is no bootstrap lifter.

This is the tremendous task which confronts Gov. James. It is the heritage which four years of costly, wasteful and extravagant administration has left him. We hate to use a hackneyed phrase, but it is a legacy which simply "beggars description." What Gov. James is trying to do is to save the state from going bankrupt, and saving much of its industry also from going bankrupt or going elsewhere with its plants.

The individual who is raising the hue and cry about the Butler Sanatorium is Senator C. Hale Sipe of the Butler-Armstrong district, a Democratic holdover and a severe critic of the James administration. He was a strong supporter of much of the Democratic program in the 1937 session and the Earle extra session of last year. He is likely to keep chewing on the Butler Sanatorium rag for a long time. It is one of those arguments which will appeal to the emotions rather than to the common sense of the people.

So much for the partisan aspect of the Sipe attack. If he is so anxious to get this institution open and running he might wait until it is completed in the first place, and then he might sit down with the governor and help him figure out how he can take care of the Earle administration's financial commitments and keep the Commonwealth of Pennsylvania from going into a receivership.

Now, Mr. President, the time has come when the people of this State, with the relief load that has been saddled on this State and with the other tremendous expenses, have got to realize that we have got to cut the cloth to fit the pattern. The time has come when the people of this State must realize that we have just so much revenue in this Commonwealth, and that we are now faced with the necessity of reenacting much of these burdensome taxes that have contributed to the driving out of industry in this State, because of the fact that we found, when this administration came in a $45,000,000 deficit, and that we found the relief rolls growing under the system we had here.

This is just another example of the fact that the people of this State must realize that we do not have the money to do much of this that is good in this State, and we will not have the money until we clean up the relief situation, get rid of the bills, and put this State on a sound basis.

Mr. SIPE. Mr. President, fortunately, I am perfectly familiar with the editorial in the Oil City Derrick which my friend from Tioga has just read for our humanitarian edification. I want to say to the Senate that one of the most influential members of the Republican party in Butler county is also perfectly familiar with that editorial, and that over the telephone about a half hour ago he told me that at his own expense he was going to insert as an ad in this same Oil City Derrick a copy of the letter of the Right Reverend Bishop Boyle, which I have just read into the Journal of this Senate, its purpose being, he said, that he might give the readers of the Oil City Derrick a little taste of humanitarianism instead of having dished out to them so much false economy.

I might say that if the editor of the Oil City Derrick does not know any more about the Sanatorium than he does about spelling the name correctly, he evidently knows very little. In each and every instance that the Sanatorium is referred to in that editorial it is referred to as a Sanitarium, which it is not. Someday I hope that Brother Owlett takes time enought to go up to Oil City and teach the editor how to spell and teach him also the distinction between a sanatorium and a sanitarium.

The institution for which I am pleading is a Sanatorium —look up the distinction.

Mr. SHAPIRO. Mr. President, notwithstanding the suggestion of the Senator from Tioga that he hopes we will not hear from Butler county every day, I should like to say that I would like the privilege, as long as I have breath in my body to speak on the question of the Butler Sanitarium. I am using the word Senator Owlett used because I want to, for a purpose; but a "Sanitarium" means I tried a case against a gentleman in Philadelphia whose whole practice is the trial of negligence cases. The case I tried against him was a slander case in which the reputation of a reputable citizen was attacked by the defendant, who was represented by the negligence trial lawyer. He told the jury that there was not much damage done; and I think I give the jury the answer—which will become obvious in this matter, that, when you get to trying negligence cases you cannot appreciate any other damage except a broken leg or a fractured skull, damage to a reputation is a thing that that kind of lawyer cannot understand.

When you begin to deal in dollars and cents, the only kind of bankruptcy that you can understand is financial bankruptcy; but to me there is more than financial bankruptcy involved. Any State that does not take care of its tubercular—its sick—is not only financially but socially bankrupt, and it will stay that way until its citizens, who participate in the government of that State, realize the fact that there is something more than financial bankruptcy involved.

I have read a lot about the driving out of industry from Pennsylvania, and I am glad the name of that paper has got "Derrick" attached to it, because now I can understand where it got all the stuff contained in it that has nothing to do with the question involved.

What has the driving out of industry got to do with the question of whether a sanatorium shall be opened up there take care of, yes, "only five hundred" tubercular patients? Who of us would want to be among those "only five hundred" tubercular patients and who of us would want to have our children, friends, relatives among those "only five hundred" patients? That "only" seems to me the wrong term. That is a tremendous sum of suffering people—five hundred patients.

What has industry to do with that question? How is this administration prepared to bring back industry by the reenactment of these taxes which can now be called the Earle-Jones tax program, because that is what it is. The James administration has adopted every one of those taxes and now we have, not the Earle taxes, but they are now the Earle James taxes; and wherever you look through this budget you do not find any saving of money—this so-called economy.

The very first item in the budget reads "Governor's office, 1937-1939, $361,500." "Governor's office, 1939-1941, $361,500. I think the first place to begin saving is in your own home. Look at the comparison. Yes, there is a saving in the Welfare department. That is the department we are talking about, which would be concerned with this matter, and the saving in the Department of Health is $700,-

000. The saving, according to those in the Department of Public Utilities, is $1,100,000. That is not a saving to the Commonwealth. That comes from the Utilities, it is not a saving. The Department of Health is the real cut. The Department of Labor and Industry is cut $1,000,000, and that will not come from the payroll. The Department of Revenue is cut; and that will mean less collection of taxes. I venture to say any member of this Senate that will go into the Department of Revenue now will find that the receipts for February, March and April are less than the estimated receipts, because they do not have the force, if that is going to be carried out, with which to handle collection. But there is one real cut and that is the cut which will result, according to the budget, from the repeal of the Act of October 11, 1938, obliging the State to take over the care of insane patients, and as a result of that the Commonwealth will be saved from bankruptcy. It will collect from the counties $6,543,793. That is where the savings are.

This state is going to be kept financially sound but socially bankrupt, which is what is going to happen if you accept the attitude of this "Derrick" that digs up this filth from the ground.

I never before, in the history of this Senate, have heard that on a questioin like this a Senator was not able to express his own views and had to go to an editorial and accept a partisan editorial on a subject which should be non-political and non-partisan. Yes, it is too bad that we have been hearing about Butler County every day; but I am one of those who are willing to listen and will help until the Butler County problem is settled—not Butler County's but the whole problem of Pennsylvania.

You should hear of it, and there is one way of settling it. I suggested last week that you gentlemen on the other side should put through a resolution, appoint a committee, and make a proper and thorough study of this thing. Surely, if it was W. P. A. that was involved, then you could find something that was wrong—you would immediately want a resolution to investigate W. P. A.

We have spent time here. This is now April 5th. Think in your own minds what we have done; what have we accomplished? Four or five repeal bills repealing some vicious legislation of Governor Earle. That has helped those tuberculosis patients tremendously. Seven or eight transfer bills, transferring from the motor license fund to the relief fund money necessary to pay that relief; and now it is charged that Governor Earle has left this State with a $45,000,000 deficit, mixing up tubercular patients with the political situation is not going to solve the problem; and as long as a voice remains in me I am going to fight to bring that problem out in the open.

It may be that there may be a personal situation between the Governor of the Commonwealth and the Senator from Armstrong; but so far as I am concerned, whether there is a personal situation or not, the fact is that he is talking about rather important legislative fact, a fact for which we have a responsibility—and no newspaper has any responsibility for it. That same newspaper, if it listens to its own words, will find horror enough in the fact it itself admits, that there are 40,000 turbercular persons in the Commonwealth of Pennsylvania; it itself admits that there are 12,000 requiring hospitalization; it itself admits that out of those 12,000 five hundred of them would be treated if this sanitorium were completed.

Then it is our job to complete the sanitorium, see why it is not completed. Let's see it completed now—not wait for two years and preclude the possibility of taking care of five hundred patients.

It is a disgrace. It is one of the things worthwhile that we could have done instead of the things which we have done. We have twiddled our thumbs, and, as Senator Gelder remarked, we have made a lot of speeches. That is right. Because we have had nothing else to do. It would get tiresome sitting around here if we could not hear somebody's voice, hear somebody saying something funny. We would be subjects for an insane aslyum—if we did not have something to do to while away the time.

I come here with the hope that maybe someday something will be done to bring back industry into Pennsylvania and cut relief and decrease taxes; and all I do is sit here and wait patiently. I have been keeping myself in my seat thinking I would stop discussing those matters until the time comes. But, gentlemen, there is nothing else to do. We might well discuss this subject, because in my opinion it is a very important problem.

Mr. MUNDY. Mr. President, I regret very much the Senator from Tioga did not see fit to argue this thing himself from a personal opinion. I regret that he used an argument of remote control from an editorial written at a far distant point from the scene of the present activity. In that editorial it says that we should wait until civilization and developments and finances warrant the completion of this institution.

Might I say to the Senator from Tioga that in the ancient days men lived in trees and they were hunted, and as soon as they discovered their potentialities and powers they came out of the trees and became hunters instead of being hunted; and they did, in due progress of civilization, find it necessary, because of active commercial atachments and otherwise, to congregate in settlements.

Of course, in those early days with all this vast territory and tremendous space over this continent, we had no use for sanitoriums because there was sufficient sunlight and fresh air, and occupations were mostly agricultural, which did not tend to produce active tuberculosis patients. But as we gathered into settlements and became more congested it produced a fertile soil for the implanting of the tubercular bacillus and the development of the disease.

Now, the fact remains if the Senator wishes to acknowledge it from this editorial, if we are to withhold the wheels of progress and stand still and, like Micawber, stand around and wait for something to turn up, of course, we are never going to arrive at any degree of sufficient progress to warrant the establishment of sanatoria in the Commonwealth of Pennsylvania.

The Senator will agree with me that there have been many developments in history, and invention has tried to keep abreast of the necessities of communities. For instance, I know that his ancestors, and probably my ancestors, wore celluloid collars; but we found out afterward that the thing was inflamable and might result in injury and we accepted the new form of linen attire. Then we ate our meals with our fingers, and after having discovered cutlery, and having learned not to cut our throats, we learned to eat that way and even learned to balance peas on our knives. So it is for years back—we have only been here—we have only had Democratic power for a period of four years. The progress of civilization insti-

tuted such betterments as it could, and the attitude of the previous Administration for years has been to turn down all these new developments, so far as sanitoria are concerned. We, in four years of administration, did make some innovations; we did progress in keeping with the times; and among those developments was the development of sanatoria sufficient to take care of the sick throughout the State.

The Senator from Tioga, coming from the territory which he does, with a great many wide open spaces and opportunities for plenty of fresh air, where the people do not suffer from such diseases because they can inhale sufficient oxygen to have a curative effect on pathological conditions—he must not forget that in other places where people live in conjested tenements, these people are deprived of the opportunities that are accorded to rural folk. It is these people we are pleading for; and the opportunity to take the fellows out of the little tenement shack and put him under conditions which will be productive in returning him to health.

We are talking about dollars and cents, and the economic problem. I ran across a very, very rich one the other day, and I know you will not resent this because the head of this department is a Democrat. I picked up the budget of the Department of Education and saw an item where they had expended ten thousand dollars for an autometer and four thousand dollars for other equipment. Then the budget I see taken out ten thousand dollars, which takes away from the school child in the State of Pennsylvania any test for his eyes, ears, nose, or throat; and in that same budget I saw an increase of one hundred thousand dollars to write the record of the achievement of that particular department.

If those really are economies, when you sacrifice the health of the individual of the State of Pennsylvania to write an obituary of the individual, then I fail to see that type of economy; and we are coming down now to a progressive age where every personal reaction, mental reaction or political reation—has got to be waved aside in the production of a healthy class of individuals who will carry on in the future.

Mr. OWLETT. Mr. President, I do not desire to prolong this, but I must add to some of the things that have been said. First, I would like to get the record straight on this question of "sanitarium" or "sanatorium." I examined the dictionary that was furnished to us the first day, and I find in this dictionary, "sanatorium, a health retreat;" and I find, "sanitarium, a health retreat." I don't know the difference myself. Perhaps the dictionary is wrong and Senator Sipe is correct.

Mr. President, I do not presume to discuss health matters with my good friend, the Senator from Luzerne, Dr. Mundy. I do, however, very strenously object to being, inferentially, at least, accused of not being interested in the health of the people of this Commonwealth, or of only being concerned with ecenomy when the vital health problems of our people are concerned.

As I understand this Butler Sanitarium situation the facts are as follows: An examination of the record, it appears, discloses that this Sanitarium cannot be completed, at least, until October of this year; that the other buildings in this State which are in the course of construction-buildings to take care of tubercular patients, will be completed prior to that time and completely equipped.

As I understand it, there is a certain waiting list of patients now seeking admission to State institutions for the care of tuberculosis patients; and that upon the completion of all of those other institutions, prior to the time that the Butler Sanitarium can be completed, every single one of the waiting patients can be provided for; and that there will be a capacity of some five hundred in excess.

Now, Mr. President, I appreciate there has been quoted, on the floor of this Senate, statistics as to the number of tubercular patients in this State. I submit to the members of this Senate that not every tubercular patient is seeking nor would accept hospitalization in a State institution. There are many private institutions in this State to take care of tuberculosis patients and many of those people would not go to State institutions, as we all well know. This State gives more money, and has for a great period of years, to the support of hospitals than any other state in the union in proportion to its income; and that was the policy established by the Republican Party in this State.

For my friends on the left to stand up here and try to tell the people of this Commonwealth that the Republican Party, as a party, is not interested in health and welfare is just not borne out by the facts.

Now, I take it, Mr. President, that these facts appear to be correct as I have outlined them; namely, that the institutions which will be completed prior to the time that the Butler sanitarium is completed, will take care of all the waiting patients and have a surplus besides; and it appears that the expenses of equipping this Butler sanitarium immediately is so great as to render it practically impossible, without new taxes, to equip that building if that building can be completed and preserved, and if we find, Mr. President, at the end of the present coming biennium that the institutions we have are not taking care of the tubercular patients, that building will be equipped promptly and provided for the use of those patients. But certainly it seems to me under the facts in this case—and I don't know that people are not applying for treatment in State institutions at the present time. I don't know that there is any evidence that this waiting list is not a complete list of those who want to get into a State institution; I know that there are any number of patients, people suffering with tuberculosis, but is there anybody on the floor of this Senate that can say how many of those people are going to seek admission to a State institution for the care of tubercular patients?

Now, let's face this thing once, and I hope finally and squarely, and recognize this fact, that this program is not a program to brush aside the well-being of our tubercular patients. It is a program that apparently has been adopted by an examination, in a practical way, of the facts of this situation, and as that editorial points out, there is a sanitarium in Venango County today—a tubercular sanitarium—that has room for fifty more patients.

I do not think there is a single Senator on the floor of this Senate that, if he could be satisfied that there are tubercular people in this State who will seek admission to a State institution and who cannot gain that admission when the present buildings are completed, outside of the Butler sanitarium, who would stand here and say that that building should be equipped immediately when it is going to lie idle and when we have other institutions sufficient to take care of that need.

That is the whole question here. It is not a question of

our lack of concern for those people, nor is it a question of lack of feeling for those suffering with tuberculosis.

The reason I make this statement is because of the statement of my friend, Dr. Mundy, that he said he wished I would state my own feeling. I am stating my own feeling—namely, I bow to no one in my concern for these people; but, if I understand the facts correctly, they are being provided for promptly and are being provided for quicker than they could be if we completed this Butler sanitarium.

Mr. SIPE. Mr. President, I hope that my friend from the other side will give me credit for not being actuated with political motives when I am pleading for the opening of this sanatorium, I thought I had made that pretty plain in former remarks here, when I even told of the suffering in my won family that almost broke my heart.

I want to assure them that if Franklin D. Roosevelt were Governor of Pennsylvania I would be fighting just as strenuously for the opening of this institution of mercy as I am now.

No feeling toward Governor James enters into my pleading at all, for I have no personal feeling toward Governor James.

Now, as to the dictionary which my friend has quoted, keep in mind that this small, incomplete, greatly abridged dictionary does give the two terms as synonymous. They are not synonymous. I am not going to tell my friend from Tioga what the distinction is between a sanatorium and a sanitarium—he ought to know that—and he is perfectly bright enough to look it up for himself; but I might call attention to the fact that this very much abridged little dictionary from which he quoted was copyrighted in 1930, So that the dictionary from which he quoted is, like his ideas on health and economy, about nine years behind the age—behind the times.

I do not wish to take up more time of the Senate, except to assure my friends that, while I do know they do not like my speeches—I know that, I took at them when I talk, and I can tell that they do not like them—but I wish to assure them that when I am pleading for humanity I am not very much concerned as to who may like or not like what I say, I further assure them that unless this sanatorium is provided for its opening provided for before the end of this session, that I will keep on annoying Brother Owlett and the rest of my friends with my speeches, pleading for the opening of the institution. I further assure them that if the session ends with my pleading here having been in vain, I intend to stump Pennsylvania for the same cause after the session ends, because I have plenty of friends—plenty of them.

Mr. GELDER. Mr. President, I would like to interrogate the Senator from Armstrong, Dr. Sipe.

The PRESIDENT. Will the Senator from Armstrong permit himself to be interrogated?

Mr. SIPE. Mr. President, I will.

Mr. GELDER. Mr. President, I would like to ask the Doctor whether or not he has ever had a personal interview with the Governor concerning the sanatorium at Butler?

Mr. SIPE. Mr. President, I have not had a personal interview with the Governor, for two reasons, the first reason is that he very definitely and decidely stated in his budget message that he would keep this institution closed for two years. That is my first reason, and then my second reason is I very much doubt whether I could get in to see him. At least I did try it once and did not get in.

Mr. GELDER. Mr. President, I would like to ask the Doctor whether or not he read the letter from the Governor in which he said he would be glad to see any member of the Senate who came to see him on official business, and whether or not he, remembers that letter also stated that he had no knowledge of the fact that the Senator from Armstrong was trying to gain admission at that time?

Mr. SIPE. Well, Mr. President, I, of course, read the letter and also said here I was perfectly willing to accept the Governor's word; but I also realized that the secretary of the Governor is an agent of the Governor and not my agent; and I three times sent him in to the Governor with my message that I would like to come before him.

But I wish I had more assurance. If the Senator from Susquehanna could give me assurance that my going to the Governor will bring about a speedier opening of the Sanatorium I will leave the floor of the Senate now and go over, if he will let me in.

Mr. GELDER. Mr. Prisedent, I would like further to ask the Senator whether or not he feels he has taken on his full responsibility and has done all that he could to favor the afflicted in the western part of the State and get the Saratorium opened, when eventually it is completed, without going over to talk to the Governor, instead of simply indulging in, I believe, his twelfth talk here on the floor of the Senate?

Mr. SIPE. In reply, Mr. President, I will say I have been doing all that I could and I will continue to do all that I can to get the Sanatorium open.

Mr. GELDER. Mr. President, apparently the speeches are not bringing very much result—at least the Senator from Armstrong thinks so.

Perhaps a personal interview may bring more results. Anyway, I am very sure that the Senator in writing up the history of the borigines of Pennsylvania found that they had a theory that honey brought more flies than vinegar, and perhaps, he went over and had a heart to heart talk with the Governor, either he would convince the Governor or the Governor would convince him.

I want to substantiate what the Senator from Tioga has said, that that sanatorium at the present time is not finished. I have it from the word of Colonel Janeway, who is Executive Director of the State Authority Board, that work at the present time is going on; that it could not be completed until sometime this fall; and that nothing the Governor has done up to the present time has interferred with the sanatorium being opened, if it becomes necessary to have it opened.

There is absolutely no reason for simply throwing away money that comes out of the pockets of the people of Pennsylvania, if it is not necessary. On the other hand, I am entirely in accord with the Senator from Armstrong that those who suffer from tuberculosis should have attention.

I have had the same experience many other Senators have had on the floor of this Senate, of having people appeal to me and wanting me to use my influence to get somebody into a sanatorium. It has distressed me, knowing that if I did suceed by using influence in getting them there, perhaps I was signing a death warrant for somebody else whose case would be retarded.

But we have been informed, Mr. President, that the present institutions are being amplified inside so that they will take up the waiting list. I also had the very pleasant experience very recently of having somebody come to me to find out whether or not a patient could be admitted.

They had been told by a local nurse or somebody that it would be no use to send in the name, that they could not be admitted for a long time. I first called up and found the name was not there and was told if it were there the patient could be admitted in two weeks. I furnished them with that information and as far as I know the patient was admitted, or otherwise I think I would have heard from them.

We heard this afternoon—I believe it is still afternoon, I might just as well take a little time now to discuss in a more or less general way the expenditures of money by the State Authority.

First, I want the Senators to realize that, after all, it is Pennsylvania's money that is being spent, very largely. About fourteen or fifteen per cent the Federal Government. The rest we have been borrowing from the Teachers' Retirement Fund. All of it we are going to have to repay. Many of those projects, apparently, are not absolutly necessary. We were told yesterday that penitentiary at Mount Gretna is not necessary. We were told last night, in a hearing of the Judiciary General Committee, by some of the Judges of Pennsylvania who were here in the interests of the parole bill, that it is not necessary. They told us that two of the present penitentiaries are amply provided with facilities for safe guarding the most hardened criminal and yet I would not be suprised if Senator Pierson, and some of those whose districts are around that particular project, would like to see, as the Senator from Armstrong would, the completion of that project. None of the members of this Senate are out of sympathy with a Senator who is urging some patronage or appropriation for his particular district. We, all of us, have very often had occasion to be in the same position as the Senator from Armstrong in this matter, but there is absolutely no reason why the Commonwealth of Pennsylvania should spend money like a drunken sailor if it is not necessary.

I want to say to you that if the State Autharity embarked upon a building project and has already spent three quarters of a million dollars for that prison over at Mount Gretna and it is not necessary we have either got to spend probably another a half millions dollars to satify the men who have contracts there or expend another millon and a half to complete an institution that is not necessary, then we have been proceeding in the last few years without proper consideration for the taxpayers money of Pennsylvania and that, too, should be given a little consideration.

Now, Mr. President, I do not want the Senator from Armstrong to think that I am not entirely in sympathy with him in having that sanatorium opened if it is necessary for the welfare of the tuberculosis patients throughout Pennsylvania. I have already discussed the matter with the Authority Board and that is where I got the information that nothing at the present time has been done that would interfere with that instituion being opened if and when it is completed; but I do not want to suggest to the Senator that I think he has not done his full duty, if he believes that institution is necessary, unless he goes over and talks with the Governor instead of eternally talking to us here on the floor of this Senate.

Mr. SIPE. Mr. President, I should like to interrogate my friend, the Senator from Susquehanna, Mr. Gelder.

The PRESIDENT. Will the Senator from Susquehanna permit himself to be interrogated?

Mr. GELDER. Mr. President, I will.

Mr. SIPE. Mr. President, I would ask if the Senator is willing to accompany me today or any other day in the near future to the Governor's office, see that I get in, and join with me in making a plea to the Governor to open this sanatorium as soon as it is completed?

Mr. GELDER. Mr. President, I am very sure that it is not necessary for me to accompany the Senator from Armstrong to get into the Governor's office; but I want to say that I will very gladly accompany him and use my good offices, if they are necessary. I repeat, I am sure that they are not necessary to get the Senator into the Governor's office.

If the sanatorium is necessary I should be glad to join with the Senator from Armstrong in urging the Governor to open the sanatorium; but I certainly would not stand here and assure the Senator that I would urge that the sanatorium be opened if it is not necessary.

In other words, Mr. President, I would like to have the information I suggested that he get from the Governor, from the Secretary of Health and from the Secretary of Welfare. They certainly ought to know more about the situation than either the Senator from Armstrong or myself.

Mr. SIPE. Mr. President, I think I can illumine the so-called waiting list of these tubercular sanatoria, which are stated by the Department of Health as being not very numerous, about six hundred eleven. Now, keep in mind that, according to the rulings of the Health Department, no person will be admitted to a sanatorium—tuberculosis sanatorium—who is over fifty years of age. No aliens will be permitted, although an alien is just as fruitful a spreader of the deadly germs as a one hundred per cent American citizen is.

On account of the overcrowded conditions of these sanatoria it is practically impossible for anyone, even under fifty and not an alien, to get in without waiting for months.

Senator Eroe told the other day about his helping to bury one of his constituents who died of this dread disease and who had been trying for about six months to get in. Senator Dent read a similar letter. So that the vast numbers of those who are in a sense debarred are those thousands of tubercular people who on account of the cold, raw futility of the situation make no attempt to get in, but suffer and die in despair.

That is one reason why this so-called waiting list is small; but I rely on the figures given by the greatest specialist in Pennsylvania, Head of the Pennsylvania Tuberculosis League, who says that there are forty thousand people suffering from this disease in Pennsylvania, and that twelve thousand are in need of hospitalization; whereas, even if the Butler sanatorium were opened, there would still not be half enough beds for these sufferers who are not only themselves dying but spreading deadly germs to others.

QUESTION OF PERSONAL PRIVILEGE

Mr. HEYBURN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Delaware, Mr. Heyburn, will state his question of personal privilege.

Mr. HEYBURN. Mr. President, I listened to the harangue last week and the week before about Senator Snipe —Sipe—having been refused admission to the Governor's office, and just thought the whole thing was a lot of ado

about nothing. I thought John Cummings, of the Philadelphia Inquirer, covered the situation pretty well when he said the whole thing made gulping gold fish look dignified in comparison. However, I appointed myself a committee of one to investigate the situation and, by the way, Mr. Green is a friend of mine, I have known him for years and regard him as a very respectable and honorable gentleman.

I went around and investigated the situation and found that Senator Sipe had approached the deceptionist and the receptionist had gone in and handed the secretary, Secretary Green, a note stating that Senator Sipe was outside, and of course, he went out and then found out it was the Senator Sipe from Armstrong County, or Butler, I forget which—Armstrong and Butler. He went back to check the situation and found out the milk conference was being held and was arranged for by Senator Eroe, and, of course, all secretaries are under instructions, or they should know without being instructed, that it is highly improper to crash another man's conference.

Now, I was given to understand that was exactly why Senator Sipe was not permitted to enter the Governor's office, because it was a milk conference, that it true, but it was arranged for and attended by Senator Eroe of Lawrence County.

Mr. SIPE. Mr. President, I wish to point out that the investigation that my friend has made was pretty much a one-sided investigation. He tells us he went to Brother Green. He never asked me for any details. I would have been glad to have subjected myself to his investigation.

There is no use in taking very much time rehashing my refusal to get into that conference. I simply repeat, I sent in my name, showed the telegram I had received from people of my district, my county of Butler—it was true there were farmers there from a number of counties, farmers from Erie County there were farmers from Senator Eroe's county, farmers from Allegheny County, farmers from Mercer County, farmers from Beaver County and from only one county in my district, Butler County. So that, to boil it all down, the fact remains, as I said before, that I easily, without any trouble, got into the conference with the Milk Control Board, but I could not get into the conference with the Governor. But I am very much interested in what I have been talking about here today, namely, the opening of that Sanatorium.

Mr. WOODWARD. Mr. President, I took it upon myself to promote the entente cordiale, between the Governor and Senator Sipe. I was at the Governor's office the other day, and told him he ought to talk to Senator Sipe about the Butler Sanatorium. He said he would like to see Senator Sipe; he said he would like to come into the Senate and listen to Senator Sipe; and he wanted to know when he should come. I said, "It makes no difference when you come, you will hear him."

MOTION TO CONSIDER THE CALENDAR

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to consideration of the calendar.

Mr. CAVALCANTE. Mr. President, I wish to interrogate the Senator from Delaware.

Mr. OWLETT. There is a motion before the Senate, Mr. President.

Mr. EDMONDS. Mr. President, I second the motion.

Mr. CAVALCANTE. Mr. President, I said I would like to interrogate the Senator from Delaware.

The PRESIDENT. The chair did not recognize the Senator from Fayette.

Mr. OWLETT. Mr. President, I will withdraw the motion to consider the calendar.

The PRESIDENT. If the Senator from Tioga withdraws his motion the Chair will recognize the Senator from Fayette.

Mr. CAVALCANTE. If the Senator from Tioga wishes to press his motion, Mr. President, he may do so.

Mr. OWLETT. Mr. President, I have withdrawn the motion, as the Senator from Fayette insists upon talking.

Mr. CAVALCANTE. Mr. President, did the Senator from Delaware investigate down at the Milk Control Board to see who spoke for the farmers who appeared before the Milk Board?

Mr. HEYBURN. Mr. President, I did, yes.

Mr. CAVALCANTE. Mr. President, who spoke on behalf of the farmers?

Mr. HEYBURN. Mr. President, I was told Senator Sipe was very much late in arriving, that the conference was practically over before he arrived. Senator Eroe had been there quite some time before.

Mr. CAVALCANTE. Mr. President, I always do try to have the amount of courtesy that the occasion requires to be shown to any fellow-member of this Senate. I am satisfied. from the remarks made by the gentleman from Delaware, when he permitted his tongue to be tripped on the word "Sipe" and let out the insinuation of wanting to brand the gentleman from Armstrong as "Snipe,"—now I wish to say to the gentleman from Delaware that Christ would have stood very little chance at the hands of an investigation made by Judas himself.

Mr. EROE. Mr. President, I should like to explain this hearing at the Governor's office once and for all and have it over with.

As you all know, the Senate adjourned on Wednesday afternoon. The representative of the producers of Lawrence County, Mr. John Shaw, who is a very close friend of mine, informed me they were coming down here to have a hearing before the Milk Control Board. So I met him at the Penn-Harris Hotel, together with other members from the various counties. I didn't know that Senator Sipe was in town and they asked me—they also said they would like to talk to the Governor—they asked me if I could arrange a conference with the Governor.

I went to the Governor's office Thursday morning. Evidently while I was in the Governor's office Senator Sipe went to the hearing before the Milk Control Board. I was delayed getting an appointment in the Governor's office so I was late getting to the Milk Control Board and Senator Sipe had left there before I arrived. When we went to the Governor's office unfortunately Senator Sipe was late coming there, and I still did not know Senator Sipe was in town. We were in the Governor's office—and, in fairness to the Governor, I must say the door to the Governor's office was never opened while we were there; so, therefore, the Governor did not know Senator Sipe was outside. What happened outside, I do not know; I was inside.

Mr. SIPE. Mr. President, the Senator from Lawrence said he did not know I was in town. I think he is telling absolutely the truth, because I did not know he was in

town either until I saw him come out with a group of farmers. I do not wish to be understood as saying that I represent the farmers of his county. I represent the farmers from my county. They telegraphed me and asked me to join them; and I did not know from their telegram—I did not know until I met the group of farmers in the Penn-Harris Hotel—that there were to be any farmers from outside my own district; but I was glad to find farmers there from the Senator's county, and from Allegheny and Beaver Counties as well as my own.

SENATE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 199

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House requests concurrence in the resolution from the House as follows:

In the House of Representatives, April 5, 1939.

Resolved (If the Senate concur) That House Bill No. 199, entitled:

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon.

be recalled from the Governor for the purpose of further consideration.

On the question,

Will the Senate agree to the Resolution?

MOTION TO CONCUR IN HOUSE RESOLUTION No. 199

Mr. OWLETT. I move that the Senate concur in resolution of the House.

Mr. SHAPIRO. Mr. President, I desire to be recorded as voting "no" on that resolution.

Mr. EALY. Mr. President, I desire to be recorded as voting "no" on that resolution.

The PRESIDENT. The Chair thinks the proper thing to do would be to have a roll call.

Mr. SHAPIRO. Mr. President, I suggest that there be a roll call. As I heard the number that was called, it was House Bill 199, and if my memory serves me right that was the bill recently passed by the Senate validating increased taxes in first class school districts which we passed in the Special Session of 1938.

Now it seems to me that we ought to be told the purpose of a recall of resolution in a matter of such importance before we vote on it.

The PRESIDENT. The roll will be called.

Mr. GELDER. Mr. President, before the roll is called I would suggest that somebody explain the purpose of this resolution.

Mr. SHAPIRO. Mr. President, I should like somebody to explain the purpose of the resolution.

Mr. EDMONDS. Mr. President, House Bill 199 validates taxes that were imposed in Philadelphia and Pittsburgh school districts of the first class under the terms of the Ruth Bill, which was passed at the Special Session of 1938. After the bill had passed, Pittsburgh raised a controversy with reference to the form of the validation with refernce to Pittsburgh on the ground that there were certain law suits pending that it would affect, and affect rather seriously.

Philadelphia considered the matter with a great deal of care and I have been advised that if the amendments that are proposed by Pittsburgh are put into the bill that they will not affect the Philadelphia situation in the slightest. The difficulty about it is, Philadelphia has imposed a tax of ten and a quarter mills and Pittsburgh has imposed a tax of twelve and a quarter mills and the Pittsburgh tax is under fire at the present time.

It is proposed to recall the bill from the Governor and to validate up to ten and a quarter or eleven and a quarter, or some figure in between, to leave the question free for litigation in Pittsburgh as to the remaining mill. That is the object of the recall at the present time and I night say that the school board—counsel for the school board has advised the Senate that there is no legal opposition from Philadelphia.

Mr. EALY. Mr. President, I do not fully understand this bill. I am advised that it will disturb the schools in Pittsburgh, so I am voting against it; because I do not know that it will help the situation in Pittsburgh. I have been advised it will very much disturb the situation.

Mr. SHAPIRO. Mr. President, I do not agree with the change because I am afraid that when we come through with the validating bill if we are going to make exceptions for the Pittsburgh district, we might find that the validating bill, the constitutionality of the validating bill, will also be questioned.

However, I think it is fair, since this is a subject of controversy, that the bill be brought back and we discuss it. I do not object to it at all; and I, therefore, withdraw my motion for a roll call.

Mr. EALY. I also withdraw my motion for roll call, unless some other Senator wishes it.

Mr. President, I would like to hear from the Pittsburgh Senators in this subject.

Mr. McGINNIS. Mr. President, the explanation of the Senator from Montgomery is clear to us and entirely satisfactory. The Pittsburgh real estate owners have taken the school board into court under the present act. The case is now in court but if this validating bill goes thorugh and validates a tax of twelve and a quarter mills that case will be thrown out of court. These real estate owners wish to have this question of what the school board in Pittsburgh is doing tested in court.

It is difficult for us here in the Senate, or in committee, to decide those questions, and we feel that while we are not accusing the board of any wrong-doing—it is a matter of opinion—the real estate owners of Pittsburgh feel that the school board is wrong honestly wrong, and, therefore, would like to have this question tested thoroughly and fully in the courts of Allegheny county. For that reason we would like to have this bill recalled and a ceiling made of eleven and a quarter mills for both cities.

Mr. EALY. Mr. President, if the Senators from Allegheny county wish this bill to be recalled, I withdraw my objection and do not press for a roll call.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

QUESTION OF INFORMATION

Mr. CAVALCANTE. Mr. President, I rise to a question of information.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of information.

Mr. CAVALCANTE. Mr. President, have we already passed the order of resolutions?

The PRESIDENT. We have not.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 111, (House Bill No. 92), entitled:

An Act to prohibit assessments and demands for contributions for political purposes and providing a penalty

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

Mr. RUTH. Mr. President, I intend to vote "no" on this bill for the following reasons: first, because I believe that the whole principle is hypocritical. Everyone connected with the public life knows that from time immemorial assessments have been collected. It was called "assessment" until the Democratic Party got into power, then it was called "macing"—a new name invented, which, of course, is not in the old fashioned dictionary; but we know in prior administrations before the last the same thing occurred, and in some instances in my district the employees received notices to pay three per cent of their salary; and if they sent in checks for a lessor amount their checks were returned with the information that the full amount had to be sent "or else." Therefore, I believe that today the same thing is being done whether the Republican or Democratic Party is in power, and I believe it is going to be done if this bill becomes law.

The second reason is, I believe that any person who expects and looks for the support of any party ought to be expected to support that party. You will find in many instances, where people have been employed in a change of administration, that before they received their job from the party they were not earning half as much they earned on the job they got with the support of the party. Therefore, it is my honest opinion that any person working for any particular party and getting their support from that party owe something to that party. Some parties require ten cents a month dues before a member can even be rated a member of that party, and that is absolutely required; and when they get a position they pay their assessments too.

So I think the whole thing is hypocritical. I am not going to ask any of the Senators to vote against their convictions—some will vote as they believe and some will vote as they are told—I am going to vote "No."

Mr. SHAPIRO. Mr. President, I want to state that I, too, speak for myself. I am going to vote against this bill because I think it is, as Senator Ruth said, one of the most hypocritical bills I have ever listened to. I would like to be helpful, and often listening to the Senator from Tioga, and remembering the speeches of yesterday on the purposes of this bill, I am a little bit concerned that the party might get involved in collection—in the request for these collections. So I have prepared a form of letter that I suggest be substituted now by the Republican party in sending out for subscriptions. The letter reads as follows, and I offer it without any hope or expectation of compensation.

REPUBLICAN CAMPAIGN

Dear Fellow Worker:

Under the Act of 1939 relating to campaign contributions we can no longer demand contributions from you for political purposes.

Fortunately we are still able to receive contributions. Therefore we respectfully—even earnestly—request that you send us your usual contribution.

We need not remind you of our oft repeated promises for lower taxes, higher relief, short hours, greater pay and better weather for the farmers. These are only a few of the promises you may look forward to.

If you can remember any other good promises we could use to keep the people sweet send them along. But don't forget the contributions.

Yours expectantly,

PATRICK Q. SCHMALTZ,
The Ward Leaders Friend.

P. S. This letter is sent under the authority of the Act of 1939 relating to political contributions and we insist it is not to be considered a demand. So if you feel you should not make a contribution just see your ward leader and tell him that.

P. Q. S.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Bartlett,	Frey,	Mallery,	Sipe,
Cavalcante,	Gelder,	McCreesh,	Snowden,
Chapman,	Geltz,	McGinnis,	Stevenson,
Crowe,	Gilson,	Miller,	Tallman,
Deitrick,	Haluska,	Owlett,	Thomas,
Ealy,	Heyburn,	Pierson,	Walker,
Edmonds,	Homsher,	Reed,	Wolfenden,
Eroe,	James,	Scarlett,	Woodward,
Farrell,	Letzler,		

NAYS—7

Dando,	Kilgallen,	Ruth,	Stiefel,
Jaspan,	Mundy,	Shapiro,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Mr. OWLETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 290, (House Bill No. 344), on page 2, of the Calendar.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 290, (House Bill No. 344), entitled:

An Act to amend section seventy-seven of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "An act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings," by permitting indictments against public officers and employees and their accomplices and confederates to be brought, or exhibited, within two years after such officer or employee shall have ceased to occupy such office or employment.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, this is another one of those bills which are intended to help solve the problems of the Commonwealth of Pennsylvania. It is one of the important measures and it should take precedence over all tuberculosis institutions and all insane institutions. I think it is very important that the grand jury, which has been functioning now for almost four months and probably has not been able to find out whether there were any crimes committed by the outgoing officers—certainly this bill cannot refer to the present administration because it says the statute shall begin to run two years after the people leave office; it could not have been intended to mean anybody else but certain people who left office under the change of the present administration, because, as I remember yesterday, one of our colleagues attempted to amend it to include attorneys-at-law. It seems to me they have more reason to extend the statute of limitations there than they have in this Act, because everybody knows a lawyer can hide the facts and sometimes it takes four years to get an answer from him—to find out whether a lawyer has embezzled money; and so far as lawyers are concerned there is more sense in putting that in this bill.

But I want to say very frankly that there has been a sort of atmosphere created that if we do not vote for this bill or for that bill—what I call part of the system of governing by hatred or vengeance—if you don't vote for them somebody at home might misunderstand you.

I understand myself, and while I hope others understand me I first want to satisfy myself. To my mind this bill belongs in the past. These procedures should be forgotten. I sit and think sometimes that if the public officials, any one of the present public officials, would realize if I were arrested and charged with a crime, ordinarily I would be arrested, appear before a magistrate, and a return made to the Grand Jury, the Grand Jury would then hear the case, and within a month or two there would be either a true bill found or no bill, and I would know where I was and my neighbors would know whether I was this dishonest man I was said to be.

Now, there has passed alomst a year since charges were made against the retiring Governor of Pennsylvania. I do not have to decide the question of his guilt, whether he is guilty of those charges or not—the Grand Jury has that job. Now, in fairness to any man who has a reputation, a reputation that he values, it seems to me that by now that Grand Jury should have either said that there is a true bill to be found against him or there is not a true bill to be found against him, and the District Attorney of Dauphin County ought to know whether there is a true bill or not a true bill. The District Attorney of Dauphin County has put the government of the United States in a position and citizens of Pennsylvania in a position, which I consider extremely unfair. He made charges against a former officer, and he was called upon to prove those charges. It was even told to him that he could prove them in secret session, and he permitted the confirmation of a judge to go through without presenting those charges. Now, if he had evidence against that man, he owed it to me and everybody else who is going to be judged by that judge to prevent that confirmation. Instead of that we find this thing dragging on and the man who now sits in high office in the Federal Government cannot properly, in my opinion, administer the duties of his office without somebody saying—some criminal saying in his own mind, "it is not so nice to be sentenced by a man against whom some charges have been said to be made and those charges are still undisposed of." All of us know that if this man had any basis for his charges he would have or should have had them decided long ago by that jury.

Now, we are going to let that jury allow this matter to hang over for not over six years, but at least for two more years after they leave office, so that in every subsequent election there need not be any indictments found, the jury can still go on investigating; and in order that you do not get the jury unruly and that that jury will be willing to continue to sit, you follow it up by another bill, which you find on this calendar, giving the judge the right to increase the pay of those jurors to five dollars a day. That is what this Administration—pledged to reduce taxes, keep up relief, bring back industry into Pennsylvania—is concerned with today; and that is another one of those unnecessary, hypocritical, political bills for which I will not vote, even if I do not get a vote from any constituent in my district. I do not want to hold public office at the sacrifice of my self-respect, I want to retain my own consciousness of doing my duty, and I don't care what the consequences might be. I protest against this kind of legislation. I say it is high time that we get down to doing some real business.

Mind you, this bill is so important that it must be called up out of its turn—the Senator from Tioga must get up and say "I call this bill up ahead of other bills." Well, frankly, that does not make much difference, because there is nothing of any importance on this calendar. The whole flock of bills on the calendar does not mean a thing to the people of Pennsylvania. Most of them concern only the political administration of the party now in power in the State government; and I am going to vote "no" on this bill and every other kind of a bill like it.

Mr. OWLETT. Mr. President, for the information of the Senate I desire to state that I called this bill up out-of-order for the reason that one of the Senators on this side is ill and wants to go home, and we are anxious to pass this bill today.

I want to explain what this bill provides. This bill provides that indictment for malfeasance, misfeasance or non-feasance in office, or for extortion or blackmail by color of office, or for embezzlement of public moneys, or property, or fraudulent conversion of public moneys, or property, or for any misdemeanor in office, or for any conspiracy to commit any of said offences heretofore or hereafter committed by any officer or employee of this Commonwealth, or of any agency thereof, or of any city, county, borough, township or school district, or of any agency theref, and their accomplices and confederates may be brought or exhibited at any time within two years from the time when said public officer or said employee shall have ceased to occupy such office, or such employment.

Now, Mr. President, under the present law if a public officer committed any of these crimes of embezzlement, blackmail, or extorition and happened to do so more than two years before he went out of office, he could plead the statute of limitations and could not be brought to trial.

This act extends the statute of limitations until two years from the date they go out of office, so that, since the gentleman from Philadelphia has mentioned it, if

this Grand Jury investigating the past administration here in Harrisburg finds that a crime was committed by some official, say, on the tenth day of April or the twentieth day of April, 1937, and they do not complete their investigations by the tenth or twentieth day of April, 1939, that official may not be able to plead the statute of limitations and can be brought to trial for the crime they found he committed.

Now, Mr. President, I can understand the concern of the Senator from Philadelphia, that he does not want this bill passed because of this Grand Jury which is investigating crimes of extortion, blackmail and embezzlement of public funds; and I assume they are in hopes that before they get through this Grand Jury investigation the Statute of Limitations will have run. That is a very obvious position for the Senator to take; but I want the Senate to understand that this bill does not extend the Statute of Limitations for six years, it begins to run from the time the man goes out of office rather than from the time he commits the crime.

Mr. SHAPIRO. Mr. President, I am not concerned with the statement made by my friend from Tioga—that I am concerned with saving some friend from indictment; that remark does not bother me; but what does interest me is that the Senator has said the only reason he called up this important piece of legislation out of its turn was because he is in a hurry, in a hurry to pass this piece of legislation and he is afraid he will not have enough votes if the Senator, who is ill, has to go away. He is afraid he needs the Senator's vote. He need not be afraid of that—he will get enough votes.

I have not discussed the legal elements of this bill because I have not been concerned with that; but the Senator from Tioga knows—he is a lawyer and he knows as well as I do, that the bill as now written is not worth the paper it is written on because you cannot make an offense today of that which was not an offense yesterday and charge the man who committed that act yesterday as having been guilty of an offense. Every lawyer knows that.

You know that when the Statute of Limitations is two years for a crime, that two-year statute can only relate to the crime when committed. If I commit a crime today and the Statute of Limitations is two years and you want to change that to three years you cannot affect me by changing the Statute of Limitation—in that case the Statute of Limitations affects me with relation to my crime today, and the only statute that applies is the statute that was existing at the time I committed the crime; and he did not read all of the bill there; if you read all of the bill you will find it relates not only to offenses hereafter committed but also to offenses committed heretofore, and there are enough lawyers in this Hall to back me up, without citing authority, that this is unconstitutional.

Why should we restrict this bill to public officers? The Senator from Tioga knows that an indictment was found against one public official in the Erie gravel scandal, and the Senator from Tioga knows that from the facts published in the paper this man could never have committed the crime unless somebody in the department was involved. Now, he already has been indicted—the public official, but the gentleman, Mr. Temple, without whom the crime could never have been committed and the man who was supposed to have been in the conspiracy, has not been indicted. Why? If this is such a pure thing, to prevent crime and punish criminals, why pick out a few of those fellows and put yourselves in the position of indicting a few of them and at the same time prevent yourself from indicting the other fellow, the man who profited by the deal—who is said to have profited?

It was said Mr. Temple and the company that sold the material were guilty of unlawful conspiracy; yet neither the company nor Mr. Temple has been indicted; but somebody else, who happens to have been politically active and in whose future political activities they are interested, because they want to make it impossible for him to go before his fellow man with a clean slate—they want to hang this thing up for another two years because the November election and the Presidential election are approaching, and these things must be carried on for two years, and that man must be kept under a cloud.

I am not defending anybody. I say that if any of these people were guilty they should be tried and convicted—not two years from now; and you should not increase the salaries of jurors for months so that they will stay and be good boys and have good jobs at five dollars a day and stay as long as you want them to stay while you bring in all kinds of evidence—you should properly indict them and promptly try them and you should not make fish of one and flesh of the other. I am not going to pay attention to the charges against me that I am interested in protecting people; I have no relationship with them other than being a member of the some party that they are in; and I have just as much interest in justice as the Senator from Tioga. His handicap is that he is backing legislation which is here for political purposes. I have no such handicap. I owe no allegiance to anybody that stops me from saying if they are guilty of a crime they should be indicted and convicted. But the other side, rushing through this important legislation, is saddled with the proposition that it is a political matter and it is being given precedence over important State legislation.

The Governor of Pennsylvania and his whole administration are pledged to change conditions, lower the relief burden, take the taxes from industry; and yet nobody has suggested, on the other side, a single plan, nobody has considered a plan that will relieve industry from taxes, but wholesale and wholeheartedly they have adopted word for word the taxation program of Governor Earle; and now my friend says, "I am only calling this up out of order because I am in a hurry to get it through." That is exactly what I say—you are in a hurry to get these things through. You are in a hurry and impatient of the speeches of the Senator from Armstrong about tuberculosis, about persons who are suffering; you are annoyed by speeches that are made that may have some influence in getting something done, but when you have a political problem you want that thing done. Go ahead and do it, but not without my protest.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Bartlett,	Farrell,	Mallery,	Stevenson,
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Deitrick,	Heyburn,	Pierson,	Walker,
Ealy,	Homsher,	Reed,	Wolfenden,
Edmonds,	James,	Scarlett,	Woodward,
Eroe,	Letzler,	Snowden,	

NAYS—14

Cavalcante,	Haluska,	McGinnis,	Shapiro,
Dando,	Jaspan,	Mundy,	Sipe,
Frey,	Kilgallen,	Ruth.	Stiefel,
Gilson,	McCreesh,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. OWLETT, Mr. President, I ask uanimous consent that Senate Bill No. 216, (House Bill No. 115), on third reading, entitled:

An Act to amend section ten of the act approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "An act to consolidate, revise and amend the laws of the Commonwealth relating to penal proceedings and pleadings" by providing further for the administration of oaths and affirmations to witnesses appearing before grand juries.

go over in its order.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I object.

Mr. SHAPIRO. Mr. President, this is one of the bills that I referred to before—this bill together with Bill No. 264. I am not going to say any more on these bills, I have expressed my opinion; but I want to reiterate that for reasons already stated I am going to vote against both of these bills. I think that they are politically sponsored and they serve no purpose; and two of them are unconstiutional, in my opinion.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. OWLETT and Mr. EALY, and were as follows, viz:

YEAS—25

Bartlett,	Gelder,	Mallery,	Stevenson,
Chapman,	Geltz,	Miller,	Tallman,
Crowe,	Heyburn,	Owlett,	Thomas,
Deitrick,	Homsher,	Pierson,	Walker,
Ealy,	James,	Scarlett,	Wolfenden,
Edmonds,	Letzler,	Snowden,	Woodward,
Farrell,			

NAYS—16

Cavalcante,	Gilson,	McCreesh,	Ruth,
Dando,	Haluska,	McGinnis,	Shapiro,
Eroe,	Jaspan,	Mundy,	Sipe,
Frey,	Kilgallen,	Reed,	Stiefel,

So the question was determined in the affirmative.

BILL OVER IN ORDER

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 264, (House Bill No. 343), on third reading, entitled:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 851) entitled "An act fixing the pay and mileage of jurors and witnesses" by authorizing the court to direct additional compensation for jurors in certain cases.

go over in its order.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. Prsident, I object. It is very important that this bill be disposed of now, and I object.

The PRESIDENT. The Chair hears objection.

Mr. OWLETT. Mr. President, I move that this bill go over in its order.

Mr. EALY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

It was agreed to.

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Tioga.

The PRESIDENT. Will the Senator from Tioga permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will, gladly.

Mr. SHAPIRO. Mr. President, will the gentleman from Tioga state his reasons for making that motion.

Mr. OWLETT. Mr. President, my reason was because one of the Senators asked me to move to have the bill go over, that he has not been able to study the bill.

Mr. SHAPIRO. Mr. President, is that Senator present?

Mr. OWLETT. Mr. President, he is.

Mr. SHAPIRO. Mr. President, it is not the same gentleman who has to go away?

Mr. OWLETT. Mr. President, it is not the same gentleman who has to go away. The gentleman who desired to go home, for the information of the Senator, is Senator Bartlett.

Mr. SHAPIRO. Mr. President, that is not the reason the Senator wants this bill to go over, is it?

Mr. OWLETT. Mr. President, I should like to be clear about this and I would like to inquire whether the Senator from Philadelphia desires a roll call.

Mr. SHAPIRO. Mr. President, I do.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. OWLETT and Mr. EALY and were as follows, viz:

YEAS—25

Bartlett,	Gelder,	Mallery,	Stevenson,
Chapman,	Geltz,	Miller,	Tallman,
Crowe,	Heyburn,	Owlett,	Thomas,
Deitrich,	Homsher,	Pierson,	Walker,
Ealy,	James,	Scarlett,	Wolfenden,
Edmonds,	Letzler,	Snowden,	Woodward,
Farrell,			

NAYS—16

Cavalcante,	Gilson,	McCreesh,	Ruth,
Dando,	Haluska,	McGinnis,	Shapiro,
Eroe,	Jaspan,	Mundy,	Sipe,
Frey,	Kilgallen,	Reed,	Stiefel,

So the question was determined in the affirmative.

BILL OVER IN ORDER

Mr. GELDER. Mr. President, I ask unanimous consent that Senate Bill No. 288, (House Bill No. 474), on third reading, entitled:

An Act to further amend section three of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (P. L. 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to conduct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" fixing terms for the appointed members of the General State Authority and terminating the terms of present members

go over in its order.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Susquehanna, Mr. Gelder.

The PRESIDENT. Will the Senator from Susquehanna permit himself to be interrogated?

Mr. GELDER. Mr. President, I will.

Mr. SHAPIRO. Mr. President, what is the object of having this bill go over in order? It has been on the calendar for some days. It is one of the ripper bills and I am sure the Republicans have enough to pass this bill.

Mr. GELDER. Mr. President, a couple of days ago I promised that I would ask to have the bill go over in order at the request of one of the Senators who was interested in the bill.

Mr. SHAPIRO. A Republican Senator, Mr. President?

Mr. GELDER. A Republican Senator, Mr. President.

Mr. SHAPIRO. Mr. President, I shan't ask the gentleman to break his promise but I suggest this is one of those bills that should be gotten through very quickly.

Mr. GELDER. Mr. President, I should like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. GELDER. Mr. President, if the Senator from Philadelphia feels that this is one of those bills that should be gotton through quickly I would like to ask him if he will vote for it.

Mr. SHAPIRO. Mr. President, I think it ought to be gotten through quickly, but since it can be gotten through without my help, that is not necessary; but if the Senator finds he cannot get enough votes on the other side—and if that is one of the reasons he is holding it up—at any time he is short of a vote I might be able to get a vote for him.

Mr. GELDER. Mr. President, I would like to thank the Senator from Philadelphia for respecting my promise.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 135, as follows:

An Act to define the manner of making affidavit to appeals from awards by Broads of Viewers to common pleas courts in all counties of this Commonwealth and affecting all present and future appeals

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In any appeal taken by a person copartnership association or corporation whose property has been taken damaged injured or destroyed from an award by a Board of Viewers for such property taken damaged injured or destroyed it shall be sufficient for the appellant to make affidavit to the petition for said appeal in the same manner and from as is now made under the provisions of the act approved the fourteenth day of May one thousand nine hundred fifteen (Pamphlet Laws 483) entitled "An act relating to practice in the courts of common pleas in actions of assumpsit and trespass except actions for libel and slander prescribing the pleadings and procedure to be observed therein and giving the courts powers to enforce its provisions"

Section 2 All acts or parts of acts inconsistent with the provisions hereof are hereby repealed

Section 3 This act shall be effective immediately upon its final enactment

And said bill having read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 260, as follows:

An Act to further amend section four hundred four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurace exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth

The General Assembly of the Commonwealth of Pennsylvania herby enacts as follows

Section 1 Section four hundred four of the act approved the seventeenth day of May one tohusand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and the supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund Providing penalties and repealing existing laws" at last amended by the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 963) is hereby further amended to read as follows

Section 404 Investment of Capital and Reserve A sum equal to the capital and reserves of any stock or mutual life insurance company organized under the laws of this Commonwealth shall be invested as follows

(a) In such real estate as it is authorized by this act to hold

(b) In bonds of the United States or District of Columbia or Canada or of any State or Territory of the United States and in farm loan bonds issued by Federal Land Banks

(c) In legally authorized bonds notes warrants or obligations of any city town county borough township municipality school district poor district or water sewer drainage road or other government district or division located in this Commonwealth or in any State of the United States

(d) In ground-rents and in loans upon unencumbered real estate in any State of the United States or the District of Columbia Provided That no loan shall exceed [sixty] sixty-six and two-thirds per centum of the fair market value thereof at the time of such loan And provided further That the limitation herein prescribed in respect to the percentage of the fair market value of the property upon which an insurance company may make loans shall not apply to bonds secured by mortgages which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions for mutual mortgage insurance in title two of the National Housing Act for the purpose of financing the construction or purchase of dwellings and similar residential property and the refinancing of mortgages

(e) In debentures issued by the Federal Housing Administrator in settlement of claims for insurance pursuant to title two of the National Housing Act

(f) In securities of national mortgage associations or similar national mortgage credit institutions now or hereafter organized under title three of the National Housing Act

(g) In loans upon the security of its own policies not exceeding the net value of the policy at the time of making the loan

(h) In first encumbrances upon standard steam railroads street or interurban railways or upon their rolling stock equipment or of water gas or other public utility companies or bonds issued to retire a prior debt or bonds prior thereto or in other bonds or notes of the above named corporations upon which no default in interest exists at the time of purchase

(i) In bonds notes or other obligations of any corporation other than those mentioned in subsection (h) Provided That said corporation shall have earned in each of its three fiscal years next preceding the date of the investment an amount equal to one and one-half times the total interest on all of its debt Nothing in this section shall be construed as permitting the investment of any part of the capital and reserves of any stock or mutual life insurance company in the stock or stocks of any corporation

The Insurance Commissioner may permit any company to invest sufficient of its capital and reserves in the securities of a foreign government in order to enable it to comply with the laws of such foreign government and transact business therein

Nothing herein contained shall be so construed as to prevent any such company from acquiring or holding property taken in reorganization or foreclosure proceedings or which may be obtained in satisfaction of any debt previously contracted

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 309, (House Bill No. 483), entitled:

An Act regulating the appointing or election of deputy controllers in cities of the second class A and prescribing their powers and duties

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 314' as follows:

An Act to amend clause (b) of section three of the act approved the thirtieth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school disrectors and imposing penalties" by reducing the number of members of the registration commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (b) of section three of the act approved the thirtieth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" is hereby amended to read as follows

(b) [The] After the expiration of the term of office of the present members of the registration commission said commission shall consist of [five] three commissioners who shall be qualified electors of the city not more than two of whom shall be enrolled members of the same political party who shall be appointed by the Governor with the advice and consent of the Senate and shall hold office for terms of four years or until their successor qualify unless sooner removed or otherwise disqualified Provided however That the terms of office of the commissioners first appointed by the Governor under this act shall commence upon the date of their appointment and shall expire on the first Monday of January one thousand nine hundred and forty-one Upon the appointment by the Governor of the registration commission for any such city the terms of office of the existing registration commission or commissioners of any such city shall terminate

And said bill having read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 343, (House Bill No. 486), entitled:

An Act authorizing the appointment of a deputy mayor in cities of the second class A and limiting and prescribing his powers and duties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 380, (House Bill No. 209), entitled:

An Act to amend section two thousand eight hundred forty-two of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by authorizing the city to appeal from reports of viewers, and demand a trial by jury and making such provisions retroactive so as to apply to cases now pending.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. WOLFENDEN. Mr. President, I move that further consideration of Senate Bill No. 404 on second reading, entitled:

An Act providing for a uniform commission to fire insurance agents; prohibiting additional compensation or excess commissions in any form; providing for the enforcement of the provisions of this act by the Insurance Commissioner; and imposing penalties.

to be postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILL RE-REFERRED

Mr. EDMONDS, from the Committee on Banking reports Senate Bill No. 146, entitled:

An Act authorizing banks, trust companies or other banking institutions to pay to the surviving spouse, children, father or mother, brother or sister, or preferred creditors of a deceased depositor when such checking account, savings account or certificate of deposit does not exceed the sum of one hundred fifty dollars ($150.00).

and asks that it be referred to the Committee on Judiciary General which has three other bills dealing with the same subject.

REPORTS FROM COMMITTEES

Mr. MALLERY. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY, from the Committee on Municipal Government reported as amended, Senate Bill No. 278, (House Bill No. 38), entitled:

An Act to amend Sections Three, Four, Five, Nine and Eleven of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (Pamphlet Laws four hundred sixty-three), entitled (as amended), "An Act providing for the incorporation, as bodies corporate and politic, of 'Authorities' for municipalities, counties, and townships; defining the same; prescribing the rights, powers and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," as amended, by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation regulating the publication of such resolutions and ordinances by including waterworks water distribution systems and parts of sewer systems as projects by authorizing the municipalities to limit the projects to be undertaken by an Authority by authorizing a longer term for the bonds issued by an Authority avoiding competition with existing enterprises and by including waterworks water supply works water distribution systems and parts of sewer systems as facilities which may be transferred to an Authority by any owner in addition to the Commonwealth and the political sub-division thereof

Mr. CAVALCANTE. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE, from the Committee on Appropriations, reported as committed, Senate Bill No. 310, (House Bill No. 610), entitled:

A Supplement to the act, approved the twenty-first day of July, one thousand nine hundred and thirty-seven (Appropriation Acts page 74), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," by lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation, and re-appropriating such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin.

Mr. MUNDY. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MUNDY, from the Committee on Public Health, reported as amended, Senate Bill No. 129, entitled:

An Act regulating marriages and the issuance of licenses to marry; imposing duties upon the clerks of the orphans' courts and persons who perform marriage ceremonies; providing for the annulment of marriage for certain violations of this act and fixing other penalties.

Mr. WOLFENDEN, from the Committee on Executive Nominations reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

MEMBERS OF BOARD OF TRUSTEES OF INDIANA STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 27, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Indiana State Teachers College, for terms of four years and until their successors are qualified:

Cyrus Davis, Ebensburg, Cambria County.
Mrs. Jennie S. Reed, Indiana, Indiana County.

ARTHUR H. JAMES.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of Nominations for appointment as Notaries Public, sent to the Senate, April 5, 1939, by His Excellency, the Governor of the Commonwealth, together with the nominations just reported from Committee.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 5, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Russell E. Prata, Pittsburgh, 7016 Mt. Vernon Street.

BLAIR COUNTY

Mrs. Gail S. Kurtz, Altoona.

BUTLER COUNTY

Mrs. Estella Lerner, Buffalo Twy., R. D. 2., Cabot.

LUZERNE COUNTY

Robert M. Hewitt, Wilkes-Barre.
Frank Hopkins, Pittston.

PHILADELPHIA COUNTY

John J. Dugan, Phila., 1610 North St.
Miss Catharine S. Fegely, Phila., 6161 Catherine St.
Joseph W. Klingel, Phila., 822 W. Lehigh Ave.

VENANGO COUNTY

Raymond H. Hill, Oil City.

WAYNE COUNTY

Miss Grace Hanlan, Honesdale.
Miss Lois Roe, Honesdale.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 5, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Dorrell A. Beck, Pittsburgh, 2227 Jane St., S. S.
S. S. Klein, Pittsburgh, 814 Brookline Blvd.
John J. Voll, Pittsburgh, 1812 E. Carson St.

BERKS COUNTY

Miss Floy L. Irvin, Reading.

CAMBRIA COUNTY

Michael R. Cocho, Blacklick Twp., Twin Rocks.

CENTRE COUNTY

L. Ward Hile, Bellefonte.

DAUPHIN COUNTY

Miss Letitia B. Reid, Harrisburg.

LAWRENCE COUNTY

Miss Freda G. Shingledecker, New Castle.

PHILADELPHIA COUNTY

Mrs. Catherine B. Mackell, Phila., R. J. Ederer Thread . Bldg., Unity and Elizabeth Sts.
Edmund H. Moore, Phila., 5226 Spruce St.
Mrs. Samuella Ratner, Phila., 1501 Franklin Trust Bldg.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 5, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Miss Lulu Creighton, Pittsburgh, 107 W. Ohio St., N. S., April 9, 1939.

SOMERSET COUNTY

Miss Marian E. Albright, Somerset Twp., R. D. 1, Somerset, April 20, 1939.

PHILADELPHIA COUNTY

Miss Margaret T. Dougherty, Phila., 3437 Germantown Ave., April 22, 1939.

LAWRENCE COUNTY

Mrs. Hazel D. Rick, New Castle., April 24, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 5, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

PHILADELPHIA COUNTY

Samuel J. Taylor, Phila., 1723 Land Title Bldg., Broad and Chestnut Sts., April 16, 1939.

DELAWARE COUNTY

Robert G. Kinsley, Upper Darby Twp., 120 Summit Ave., Upper Darby, April 20, 1939.

ALLEGHENY COUNTY

H. W. Gray, Mt. Lebanon Twp., 495 Longridge Drive, Mt. Lebanon, Pittsburgh, April 22, 1939.

Howard I. Hausman, Pittsburgh, 1219 Plaza Bldg., April 27, 1939.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. GELDER.

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. GELDER.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

QUESTION OF INFORMATION

Mr. SHAPIRO. Mr. President, I rise to a question of information.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of information.

Mr. SHAPIRO. Mr. President, do I understand that we are about to act on the nominations for Notaries Public at the same time we act on nominations for the Indiana State Teachers College?

The PRESIDENT. The Chair so understands.

Mr. SHAPIRO. Mr. President, I suggest that the Notaries Public be not considered at this time.

Mr. HALUSKA. Mr. President, I second the motion.

The PRESIDENT. If it so be desired the roll call will be called only on the nominations for the Indiana State Teachers College.

QUESTION OF INFORMATION

Mr. WOLFENDEN. Mr. President, I rise to a point of information.

The PRESIDENT. The Senator from Indiana, Mr. Wolfenden, will state his point of information.

Mr. WOLFENDEN. Mr. President, are we now about to vote on the nominations for the Indiana State Teachers College?

The PRESIDENT. The Chair so understands.

Mr. WOLFENDEN. Mr. President, I would suggest that we should vote on the nominations individually, vote for one and then vote for the other; not for the two of them together.

The PRESIDENT. The request of the Senator from Indiana will be granted.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Washington will state his question of personal privilege.

Mr. REED. Mr. President, I heard Senator Haluska say last night that he would like to have a little time to communicate with some of his constituents about confirmation of this appointee. Therefore, Mr. President, would it be asking too much to lay that one aside until the Senator from Cambria returns? This is a Cambria county appointment, is it not?

The PRESIDENT. The Chair understands that it is an Indiana County appointment.

Mr. SHAPIRO. Mr. President, for the information of the Senate I have communicated that information to my friend and colleague, Senator Wolfenden, as to the first, what action we have decided upon, and, as to the second, we wanted some more time; and the Senator from Indiana suggested to me that he wanted both of them acted on today.

QUESTION OF INFORMATION

Mr. WOLFENDEN. Mr. President, I rise to a question of information.

The PRESIDENT. The Senator from Indiana will state his question of information.

Mr. WOLFENDEN. Mr. President, on which nomination are we now about to vote?

The PRESIDENT. The Chair understands that the Senate is about to vote on the nomination of Cyrus Davis.

Mr. WOLFENDEN. Mr. President, I consulted with the Senator from Cambria, Mr. Haluska, and when this nomination first came over the Senator from Cambria assured me he was in perfect accord with that nomination.

I consulted the minority floor leader a week ago and he asked me for the courtesy of putting the names over for a week. He said there was a holiday on Monday and he could not be here.

The reason I am asking action upon these matters at at the present is that the president of our college has resigned and we must take action in order to elect a new president. He must make their summer schedules; they have no head of the institution and I believe that the Senator from Cambria, Mr. Haluska will bear me out—I asked him about this a week ago.

Mr. HALUSKA. Mr. President, I happened to be out when the Senator made his remarks. It is true, however, that he asked me a week or two ago in connection with going along with the confirmation of Mr. Davis in my county. I told him that I would; that I had no objection to Mr. Davis, but that, however, I would like to have some time on this matter and I stated my reasons.

Mr. Davis, in Cambria County, is replacing Judge McCann from my county, who had been asked to resign. I think Judge McCann resigned in a graceful way. Judge McCann is a personal friend of mine and so is Mr. Davis. However, I would like to have his confirmation held up until Monday, if possible, until I have opportunity to consult Judge McCann and see whether or not he has any serious objections of the way in which he was asked to resign. Now, personally, I do not think he has; but I feel I owe that to him as a friend of mine back in Cambria County. If the Senator from Indiana, Mr. Wolfenden, does not have any objection I would like that this confirmation be held over until Monday or Tuesday, if possible.

Mr. WOLFENDEN. Mr. President I am placed in the position that if the second nomination is voted upon favorably I will be very glad to accede to the request of the Senator from Cambria. If he is not voted upon favorably I will be forced to ask for a vote. I might say in

explaination that this is not the first replacement in Cambria county. We had already approved a member from Cambria county but he refused to serve. I will temporarily waive voting on the first name, but I must insist that if the second nomination is not confirmed the other nomination will have to come up. It must either be confirmed or knocked down. We are in a position far above Judge McCann's feelings.

Mr. MUNDY. Mr. President, I would like to inquire whether the Senator from Tioga can hold this confirmation over because some of us are put into a very peculiar position by this matter; and I think the matter could be ironed out, probably, by Monday.

Mr. WOLFENDEN. Mr. President, unfortunately I cannot accede to the request of the Senator from Luzerne, because they have had two weeks full notice. I spoke to the Democratic floor leader and I told him that we would have to have either an acceptance or rejection this week.

Mr. HALUSKA. Mr. President, I wish to be fair in this matter. It is true, as I said a moment ago, I did promise the Senator from Indiana I would go along. I would like to go along with him but I certainly wish to be fair to Judge McCann, to have respect for his feeling: and I do not think there is any doubt in my mind that if he were here he would ask me to go along with this confirmation. But I recall several weeks ago when a member of this Senate stressed the importance of the confirmation of Mr. Hamilton and I went along with that and up until this present time he has not been sworn in.

Now, if the Senator from Indiana insists upon putting me on the spot, I must say I will vote against the confirmation today. If the Senator from Indiana cannot wait until Monday then certainly I will change my attitude.

Mr. OWLETT. Mr. President, I should like to interrogate the Senator from Cambria, Mr. Haluska.

The PRESIDENT. Will the Senator from Cambria, Mr. Haluska, permit himself to be interrogated?

Mr. HALUSKA. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Cambria if there is any reason why he could not get in touch with Judge McCann on the telephone and ascertain his attitude, so that this matter can be settled today?

Mr. HALUSKA. I probably could, Mr. President, but I do not think the matter is so urgent. I would like to show him the courtesy of talking to him in person. As I stated before, I do not think he has any objection; but I think I owe that to him as a friend of mine and as a neighbor.

Mr. WOLFENDEN. Mr. President, I regret prolonging this matter; but I must state that the Senator from Cambria is comparing someone else's feelings with the welfare of fourteen hundred students.

This is not a matter of politics. This is a matter of whether you want to further that institution. There are some more members on that board, three Democratic members, but we have got to get a working majority if we are going to do anything.

I am only interested in the matter because the folks at home think it is necessary—teachers must be hired for the summer session, supplies must be provided for. The head of the institution has resigned and his successor must be nominated. We have dilly dallied for two weeks on this matter and I am only asking that the Senator from Cambria be fair in the matter.

Mr. SHAPIRO. Mr. President, I am not worrying about the Indiana State Teachers College conducting its affairs. If the Department of Revenue with its thousands of employees and its millions and hundreds of million dollars that it handles can function without its head I am not going to worry about the school teachers in Indiana County. I know that that institution will go on and I think that we are entitled to investigate the situation.

Nobody resigned, everybody has been fired. This man did not resign, this Judge McCann, he was fired, and if he was fired under circumstances that are not proper I will not lend my vote to replace him.

I will vote no as a protest against that kind of firing. I do not agree with that kind of proceeding, I never did believe in it and I am not going to start changing my opinion on the matter now and I think this matter can wait until Monday, and if it cannot wait we can vote on it now.

Mr. WOLFENDEN. Mr. President, I should like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. WOLFENDEN. Mr. President, I have now been battling here on this matter for two weeks. Do I understand that the Senator from Philadelphia says that this matter will definitely be voted on on Monday night?

Mr. SHAPIRO. Mr. President, I understand that the Senator from Indiana will get a definite answer on this Monday night.

Mr. WOLFENDEN. Mr. President, from the caucus?

Mr. SHAPIRO. Mr. President, when I came in today I advised the Senator from Indiana that the caucus had definitely voted against one of those people, and because the Senator from Cambria, Mr. Haluska, wanted to get some information as to the manner in which Judge McCann was dismissed, we wanted to hold that open until next week.

Mr. WOLFENDEN. Mr. President, I did not understand it in that way.

Mr. SHAPIRO. Mr. President, there may have been a misunderstanding.

Mr. WOLFENDEN. Mr. President, am I to understand that there will not be any more battling and that these nominations will be voted on Monday night?

Mr. SHAPIRO. Mr. President, I want to disclaim any vacillating in this matter. The Senator from Indiana submitted his nominations last week, and it was then past the time when the names could be submitted to our caucus; they did not go before the caucus; they were not considered last Monday because some of us were not present. There has been no vacillating. We have no hesitency in stating our opinion—there is no secret about that.

Mr. OWLETT. Mr. President, I should like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro permit himself to be interrogated?

Mr. SHAPIRO. I will, Mr. President.

Mr. OWLETT. Mr. President, did the Democratic caucus

agree to approve any nominations that are now being considered by the committee on executive nominations?

Mr. SHAPIRO. Mr. President, I can answer the inquiry of the Senator from Tioga by saying that I have not yet inquired what his caucus has done, and I suggest that he should not inquire as to what the Democratic caucus has done.

Mr. OWLETT. Mr. President, I should further like to interrogate the Senator from Philadelphia.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro permit himself to be further interrogated?

Mr. SHAPIRO. I will, Mr. President?

Mr. OWLETT. Is it not a fact, Mr. President, that the Senator from Philadelphia advised me this morning that the Democratic Caucus had decided against any confirmations at the present time.

Mr. SHAPIRO. Mr. President, I told the Senator from Tioga that some confirmations had been referred to the caucus, a number of confirmations had been referred to the caucus by the Senator from Somerset, Mr. Ealy; that we had taken some of them up and decided that we would not agree to confirm those we had taken up. We have not taken them all up, I may say that.

Mr. OWLETT. Mr. President, I should like to further interrogate the Senator from Philadelphia.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated.

Mr. SHAPIRO. Mr. President, I will.

Mr. OWLETT. Mr. President, I should like to inquire of the Senator from Philadelphia what is necessary to be done in order to have confirmation of nominations taken up by the Democratic Caucus.

Mr. SHAPIRO. Mr. President, all that is necsesary is that this administration carry out its promise that relief will be taken out of politics.

The Democratic party, I understand, from the administration has put relief into politics by appointing Democrats—at least most Democrats. Now we understand that relief has been taken out of politics, so I am prepared and we state our position and we feel that as soon as the administration takes relief out of politics and stops appointing, in some instances, seven Republicans, active members of a political party, on relief, then we will give some consideration to those nominations, but we think that wherever resignations or vacancies have occurred as a result of political practices only we will not give our stamp of approval to that kind of conduct, on nominations of that kind. That ought to be perfectly clear.

In some of the cases we considered last night—in one instance seven men were appointed, seven registered Republicans, seven active in political matters, and we will not give our stamp of approval to that. At least that is one of the things I will say frankly, I have no hesitancy in saying the caucus decided last night.

Mr. OWLETT. Mr. President, I would like to ask the reason of the Democratic caucus had in not confirming the appointment of Mrs. Edna Carroll on the Board of Censors; that is a vacancy that had occurred and she has been appointed to the Broad of Censors, and the board is not functioning.

Mr. SHAPIRO. I understand that the Board of Censors —everyone of whom called me on the telephone and told me they had been told by the administration that they must get out of office; that they were discharged that they would not get paid for that day. Those are the very words used, to be brief. They did not know what to do and they called me for advice on the matter and I told them to communicate with the Governor. They said they felt they had been shabbily treated, that they were respectable citizens and they should not be fired that way.

I do not know anything except what I have been told. It is for that reason we are not in a hurry, we did not feel inclined to confirm the appointment of any member of that Board made by this administration.

Mr. OWLETT. Mr. President, I should like to further interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. OWLETT. Mr. President, are there any nominations now before the Committee of Executive Nominations, other than for notaries public, that the Democratic Caucus has decided to confirm?

Mr. SHAPIRO. Mr. President, I understand that the question of answering interrogations is a matter for the discretion of the person who is being questioned.

The PRESIDENT. That is the understanding of the Chair.

Mr. SHAPIRO. Mr. President, I think this questioning has gone beyond what is right and proper and I decline to answer; that is a matter for the Caucus.

Mr. OWLETT. Mr. President, if the Senator from Philadelphia, Mr. Shapiro does not care to answer, that is satisfactory with me.

Mr. SHAPIRO. Mr. President, I do not care to answer for the Caucus in this matter.

Mr. EALY. Mr. President, with regard to the Board of Censors the Senator from Philadelphia knows that they are under the Department of Public Instruction. The head of that department is a gentleman appointed by Governor Earle. As I understand it, a certain number of the Board of Censors were asked to resign because of the extreme amount of money spent in that department, so that it would not have been possible to have kept within the budget had not the Board of Censors been curtailed for the time being.

Mr. SHAPIRO. Mr. President, I understand that the Board of Censors is a self-sustaining body, and whatever appropriations they get is only for the purpose of a revolving fund. Everyone knows that the Board of Censors charges for all services that it renders. The reason they were dismissed is because they were Democrats. I know that and I don't quarrel with that.

Mr. EALY. Mr. President, it is not a revolving fund.

MOTION TO LAY ON THE TABLE

Mr. WOLFENDEN. Mr. President, I move that the nominations for Trustees of the Indiana State Teacher's College be laid on the table.

Mr. SHAPIRO. Mr. President, I second the motion.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. Until the Chair states the motion the Senator from Fayette is out of order.

The Senator from Indiana moves and the Senator from Philadelphia, Mr. Shapiro seconds the motion, that nomi-

nations for Trustees of the Indiana State Teacher's be laid on the table.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I object and rise to a point of order. This body is now in a Committee of the Whole and the bill is not in its possession. I desire that a ruling be made on my point of order.

The PRESIDENT. The point of order of the Senator from Fayette is not well taken.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

On the question,

Will the Senate agree to the motion to vote on Notaries Public?

It was agreed to.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Cavalcante,	Gelder,	Mallery,	Shapiro,
Chapman,	Geltz,	McCreesh,	Sipe,
Crowe,	Gilson,	McGinnis,	Snowden,
Dando,	Haluska,	Miller,	Stevenson,
Deitrick,	Heyburn,	Mundy,	Stiefel,
Ealy,	Homsher,	Owlett,	Tallman,
Edmonds,	James,	Pierson,	Thomas,
Eroe,	Jaspan,	Reed,	Walker,
Farrell,	Kilgallen,	Ruth,	Wolfenden,
Frey,	Letzler,	Scarlett,	Woodward,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 92, entitled:

An Act to prohibit assessments and demands for contributions for political purposes; and providing a penalty.

House Bill No. 344, entitled:

An Act to amend section seventy-seven of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "Criminal Procedure Act of 1860," by permitting indictments against public officers and employees and their accomplices and confederates to be brought, or exhibited, within two years after such officer or employee shall have ceased to occupy such office or employment.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

RESOLUTION REQUESTING INVESTIGATION OF PERSONS APPOINTED TO COUNTY BOARDS

Mr. REED offered the following resolution which was twice read:

In the Senate, April 5, 1939.

Whereas, Unemployment relief is generally acknowledged as the most vital problem affecting the welfare of the people of the Commonwealth of Pennsylvania; and

Whereas, Public Assistance laws have been enacted in Pennsylvania for the purpose of creating an efficient and impartial system of administration; and

Whereas, Boards in every County of the Commonwealth are appointed as a part of the administrative machinery; and

Whereas, In the selection of persons for said Boards, it is of vital importance that politics of every nature and degree be barred in order that faithful and impartial service be rendered the public as contemplated by law; and

Whereas, Due to the power and authority now vested, and to be vested, in said Boards hardship and injury will result if politically interested persons be appointed thereto.

Now, Therefore, Be It Resolved, that, to the end competent and public-spirited persons be appointed to the various Boards in the several Counties of the Commonwealth to best promote faithful and impartial administration, a Committee of five Senators be appointed by the President Pro Tempore of this Senate to investigate all persons appointed to the several county Boards and determine whether they meet the requirements contemplated by the Public Assistance law and are free from political interest and bias, and report to and advise the Senate promptly of its findings.

Mr. REED. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. OWLETT. Mr. President, I object.

The PRESIDENT. The resolution is referred to the Committee on Welfare, Assistance and Pensions.

RESOLUTION URGING IMPROPRIETY OF PROPOSED CONGRESSIONAL LEGISLATION RELATIVE TO PROPOSED FREIGHT RATES AFFECTING PENNSYLVANIA

Mr. CAVALCANTE, offered the following resolution which was twice read, considered, and agreed to:

In the Senate, April 5, 1939.

Whereas, It is harmful to labor, agriculture and industry in Pennsylvania to compel by legislative action the establishment and maintenance of freight rates from one rate territory to another on the rate per mile that applies within the destination territory which in turn would provide a substantially higher rate in one direction than in another over the same rails and between the same points; and

Whereas, The United States has been naturally divided into several rate territories because of differing costs of transportation caused primarily from the fact of differing volumes of tonnage produced and available for transportation in the various sections of the country; and

Whereas, Pennsylvania is located in what is designated Official Territory and being that territory lying east of the Mississippi River and north of the Ohio and Potomac Rivers, and recognized as one of the greatest industrial sections, not only of the United States but of the entire world, and because of this fact it provides the greatest number of tons per mile of transportation and consequently the lowest cost of operation for the railroads in that territry of any territory in the United States; and

Whereas, Legislative action of this character would require the Interstate Commerce Commission, regardless of the facts, evidence, equity, their better judgment or otherwise, to disregard differing costs which form the basis for these different rate territories, and arbitrarily make from Official Territory to all other territories rates which would be materially higher than would be charged

shippers in these other territories for shipping the same or similar articles, the same or similiar distances into Pennsylvania, to the serious disadvantage of, and discrimination against Pennsylvania; and

Whereas, Such a prejudice to Pennsylvania and preference of these other territories would not only seriously restrict the marketing and consequently the production of articles of commerce in Pennsylvania to the substantial and grave loss to its labor, argriculture and industry, but, even more seriously, would induce substantial removal of manufacturing operations from Pennsylvania to these more favored localities to the disadvantage of all its citizens:

Therefore Be It Resolved, By the Senate of the General Assembly of the Commonwealth of Pennsylvania, The House of Rprosentatives Concurring, that Pennsylvania Senators and Representatives in the Congress of the United States be earnestly requested and urged to use their efforts to convince their colleagues in both houses of Congress of the unfairness and impropriety of such legislative action; and

Be It Further Resolved, That copies of this resolution be forwarded to each member of the Seventy-sixth Congress from the Commonwealth of Pennsylvania.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 129, entitled:

An Act regulating marriages and the issuance of licenses to marry; imposing duties upon the clerks of the orphans' courts and persons who perform marriage ceremonies; providing for the annulment of marriage for certain violations of this act; and fixing other penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 248, entitled:

An Act to amend section fifteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "An act relating to the organization, jurisdiction, and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," by further clarifying the provisions of said act, as to the powers of the judges of orphans' court to administer the business of the court and to issue process in vacation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 249, entitled:

An Act to amend section twenty-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "An act affecting martial relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," further clarifying the provisions of said act as to the issuance of subpoenas by a judge at chambers during vacation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 278, (House Bill No. 38), entitled:

An Act to amend Sections Three, Four, Five, Nine and Eleven of the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled (as amended), "An act providing for the incorporation as bodies corporate and politics of 'Authorities' for municipalities, counties and townships, defining the same, prescribing the rights powers and duties of such Authorities, authorizing such Authorities to acquire, construct, improve, maintain and operate projects and to borrow money and issue bonds therefor, providing for the payment of such bonds and prescribing the rights of the holders thereof, conferring the right of eminent domain on : .ch Authorities, authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes," as amended, by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation regulating the publication of such resolutions and ordinances by including waterworks water distribution systems, low head dams and parts of sewer systems as projects by authorizing the municipalities to limit the projects to be undertaken by an Authority by authorizing a longer term for the bonds issued by an Authority, avoiding competition with existing enterprises and by including waterworks, water supply works, water distribution systems and parts of sewer systems as facilities which may be transferred to an Authority by any owner in addition to the Commonwealth and the political subdivision thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 310, (House Bill No. 610), entitled:

A Supplement to the act approved the twenty-first day of July, one thousand nine hundred and thirty-seven (Appropriation Acts, page 74), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending, May thirty-first, one thousand nine hundred and thirty-seven" by lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation and re-appropriating such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 320, entitled:

An Act to amend section seven o: the act, approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction

of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," by changing the provisions thereof as to the contents of record to be furnished wardens by clerks of the courts of quarter sessions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS INTRODUCED

Mr. MILLER. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MILLER read in place and presented to the Chair, Senate Bill No. 432, entitled:

An Act authorizing the Department of Property and Supplies, with the consent of the Department of Military Affairs and the approval of the Governor, to sell or exchange and convey the property of the Pennsylvania State Arsenal at Harrisburg; appropriating the proceeds thereof to the Department of Military Affairs; and providing for the construction of an arsenal or warehouse on the military reservation at Indiantown Gap, and for the removal of State and Federal supplies thereto.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair, Senate Bill No. 433, entitled:

An Act to amend section seven of the act approved the eleventh day of May, one thousand nine hundred and five (P. L. 442), entitled "An act for the appointment and maintenance of a board, to be known as the Armory Board of the State of Pennsylvania, and for the payment of its expenses, and for providing, managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same; authorizing the State Armory Board to receive from counties, cities, municipalities and other sources donations or contributions for the purpose of this act," authorizing the Armory Board to accept donations and contributions from boroughs and townships, and authorizing boroughs and townships to make such donations and contributions.

Which was committed to the Committee on Military Affairs.

He also read in his place and presented to the Chair, Senate Bill No. 434, entitled:

An act to amend the act approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways; and providing for their construction and maintenance at the expense of the Commonwealth," establishing an additional route in the borough of White Haven, Luzerne County.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair, Senate Bill No. 435, entitled:

An Act to amend Route 40040 established by amendment to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring local authorities, persons, associations and corporations certain powers upon the Department of Highways and for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act," as added.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair, Senate Bill No. 436, entitled:

An Act to amend Route 40113 as established by amendment to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled, "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as added.

Which was committed to the Committee on Highways.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Monday, April 10, 1939 at 9:00 o'clock, p. m.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 3:15 o'clock, p. m., until Monday, April 10, 1939, at 9:00 o'clock, p. m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, April 5, 1939.

The House met at 12 noon.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

O Lord, Thou God of Israel, we gratefully pause before Thy presence for a silent moment of prayer. Thou who hast shared Thy infinite nature with man and hast so marvelously endowed him, may we not fail Thee, in the use of our every God given talent.

Show us how the humblest service becomes the loftiest when inspired by the purest motives.

Forgive us when we are selfish, recall us when we go astray.

Give us charity for all, malice toward none.

Lay Thy hand of blessing upon our state and nation and may the power of the right, inspired by the spirit of God, prevail

May all Thy people feel the directive power of the Lord of Host, and thus may be preserved the righteousness and sanctity of all lawful democratic institutions.

Hear our prayers in behalf of those people who have lost, under the iron hand of tyranny and despotism, their liberties of thought and deed, and cause all of us to so fall in love with our own democracy that we will be glad to protect it, even with our lives against the alien isms that are boring from within.

May Easter usher in the dawn of new love, new forbearance and new tolerance that shall weld into one Godly family all classes, creeds, and conditions of man kind.

We ask it all in the name of Him who prayed that we all be one. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. FLANAGAN, the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 18. (HOUSE BILL No. 1183).

A Joint Resolution proposing an amendment to article four, section twenty-one of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 147. (HOUSE BILL No. 1184).

An Act to amend an act approved the twenty-first day of July, one thousand nine hundred and thirteen (Pamphlet Laws 863) entitled "A supplement to an act approved the eleventh day of June one thousand eight hundred seventy-nine entitled "An act to authorize cities of the first class to levy and fix a tax rate to fix the time of opening and closing the tax duplicates to regulate the appropriations and expenditures of said cities and prescribing penalties for the violation of the provisions of this act" by providing that the same shall not apply to the books of personal property taxes and to extend the time for the opening of the books and the payment of personal property taxes

Referred to the Committee on Cities—First Class.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

EQUAL RIGHTS

Resolutions from:

Federation of Architects, Engineers, Chemists and Technicians, CIO Philadelphia.

American League, Peace and Democracy, Philadelphia.

Citizens of Philadelphia.

favoring passage of House Bill No. 103.

Referred to the Committee on Judiciary Special.

CONSTITUTIONAL AMENDMENT

Petitions from Citizens of Schuylkill County protesting passage of Senate Bill No. 52.

Referred to the Committee on Judiciary General.

LEAVE OF ABSENCE

Mr. Sweeney asked and obtained leave of absence for Mr. VAN BELLE for today's session.

REPORTS FROM COMMITTEES

Mr. KLINE from the Committee on Cities—Third Class reported as committed, House Bill No. 742, entitled:

An Act to amend section one thousand eight hundred five of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by exempting warrants for payments to volunteer fire companies from provision requiring production of certain evidence.

Mr. BOORSE from the Committee on Cities—Third Class reported as amended, House Bill No. 299, entitled:

An Act to amend section four thousand one hundred twenty of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by making provision for adoption of standard building codes; and dispensing with the publishing of such codes in full.

Mr. CLEARWATER from the Committee on Public Health and Sanitation reported as committed, House Bill No. 685, entitled:

An Act to further amend the act, approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, two hundred and eighty-nine), entitled "An act relating to non-profit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorder of deeds, and certain State departments, commissions and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by providing for and regulating the incorporation of nonprofit medical service corporations organized to provide medical services for subscribers of low income and their dependents; conferring powers on the Department of Health and the Insurance Department with respect thereto; further prescribing the conditions on which such corporations may exercise their powers; providing for the dissolution of nonprofit medical service corporations by and under the supervision of the Insurance Commissioner; and further defining the scope of the Act.

Mr. DALRYMPLE from the Committee on Cities—Third Class reported as committed, House Bill No. 687, entitled:

An Act to amend section three thousand seven hundred and twenty of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto", by extending the power of park guards to police the lands, properties and buildings taken for park purposes, which are located beyond the limits of such cities.

Mr. EDWIN F. THOMPSON from the Committee on Public Health and Sanitation reported as committed, House Bill No. 686, entitled:

An Act providing for the regulation and supervision of nonprofit medical service corporations organized to provide medical services to subscribers of low income by the Department of Health and the Insurance Department and defining the functions of such departments with respect thereto; authorizing certain departments, commissions, officers and other agencies of the State and its political subdivisions to subscribe under certain circumstances to the medical service plan of such corporations on behalf of

persons of low income; prescribing legal investments for the funds of such corporations, and the rights of doctors of medicine to register with such corporations; conferring authority on the Department of Health and on the Insurance Commissioner each within its own sphere of lawful activity to regulate and supervise such corporations; conferring certain rights, powers, duties and immunities upon such corporations and their officers and members; prescribing the conditions on which such corporations may exercise their powers; exempting such corporations from taxation; prohibiting any person, copartnership, association, Common Law Trust or corporation except a nonprofit medical service corporation from providing medical services on a nonprofit plan in return for prepayment, periodical or lump sum payments; providing penalties for the violation of and mandatory and injunctive relief for, the enforcement of the provisions of this act.

Mr. ROSE from the Committee on Cities—Third Class reported as amended, House Bill No. 117, entitled:

An Act to amend section two thousand and eight of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by permitting policemen to charge and receive witness fees and mileage for attendance at courts of record and validating such payments heretofore made.

Mr. YEAKEL from the Committee on Rules reported as committed House Resolution No. 59.

Mr. SHEARER from the Committee on Federal Relations reported as committed House Resolution No. 27.

RESOLUTION RE-REFERRED

Mr. KLINE returned from the Committee on Federal Relations with a recommendation that it be re-referred to the Committee on Forests and Waters, House Resolution No. 15.

The SPEAKER. The resolution is now re-referred to the Committee on Forests and Waters.

The SPEAKER. The Chair requests the gentleman from Jefferson, Mr. Wilson, to preside.

MR. WILSON IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 867, entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand fifty-one) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" providing for separate administration by county boards of assistance of certain types of public assistance designated "general assistance and pensions" regulating the employment and dismissal of employes therefor authorizing the employment and dismissal of an executive director of general assistance and pensions changing the system of allocation of funds by the Department of Public Assistance changing the powers and duties of county boards authorizing appointment of subcommittees for certain purposes providing for immediate return to assistance rolls of persons accepting temporary employment authorizing appointment of labor review boards to pass on eligibility for assistance of persons refusing offered employment regulating the granting of assistance to aliens and the use of credit agencies changing the maximum property allowances for pensions to blind persons and the qualifications for general assistance and changing penal provisions

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 895, entitled:

An Act to amend section 402 of the act approved the twenty-second day of May one thousand nine hundred thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designated the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" providing a method for the valuation of real property for taxation purposes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 538, entitled:

An Act to repeal the act approved the fifth day of March one thousand nine hundred and three (Pamphlet Laws thirteen) entitled "An act in relation to abandonment of portions of railroads"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 814, (Senate Bill No. 241), entitled:

An Act authorizing counties of the second class to make appropriations to the State World's Fair Commission

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 430, entitled:

An Act to amend section one of the approved the seventeenth day of March one thousand nine hundred and twenty-one (Pamphlet Laws thirty-two) entitled "An act fixing the salaries of court criers and tipstaves in counties of the third class" by increasing the salary of court criers and tipstaves

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 859, entitled:

An Act validating reviving and extending for a certain period of time all liens of taxes which have expired or become lost

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 861, entitled:

An Act to authorize political subdivisions to sue out with writs of scire facias on certain municipal claims or to revive judgments on such claims where more than five years have elapsed since said claims were filed or such judgments were entered or reviewed and to reduce such claims or to revive such judgment and providing for the revival and collection of such judgments

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 864, entitled:

An Act to amend clause (b) of section six hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand seventeen) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintance of certain indigent persons and children prescribing the powers and duties of county commissioners county teasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" authorizing county commissioners as poor directors of independent poor districts to issue and negotiate bonds of such districts to pay obligations and refund bonds thereof and to levy taxes to pay interest and sinking fund charges on bonds of such districts

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 902, entitled:

An Act to amend and re-enact section 801 of the act of June twenty-fourth one thousand nine hundred thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first rlass amending revising consolidating and changing the law relating thereto" as amended specifying and changing the conditions of the bond of the treasurer as treasurer and as tax collector for the township county school district poor and institution districts

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 892, entitled:

An Act to amend section one hundred thirty-six as amended and section one hundred thirty-seven of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for the establishment of the office of controller in certain counties and for the abolition of the office of county auditor and for the audit of accounts of the county and its officers for the preceding year in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 893, entitled:

An Act fixing the salary of the controller in counties of the seventh and eighth classes and providing for a salary board to fix the number and salary or compensation of any deputies and clerks to assist the controller

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 885, entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 886, entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 182, as follows:

An Act to amend section four hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by extending the provisions as to headstones markers or concrete bases for graves of service man to deceased Pennsylvania War Veterans in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as last amended by section five of the act approved the twelfth day of July one thousand nine hundred thirty-five (Pamphlet Laws 683) is hereby further amended to read as follows

Section 426 Markers for Graves Headstones The County commissioners of the several counties of this State shall from time to time as is considered expedient by the com-

missioners procure appropriate markers for the grave of each and every deceased service man buried within the limits of any city borough township or district Such markers shall be cast bronze which term shall mean a proper composition of the following metals in the following proportions Copper eighty-five per centum tin five per centum zinc five per centum and lead five per centum Provided however That no board of commissioners shall be required to discard any markers of other materials already purchased by such commissioners whether or not already installed but no new markers shall in the future be purchased of metal other than cast bronze as herein defined Upon the petition of any five reputable freeholders of the city borough township or district where any such deceased service man is buried a marker shall be placed upon the grave of such deceased service man for the purpose of permanently marking and designating such grave for memorial purposes When such deceased service man shall have been a veteran of any war for which the Government of the United States issued discharge buttons the markers designated for their graves shall include a facsimile of said discharge button The county commissioners may upon the petition of any five reputable freeholders of the city borough township or district within the county of which any deceased service man may have been a resident place such marker upon his or her grave when he or she is buried without the limits of said county

It shall also be the duty of the county commissioners of each county in this State upon or at any time subsequent to the death of any deceased service man who shall be buried within their counties on the application which application in all cases shall be on forms prescribed by the Department of Military Affairs of any relative or on the application of any friends of such deceased service man if such application by friends has been approved by any organization of veterans of any war in which the United States was engaged and provided that there be no objection by the nearest relative to cause a headstone or bronze memorial tablet to be placed at the head of or on the grave of each deceased service man containing his name and the rank and organization to which he belonged or in which he served in letters raised or cut in at least three-sixteenth of an inch deep on such headstone to be of either marble or granite and to be placed or set in a concrete base at least three feet deep or if a headstone has been provided for such grave by the United States Government the county commissioners shall provide such concrete base therefor and the expense for the same shall be paid out of the funds of the county in which such deceased service man died or shall have had his legal residence or if lettering only on an existing memorial is desired by the family the county commissioners shall provide such lettering Provided however That the expense shall not exceed the sum of fifty dollars for each headstone or concrete base or lettering or bronze marker and the county commissioners of each county acting under this section shall draw a warrant on the treasurer of their county for the payment of said expense in favor of the party or parties furnishing such headstone or concrete base or lettering or bronze marker No such payment or payments shall be made unless the application therefor shall be approved before the commencement of the project by the county commissioners Such application shall be accompanied by a death certificate if procurable

Any person who shall wilfully maliciously carelessly or indifferently destroy mutilate remove or deface any grave marker or headstone placed or erected under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars or suffer imprisonment for not more than two years or both in the discretion of the court In counties of the eighth class the county commissioners shall procure appropriate markers for the grave of each war veteran whose last legal residence was in the said county and who is buried outside the Commonwealth but within any state immediately adjacent to the Commonwealth and it shall be the duty of the commissioners of counties of the eighth class at any time subsequent to the death of any deceased Pennsylvania war veteran whose last legal residence was in such county and who is buried without the limits of the Commonwealth but within any state immediately adjacent thereto on the application of any relative or friend of such deceased service man and upon the approval of any veterans' organization and when no objection is made by the nearest relative of such deceased service man to erect or place on the grave of such deceased service man the headstone or memorial tablet described in this section

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 605, entitled:

An Act to amend sections 904 905 1006 1125 1202LIII 1309 and 1314 of the Act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by further regulating the affairs of boroughs and revising amending and changing the law relating thereto

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine hundred four and nine hundred five of the said act which were added by the amending act approved the eighteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws 1290) are hereby amended to read as follows

Section 904 Right of Council to Declare Seat of Councilmen Vacant for Failure to Qualify If any person elected or appointed as member of council who has been notified of his election or appointment shall refuse or neglect to qualify as such member of council within ten days next succeeding the beginning of his term of office [the remaining members of] the borough council acting without such person may declare his office as member of council vacant and may fill such vacancy as provided in section nine hundred one of this act For such actions a majority of the remaining members of the council shall constitute a quorum

Section 905 Right of Council to Declare Seat of Councilman Vacant for Failure to Attend Meetings If any person having qualified as member of council shall neglect or refuse to attend two successive regular meetings unless detained by sickness or prevented by necessary absence from the borough or if in attendance at any meetings shall neglect or refuse to act in his official capacity as a member of council [the remaining members of] the borough council acting without such person may declare his office as member of council vacant and may fill such vacancy as provided in section nine hundred one of this act For such actions a majority of the remaining members of the council shall constitute a quorum

On the question,

Will the House agree to the section?

Mr. ECKLES. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 1, line 2, by striking out the words: "said act" and inserting in lieu thereof: "act, approved the fourth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws, 519), entitled "An act concerning borougs and revising, amending and consolidating the law relating to boroughs,"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second and third sections were separately read and agreed to as follows:

Section 2 Clause I of section one thousand six of said act as amended by section one of the act approved the twenty-first day of May one thousand nine hundred thirty-seven (Pamphlet Laws 761) and by section one of the act approved the fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws 1608) is hereby further amended to read as follows

Section 1006 Duties of Council It shall be the duty of the council a majority of whom shall be a quorum

I To meet statedly at least once a month Council may adjourn to a particular time for general business or for special business If no quorum be present at such adjourned meeting a majority of those who do meet may agree upon another date for like business and may continue to so agree until the meeting is held Special meetings may be called by the president of council or upon written request of at least one-third of the persons who are members of council Members shall have at least twenty hours' notice of such special meetings The notice shall state whether it be for general or special purposes and if it be for special purposes the notice shall contain a general statement of the nature of the business to be transacted Presence at a meeting constitutes waiver of notice Council may adopt rules relating to the calling and holding of all meetings which rules shall supersede the provisions of this section

Section 3 Section one thousand nine hundred twenty-five of said act is hereby amended to read as follows

Section 1125 Appointment Burgess to have Control Borough councils may appoint and remove one or more suitable persons citizens of this Commonwealth as borough policemen who shall have the power to arrest persons violating any ordinance of the borough the violation of which may subject persons to arrest Any person so arrested shall be received for confinement by the keepers of the jails lockups or station houses within the county The borough council may designate one of said policemen as chief of police The burgess of the borough shall have full charge and control of the chief of police and the police force and he shall direct the time during which the place where and the manner in which the chief of police and the police force shall perform its duties

The borough may by ordinance establish a police department consisting of chief captain lieutenant sergeants and any other classification desired by the council and council may designate the individuals assigned to each office but the burgess shall continue to direct the manner in which the persons assigned to the office shall perform their duties The burgess may however delegate to the chief of police or other officers supervision over and instruction to subordinate officers in the manner of performing their duties By motion council may fix an hourly or daily wage to be paid to special policemen whose appointment is hereby authorized to be selected by the burgess during an emergency in which the safety and welfare of the borough and the public is endangered

The fourth section was read as follows:

Section 4 Section one thousand two hundred and two Clause LIII of said act is hereby amended by adding at the end thereof an additional clause to read as follows

Section 1202LIII (e) Those made for water gas electric or steam heat service where the service is to be provided by a public utility under tariffs on file with the Pennsylvania Public Utility Commission

Section 4 Section one thousand three hundred nine of said act is hereby amended to read as follows

Section 1309 Commissions of Tax Collector Monthly Returns The tax collector shall collect the taxes charged in said duplicate and pay over the same to the borough treasurer after deducting his commission for the collection thereof Such commission shall be fixed by the corporate authorities of the borough and except for the collection of occupation taxes shall not exceed five per centum of the amount collected The tax collector shall make monthly returns in writing in duplicate to the borough council showing the amounts collected by him during the preceding month and the amount of uncollected taxes on his duplicate or exhibit the duplicate showing the uncollected taxes at the close of each month and shall pay over to the treasurer the amounts so collected less the commissions to which he is by law entitled The treasurer shall issue duplicate receipts for said payments one of which shall be filed by the tax collector with the borough council The monthly report herein referred to shall contain the names of the taxables from whom the money has been collected The collector or his deputy if he finds any person whose name does not appear upon the duplicate shall forthwith report such person to the proper assessor and include the person's name in the report of those who have paid taxes or in the list of those who have failed to pay taxes

Any tax collector failing to comply with the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars

On the question,

Will the House agree to the section?

Mr. ECKELS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 4, page 4, lines 27 and 28-in line 27 after the word "for" strike out the following words: "water, gas, electric or steam heat" and insert in lieu thereof the following words: "any public utility"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth and sixth sections and title were separately read and agreed to as follows:

Section 5 Section one thousand three hundred thirteen of said act as amended by section seven of the act approved the twenty-first day of May one thousand nine hundred thirty-seven (Pamphlet Laws 761) is hereby further amended to read as follows

Section 1314 Collection of Borough Tax on Real Estate from Tenant In case any person who is the owner of real property within such borough neglects or refuses to pay the tax levied for general borough purposes against any parcel of such real property before the time fixed by law for a penalty to be imposed thereon the collector of such borough taxes may any time thereafter notify the tenant in possession of any such real property that the owner thereof has failed to pay such tax and request the payment of such tax together with any penalties and interest due thereon by such tenant out of any rent money then due and owing or thereafter to become due and owing to such delinquent taxpayer Upon receipt of such notice from the tax collector the tenant in possession of any such real property shall deduct from any rent that is then or may thereafter become due and owing to such delinquent owner the amount of such delinquent tax and the penalties and interest due thereon and pay the same over to the collector of such taxes The proper receipt for such taxes and penalties and interest if any paid to the tax collector by any tenant shall be a good and sufficient voucher to offset any claim that such delinquent taxpayer may have against such tenant for any rent to the amount thereof

If for any reason the tax collector shall fail to collect any delinquent tax from a tenant in possession of such real property as herein provided any person selected by council may collect such tax from such tenant and for that purpose he shall have and may exercise all the powers granted to the tax collector

Section 6 This act shall become effective immediately upon its final enactment

An Act to amend section 904 905 1006 1125 1202LIII 1309 and 1314 of the Act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by further regulating the affairs of boroughs and revising amending and changing the law relating thereto

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the first reading and consideratoin of House Bill No. 423, as follows:

An Act to amend section five (a) as added to and section nine as amended of the act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws 224) entitled "An act preventing the manufacture sale or transportation within the Commonwealth of adulterated or misbranded paris greens lead arsenates lime-sulphur compounds and other insecticides and fungicides and regulating traffic therein providing for inspection of such materials and imposing penalties" by providing for the registration of insecticides and fungicides by manufacturers outside of the Commonwealth and changing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five (a) of the act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws 224) entitled "An act preventing the manufacture sale or transportation within the Commonwealth of adulterated or misbranded paris greens lead arsenates lime-sulphur compounds and other insecticides and fungicides and regulating traffic therein providing for inspection of such materials and imposing penalties" as added by section two of the act approved the fourth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 136) is hereby amended to read as follows

Section 5 (a) Every person manufacturing insecticides or fungicides in this Commonwealth and [every person importing insecticides or fungicides] either the person manufacturing any insecticide or fungicide outside of this Commonwealth or the person importing the same into this State for the purpose of reselling the same on or before the first day of January of each year or before selling offering or exposing for sale such insecticides or fungicides shall register and file with the Secretary of Agriculture a certified statement of the names and number of each kind or brand of such insecticides or fungicides that he or they shall manufacture import or offer for sale during the next ensuing year and such additional information concerning the same as the Secretary of Agriculture may require and he or they shall pay to the Secretary of Agriculture the sum of five dollars ($5.00) for each kind or brand of such insecticide or fungicide so registered Provided That every person registering five kinds or brands of insecticides or fungicides and paying to the Secretary of Agriculture the sum of five dollars ($5.00) for each may register additional kinds or brands for the sum of one dollar ($1.00) for each insecticide or fungicide Provided further That selling agents and retailers when selling insecticides or fungicides registered by manufacturers or importers shall not be required to effect additional registration for such brands All moneys so received shall be immediately paid by the Secretary of Agriculture into the general fund of the State Treasury

The Secretary of Agriculture may refuse to register any kind or brand of insecticide or fungicide and he may revoke any registration which shall have been accepted when such kind or brand has been found to be adulterated misbranded or to have little or no value for the purpose for which it is intended to be used

It shall be unlawful for any person to sell offer or expose for sale any insecticide or fungicide that is not property registered under the provisions of this section

Section 2 Section nine of said act as amended by section three of said act approved the fourth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 136) is hereby further amended to read as follows

Section 9 Any person who shall violate any of the provisions of this act or any rule [or regulation of the Secretary of Agriculture promulgated under this act shall be guilty of a misdemeanor and shall upon conviction thereof be fined not less than twenty-five nor more than two hundred dollars for the first offense and upon conviction for each subsequent offense be fined not to exceed three hundred dollars or sentenced to] regulation or order promulgated by the Secretary of Agriculture pursuant to this act shall upon conviction thereof for a first or second offense in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars nor more than two hundred dollars and cost of prosecution and in default of payment of such fine and costs an individual the members of a partnership or the responsible officers or agents of a corporation shall be sentenced to undergo imprisonment for not more than thirty days and for a third or subsequent offense shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than three hundred dollars nor more than six hundred dollars or in the case of individuals members of a partnership and the responsible officers and agents of an association or corporation to undergo imprisonment for not to exceed one year or both such fine and imprisonment in the discretion of the court

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Jefferson, Mr. Wilson, for presiding.

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. WOODSIDE.

The House resumed the consideration on second reading of House Bill No. 668, (Senate Bill No. 13), entitled:

An Act regulating the issuance of marriage licenses; prohibiting the issuance thereof to persons infected with syphilis in certain stages; requiring each applicant to produce certain evidence of freedom from such disease; imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties; and imposing penalties.

The first and second sections were separately read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 No license to marry shall be issued until there shall be in the possession of the clerk of the orphans' court a statement or statements signed by a duly licensed physician of the Commonwealth of Pennsylvania that each applicant within thirty days of the issuance of the marriage license has submitted to an examination to determine the existence or non-existence of syphilis which examination has included a standard serological test or tests for syphilis and that in the opinion of the examing phy-

sician the applicant is not infected with syphilis or if so infected is not in a stage of that disease which is likely to become communicable The physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test or from some other person authorized to make such statement setting forth the name of the test the date it was made the name and address of the physician to whom a report was sent and the exact name and address of the person whose blood was tested but not setting forth the result of the test

Section 2 For the purpose of this act a standard serological test for syphilis shall be a test approved by the State Department of Health and shall be made at a laboratory approved to make such tests by the State Department of Health Such laboratory tests as are required to be made by this act shall on request of the physician submitting the sample and on his certificate that the applicant is unable to pay be made without charge by the State Department of Health

The third section was read as follows:

Section 3 Any applicant for a marriage license having been denied a physician's statement as required by this act shall have the right of appeal to the Department of Health of the Commonwealth of Pennsylvania for a review of the case and the said Department shall after appropriate investigation issue or refuse to issue a statement of lieu of the physician's statement required by section one of this act

On the question,

Will the House agree to the section?

Mr. ANDREWS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 3, line 2, page 3, by inserting after the word "act" the following: "In case the Department of Health shall refuse to issue such statement. the said department is hereby required to immediately quarantine the person for whom it has refused to issue such statement, either upon the premises where such person has his or her residence or in a place designated in this State for the isolation, control and treatment of communicable disease, until such time as he or she is no longer likely to communicate such disease, in the manner provided by law and the rules and regulations of the Department of Health."

On the question,

Will the House agree to the amendment?

Mr. ANDREWS. Mr. Speaker, this is a very important measure, and the amendments raise a very important principle of public procedure. Senate Bill No. 13 relates to the issuance of marriage licenses. Senate Bill No. 13 is concerned only with those who are applying for a license to wed. The bill as it comes from the Senate provides that persons who desire a license to marry must secure from any reputable physician, any licensed physician, a certificate setting forth that they are free from syphilis in a contagious or infectious stage. If the person applying for the marriage license is unable to obtain a certificate from a physician, the person unable to obtain a certificate can appeal to the State Board of Health, to the State Department of Health. If the State Department of Health upon reviewing the case finds that the applicant for a license to marry is afflicted with syphilis in a contagious or infectious stage, the license to marry is refused, and under this bill there the proceedings end.

I am submitting to this House and I am submitting to the physicians of this House, the contention that when the State Department of Health is placed upon official notice an applicant for a license to marry who is afflicted with syphilis in a contagious or communicable stage that it is up to somebody to do something more than saying to the afflicted applicant, "You cannot marry this girl. You cannot have a license to marry this particular girl. We won't issue a license to marry but you may marry some other girl. You can journey in some other state and you can marry her. You can continue in general circulation in the community and continue the practice which resulted in your affliction with the disease in the first instance". Now, there are, as I understand from a layman's viewpoint, only about two ways that syphilis can be acquired, one by inheritance, and also by personal endeavor. I contend that those who acquire syphilis as a result of personal endeavor should not be given an official permit by the State Department of Health to continue wandering around loose.

Mr. Speaker, I do not find among the great body of medical profession in this state a disposition to handle this question of syphilis in an effective manner. There is still a pronounced disposition to treat syphilis as a private matter. Now, I am contending that by the terms of this bill syphilis is not a private matter, and I am contending that the State Department of Health is obligated to do something when it rules than an applicant for a marriage license is unfit to be married. So what do I propose? I propose that when the State Department rules that a particular applicant for a marriage license, being afflicted with syphilis, is not qualified to marry under the terms of this statute, that the State Department of Health under such rules and regulations as the Department itself may prescribe shall quarantine that person during that period when the disease is communicable. Quarantine does not necessarily mean a sign on the house and the terms of the amendment provide that the quarantine can be in the person's own residence or it can be in a hospital mutually agreed upon, or it can be in a state institution in the state. Under the terms of this amendent, if the patient submits to treatment he need not be physically confined.

Mr. Speaker, to take the position that we do not want spyhilitics to marry but we are not interested in curing them, is a strangely singular position. Therefore, I offer these amndments as being in line with the spirit of the times, as being in line with the very purpose of this bill, and I might say if an amendment of this kind is adopted, if this bill be passed, it will go to the Senate, where the House amendment will be considered, and where in case of disagreement between the two Houses, it will be possible for this House to recede and restore the bill to its original status.

Mr. STOCKHAM. Mr. Speaker and members of the House, the position that the gentleman from Cambria has taken, I believe is sound, insofar as it does provide for the ultimate protection of everyone in relation to this disease. The gentleman said it is not a private matter, and neither is it. However, it is a social subject that has been approached slowly. The medical profession, in all its reports, has an interest due to aroused public opinion, because of the nature of this disease. Public opinion thoroughly aroused then is always back of every move that is made on the part of the legislature in reference to social legislation. Frankly we believe that this amendment does go at this time farther afield than has been attempted in any legislative enactment on the part of any other

state, and the Department of Health of Pennsylvania has provided through its study the substance of this act as it is now before us. There should be a friendly approach in the application of the law and its enforcement to those unfortunate ones who are under this affliction.

Therefore, the bill as it is before us is an approach to the subject and a sufficient one, as has been made by other states in other parts of the nation and those immediately adjoining us, New York and New Jersey. The Medical Department of Pennsylvania under Dr. Shaw studied it. It has the approval of the Pennsylvania Medical Society, the endorsement of Dr. Palmer and of the United States Government Medical Society, and their endorsements of the movement as it progressed through the laws that have been enacted in the various states of the union, I feel are sufficient, and the ultimate can be obtained when public opinion is aroused to a full knowledge and a full understanding of this subject. A proper approach has been made in this sort of legislation and without such amendments as have been offered today, will be sufficient. This minute, I believe, ladies and gentlemen of the House, that the bill as it is before us is sufficient and I ask that you vote down this amendment.

Mr. HINDMAN. Mr. Speaker and members of the House, I assure you that there seems to have been a wrong impression given here when the statement was read indicating that the medical profession of the state has been apathetic regarding this matter of syphilis. I assure you, members of this House, that the medical profession for many many years has been very active along this line. The medical profession welcomes such a measure as is now before us in this House. I feel that the bill, while it may not be perfect, is a step in the right direction and I believe if enacted into law will do a great deal to eradicate this lothesome disease with which mankind has been infected during all ages.

On behalf of the Committee on Public Health and Sanitation, and also the Medical Profession of Pennsylvania, I wish it to be made part of the record of this House that the bills for pre-natal and pre-martial tests for syphilis as reported from this Committee were the result of careful research work and are based upon the latest approved methods for the cure and eradication of syphilis. I wish it further to be recorded that the Pennsylvania Medical Society through its legislative committee of which Dr. C. L. Palmer is Chairman and its State Commission on Veneral Diseases of which Dr. Roy Gilman is Chairman, have specifically endorsed these two measures and requested their passage.

Furthermore the State Department of Health, of which Dr. John J. Shaw is Chairman has likewise examined and specifically approved these two pieces of legislation.

I submit to the members of this House, while this bill may not be perfect, it has approval of the best men in the state of Pennsylvania, the best men that the medical profession has to offer in the state, and I say, ladies and gentlemen, that we should consider this bill carefully and pass it as is.

Mr. ANDREWS. Mr. Speaker, I desire to interrogate the gentleman from Washington, Mr. Hindman.

The SPEAKER. Will the gentleman from Washington, permit himself to be interrogated?

Mr. HINDMAN. I will, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, what are the duties and the responsibilities at the present time under the law of a duly licensed physician who has personal knowledge that one of his patients is afflicted with syphilis, which is in an infectious stage.

Mr. HINDMAN. Mr. Speaker, in answer to the gentleman from Cambria, I would say that the medical profession is required to report those cases.

Mr. ANDREWS. Mr. Speaker, I am now raising a question which I submit to the candor of the gentleman from Bucks, that if a physician is now required by law to report these cases, that somewhere a beginning should be made as to the manner of treating them and treating them under compulsion. We cannot go on forever allowing this syphilitic scourge to be a private secret between the physician, his patient and somebody who has filed a report somewhere with the State Health Authorities. As a father, and to those of you who are fathers I appeal on behalf of this amendment, which I repeat simply stipulates that those who apply for a marriage license and who are refused and carry their cases to the State Department of Health, and who are there again refused, should be given compulsory treatment. Only a portion of the population applies for marriage certificates and only a very small portion would possibly have the infection. It would not affect an enormously large group.

Mr. Speaker, I am quite confident that if the Committee on Health and Sanitation opposes this amendment and if able men like the gentleman from Bucks oppose this amendment, we have small chance of putting this amendment through, but I am tired and sick of the practice of treating syphilis as a private matter, I am tired and sick of heart seeing the dilatory methods of handling this greatest of modern sourges, and I say to this House, that if you are ever going to handle this problem of syphilis, somebody, somewhere, sometime, must get hold of it and in manlike fashion, bring it out into the open; quit talking about the poor unfortunates who have acquired syphilis as a result of personal endeavor. My heart goes out to those who are afflicted with syphilis as a result of inheritance and, of course, I want to lessen the number of those who are so afflicted. I have offered this amendment to do something in the case of those who apply for a license to wed and who are refused because of their physical condition.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, realizing the sincerity of the gentleman from Cambria in this particular amendment, I feel that his sincerity has allowed him to run into somewhat of a dilemma. Had he thoroughly investigated the situation he would have found the problem of forced treatment of a syphilitic condition has resulted in just the opposite, namely, the subject will not acquiesce to forced treatment. There are any number of records that could easily become available to the gentleman to prove that in the case of either congenital or acquired syphilis, called to the attention of a physician and reported to the department of Health, while the subject may receive treatment in the clinics of hospitals, he can only become exposed to treatment by handling him in a very delicate manner. Attempting to force attendance at a clinic will probably drive him away from the clinic, with the result that he will not expose himself to treatment.

The amendment that the gentleman has submitted brings about just that condition, only applied a step further, namely, that where the Department of Health has

knowledge of a syphilitic condition in a subject, this bill attempts by legal enactment to make more certain such treatment. Forced treatment has never been the least bit beneficial. The same situation arose in the treatment of tuberculosis and only through the highly developed application of educational means has the problem presented by tuberculosis been solved.

So it is in the treatment of those afflicted with syphilis; only by handling it by proper educational means, can the delicate situation of exposing the patient to forced treatment be overcome, and the subject exposed to the proper type of clinical treatment. I believe that this particular amendment would defeat the entire purpose that the gentleman from Cambria seeks to secure. It would mean that an individual, feeling that he might be afflicted with a syphilitic condition, rather than presenting himself to a local physician in case he wanted to apply for a marriage would go to another jurisdiction in order to secure a marriage license. This act I understand, and I have so learned since yesterday, has been exposed to the very things that I felt it should have been exposed to when I had it placed upon the postponed calendar. I find that this act has been drawn in order to meet the situations that have developed in other jurisdictions where they have similar enactments. I feel, relying on the experience acquired in other jurisdictions and the vast experience that the medical profession has had relative to forced treatment of individuals afflicted with syphilis, that this amendment should not prevail.

Mr. HOMER S. BROWN. Mr. Speaker and members of the House, I am in accord with the amendment inserted by the gentleman from Cambria, Mr. Andrews, and I am perfectly in accord with the provisions of the bill, but I raise this question with the gentleman from Cambria, Mr. Andrews: Whether or not we can use the power of quarantine in special legislation of this kind. Now, the right of quarantine is an extraordinary power, the utilization of certain police powers in municipalities and in the Commonwealth. As I understand this amendment it simply gives the right of quarantine where there is a syphilitic condition that arises by virtue of an application for marriage. It does seem to me that the bill may fall if we insert this amendment. I would be in hearty agreement with the gentleman from Cambria if he can in some way put in a separate bill or amend it so that all persons suffering with syphilis could be quarantined. It does seem to me that it may weaken a good piece of legislation by putting in this special provision which gives the right to quarantine only those people who make an application for marriage, where the condition of syphilis is found to exist.

I merely raise that question with the gentleman from Cambria, so that we may not weaken the bill with what may be a bad legal amendment.

Mr. HOLLAND. Mr. Speaker, I desire to interrogate the gentleman from Washington, Mr. Hindman.

The SPEAKER. Will the gentleman from Washington permit himself to be interrogated?

Mr. HINDMAN. I will, Mr. Speaker.

Mr. HOLLAND. Will the gentleman from Washington, Mr. Hindman, advise the House if the test that is listed on page two of this bill cannot be faked?

Mr. HINDMAN. Mr. Speaker, in answer to the interrogation of the gentleman from Allegheny, Mr. Holland, I would say that that would be possible.

Mr. HOLLAND. Mr. Speaker, will the gentleman from Washington, Mr. Hindman, advise this House if a person who knows he is suffering from syphilis and wishes to pass this test can by means of taking iodine or an excessive amount of alcohol before he goes to take the test have the test show negative?

Mr. HINDMAN. Would you repeat that question again, please?

Mr. HOLLAND. Mr. Speaker, if a person knows he has syphilis and he wants to take the test can he not by means of taking iodine or by the excessive amount of alcohol before the test is taken, have that test show negative?

Mr. HINDMAN. Mr. Speaker, in answer to the gentleman's question, I would say that that would be possible.

Mr. HOLLAND. Mr. Speaker and members of the House, I would just like to point out to this House that I believe that what we are doing in this bill is closing the stable door after the horse has been stolen. I am heartily in accord with the bill, as well as the amendment offered by the gentleman from Cambria, Mr. Andrews, but I do think that a companion bill should be introduced in this House by which treatment can be given to people without cost. One of the greatest obstacles in curing syphilis is the high cost of treating syphilis, and if the state, and particularly this medical association that we have heard so much about, would afford some means of treating these poor unfortunates free of charge, I believe that it would be no time until this disease would be wiped out.

However, I do want to say to this House that this test as given can be faked, and any of you who were members of the A.E.F., who saw some of the large venereal camps in the United States and in France during the war know that in numerous cases the soldiers who wanted to be discharged from these camps did fake these tests. I speak as one who was the commanding officer at one of the largest camps outside of Bordeaux, and I know that on numerous occasions soldiers did take different ingredients that were sent to them from the outside, faked the test and were discharged before they were cured.

Mr. ANDREWS. Mr. Speaker, I beg the indulgence of the House for not more than three minutes.

The SPEAKER. The Chair feels that the subject before the House is of sufficient importance to permit the greatest amount of time for debate and discussion in order that the bill may be in proper form.

Mr. ANDREWS. Mr. Speaker, unfortunately the gentleman from York, I do not believe handled his statistics properly. I know, as a matter of general knowledge, that the Scandinavian countries have moved very aggressively on this syphilis problem, and by forced treatment have practically wiped out syphilis in the Scandinavian countries.

Now I recognize the validity of the objection filed by the gentleman from Allegheny. There has been in the past a more or less unofficial opinion by an Attorney General as to what the State Department of Health could or could not do in the case of this very private personal matter, syphilis, and I would agree that if this amendment that I am proposing should by unexpected good fortune pass this House, if the weight of legal opinion was, after the bill was returned to the Senate, that the proposed

amendment weakened the bill, no one would be more eager than myself to drop the proposed amendment and recede from any action that this House might take, but I would like to have the question raised, the very legal question that the gentleman from Allegheny presents. I would not go the length of passing a questionable bill and then obtaining an opinion from the Attorney General. I would insert this amendment and then consult the weight of legal opinion in this House and in the Senate, and if they said that the proposed amendment vitiated Senate Bill No. 13, as I stated, I would be very glad and eager to recede from my position. So, Mr. Speaker, when we reach the point of voting, I would ask for a roll call.

Mr. KANE. Mr. Speaker and members of the House, it is always with the utmost reluctance that I oppose any amendments offered by my very affable and constructive friend from Cambria, Mr. Andrews, and I think in this case his amendment would actually improve the bill. However, Mr. Speaker, there are some things which we must remember. It has only been in recent months, due to the activities of the Surgeon General of the United States and the Women's Clubs that this subject has even been considered as one which could be talked about freely, and the fact that we have so freely talked about the subject indicates what progress has been made.

The people who have brought this subject to light and have progressed thus far have presented these bills, and they consider they are in proper form. If Senator Wolfenden had not presented these bills in the Senate, Mr. Speaker, I would have done so in the House.

An old friend of mine who was one time Governor of the State used to say to me, "It is one question to have a great abstract and beautiful idea but quite another thing to reduce it to a practical legislative program which can be enacted and which will hold up in court." There are many things which would be improvements on this bill, Mr. Speaker, but would they stand in court? This bill is a bill which has been presented in other states, and which has been upheld in other states, and it would make the law of Pennsylvania the same as the law of other states, so that if amendments are needed later, the same amendments could be enacted in the different states to prevent people from hitch-hiking from one state to another to obtain licenses in the more liberal states, you might say, the same as they now go Nevada for divorce.

The Scandinavian people, it has been stated, made great progress in this matter. That is true, and they had a good reason, for the armies of Scandinavia brought back from Europe, after the Thirty Years' War, the ravages of syphilis which affected their people ever since until they took the method they did.

However, as a person who has made a study to some extent of Scandinavian affairs, because the people in my county are largely Scandinavians, I want to pay them the greatest credit for the things that they have done by the method which we now advocate.

Gentlemen, there is a difference between a radical and a progressive, and this is the difference: A radical favors a wild departure at one stroke; a progressive favors going step by step, so that the final structure will stand.

We have had, Mr. Speaker, a discussion about quarantining these people. I think that is a good idea. If they can not get married when they have syphilis, they should not be allowed to go out and give it to other people.

Mr. Speaker, we also have this question of cost brought out by the gentleman from Allegheny, Mr. Holland. We have heard a very learned discussion in the last few days to the effect that the great Butler Sanitorium perhaps may have to be kept closed for lack of money. Surely the establishment of the principle that we should take care of people at public cost who have tuberculosis is a much older established principle than that we should take care of their marriage engagements; on account of disease they have at the time they propose to marry.

Gentlemen of the House, this bill has been carefully prepared, it has been drawn up by the people who are back of the bill, the Women's Clubs of Pennsylvania; it has been approved by the Medical Association; it likewise has the approval of the Surgeon General of the United States. Gentlemen, while the bill is not perfect, it is a step in the right direction. If we find that this bill will hold then there will be other sessions of the Assembly which will have men at least as able as we have; they will have a chance to further consider this matter and discuss it fairly, and I suggest, members of the House, that we vote down the amendment and put through the bill as a step in the right direction and one that we know is right.

Mr. ANDREWS. I would like to interrogate the gentleman from McKean, Mr. Kane.

The SPEAKER. Will the gentleman from McKean permit himself to be interrogated?

Mr. KANE. I will, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, is it not true that if the proposed amendment, instead of being offered as an amendment to section three, be offered as a new section and adopted, that in the event of the amendments offered as a sparate section are unconstitutional, or in any way invalid, that the new section could be declared invalid without effecting the validity of the statute as a whole?

Mr. KANE. Mr. Speaker, I would say in answer to that question, on a quick glance at the bill, I did not happen to study the latter portion of the bill to see whether it contained the customary clause that if one portion of the bill were held unconstitutional it would not invalidate the whole bill, but I would say in general that that is the case, that a separate section could be offered, as the gentleman has suggested, and if that section were held invalid it would not necessarily invalidate the whole bill; that is true.

Mr. ANDREWS. Mr. Speaker, the gentleman from McKean as a lawyer knows that even though the bill does not carry a section that specifically states that if one section is invalid the whole law would not be invalidated, the court has held that one section may be declared invalid without affecting the law as a whole.

Mr. KANE. Mr. Speaker, the gentleman is correct except for one thing—it has been something over six years since I have actively practiced law and I am not familiar with the latest procedure in courts. However, I would say to the gentleman from Cambria that there are matters on which we should exercise our own judgement and not pass it to the courts, because the courts do some very surprising things, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, what I am asking the gentleman from McKean and the gentleman from Bucks is, whether they would have the same objection, would take the same position, if instead of amending section

three the amendment were offered as a new section to the bill, and then the constitutional authorities on that side of the House could get together and decide whether or not the new section, if invalidated, would in any way affect the integrity of the statute as a whole. I am asking that first of the gentleman from Bucks, Mr. Stockham.

Mr. KANE. Mr. Speaker, the gentleman from Bucks is not under interrogation and if he will permit me I will answer that myself. I am not one of the constitutional authorities on this side of the House.

The SPEAKER. The gentleman from Cambria, Mr. Andrews, desires to interrogate the gentleman from Bucks, Mr. Stockham. Will the gentleman from Cambria accept as a substitute the gentleman from McKean?

Mr. ANDREWS. I will, Mr. Speaker. The gentleman from Bucks is already familiar with the interrogation.

Mr. STOCKHAM. Mr. Speaker, in answer to the question of the gentleman from Cambria, I believe that the position taken by the gentleman from York is sufficient, and that whether this be an amendment to a clause in this bill, or whether it be a separate clause, it still results in the same condition as set forth by the gentleman from York. Therefore, I oppose it and ask the members of the House to vote it down because these bills are based on the practical experience of a number of states who have already enacted a similar bill. New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Kentucky, Illinois, Wisconsin, Michigan and Oregon have similar legislation now on their statute books. West Virginia has just passed this legislation, and Maryland has it before its legislature and so does Ohio. Now, I feel that in view of the enactment of this law by other states, and its enforcement and in view of the care with which this bill has been drawn by the health departments of the various states, that the bill as presently drawn, for the time being at least, is sufficient.

In answer to the position taken by the gentleman from Allegheny relative to the cost, I believe that in this act there is on page two a reference providing for the care of those afflicted who are unable to pay. In addition to that there are clinics in various centers which constantly care for all sorts of diseases, all kinds of cases where those afflicted are unable to pay. I ask, therefore, Mr. Speaker, that we vote down this amendment and that we proceed to a vote on the bill and enact it into law.

Mr. DENMAN. Mr. Speaker, these bills were thoroughly thrashed out in the Senate and present during that process were some of the outstanding syphilologists in this country, one Doctor Clark of New York City; another one, Doctor Stokes of the University of Pennsylvania who has recently written a very illuminating article, I am told, on this very subject. These bills may not be perfect, nor is any other law that has ever been passed by man. As Mr. Kane has stated they are a step in the right direction. The only way that this difficulty can be overcome and brought to the place where it is a protection to the general public is by means of a definite educational program. These bills if passed in this Legislature will be the beginning of a definite educational program not only among the adult population of our State, but extending right down into the public schools. Every person is subject to contamination from some cause or other, and certainly our entire population should be instructed as to the dangers of this disease, and as to what is necessary to overcome it, if they should be so unfortunate as to become infected.

These bills go as far as it is advisable at the present time. The amendment which has been offered will place a person so inflicted, innocently or otherwise, in the position where this infection would become a matter of public record and public knowledge, and would therefore cause him to be held up in his particular community as someone to be avoided so long as he should live, even though he may be an innocent victim.

I am advised by good authority that the opinions of the attorneys general in the past have held that so far as syphilis is concerned, to let it become public knowledge, would tend to lower the standing of the individual in his community, would tend to throw him out of employment even though he was very careful not to endanger others, and it would forever keep him from maintaining any adequate social standing. That would be a great hardship upon a person, especially if he had been innocently afflicted.

I feel that any amendment which might be attempted at this time would only serve to weaken these bills and ruin the very effort which is being made to protect our population. Therefore I ask the members of this House to vote no on this amendment.

Mr. WOODSIDE. Mr. Speaker, this debate has covered the subject pretty well, but I desire to make one or two observations.

In the first place, I feel that it is not good policy for any legislation to go too far in one step. We must proceed, progress, and advance, but we must do it very carefully and considerately. We must educate the people to approve legislation as we go along, and until the people are educated and are ready for legislation, it is useless and foolish for us to put it on the statute books, as has developed very often in the past concerning legislation which we have enacted.

In connection with this particular bill in its present form, I desire to call the attention of the members of this House to the fact that this matter has been very carefully considered by the people who have been most interested in it and by the people who are advocating its passage. The Pennsylvania Federation of Women's Clubs have given this matter very careful consideration, the Medical profession has given it very careful consideration, and I think we ought to take every suggestion as to what is the best step to take and just how far we can go at the present time.

I want to call your attention particularly to the names of the men who attended the meeting in Dr. Shaw's office in connection with this legislation, and who feel that the bills which are now before us in their present form are advisable, and are in the best form that we could hope to have them at the present time.

Dr. Shaw, Secretary of Health of the Commonwealth of Pennsylvania
Dr. Stewart, Deputy Secretary of Health
Dr. Campbell, Director of Bureau of Health Conservation.
Dr. Everhart, Director of Division of Syphilis and Genitoinfectious diseases
Dr. Clarke, New York City, American Social Hygiene Association
Dr. Palmer, Pittsburgh, Legislative Chairman, Medical Society of the State of Pennsylvania
Dr. Gilman, Philadelphia, Chairman of the Commis-

sion on Venereal diseases, Medical Society of the State of Pennsylvania

Dr. Perry, Harrisburg, Secretary of the Medical Society of the State of Pennsylvania

Dr. Stokes, Philadelphia, Professor, University of Pennsylvania

Dr. Stengel, Philadelphia, Vice-President in Charge of Medical Affairs, University of Pennsylvania

Dr. Klauder, Philadelphia, syphilologist, Post Graduate Medical School and Woman's College of University of Pennsylvania

Dr. Knowles, Philadelphia, syphilologist, Clinic of Pennsylvania Hospital (oldest hospital in Pennsylvania)

Dr. Krumbar, Philadelphia

Dr. Hess, Erie

Dr. Jacobs, Pittsburgh

Dr. Price

Dr. Anderson

All of whom are recognized as outstanding men on the subject before us in the Commonwealth of Pennsylvania and in fact in the eastern part of the United States.

These men gave this matter careful consideration. In view of the consideration and the study that was given to this subject by these men, as well as by the associations that have been called to your attention by the previous members, who took part in this debate, I think that the amendments should be voted down and that we should pass these bills in their present form.

Mr. ROSE. Mr. Speaker, I would like to interrogate my colleague from Cambria, Mr. Andrews.

The SPEAKER. Will the gentleman from Cambria permit himself to be interrogated?

Mr. ANDREWS. I will, Mr. Speaker.

Mr. ROSE. Mr. Speaker, I would like to inquire of the gentleman from Cambria whether this proposed quarantine would apply only in the case of an individual who has taken an appeal to the Department of Health as provided for in the first part of section 3 which is sought to be amended.

Mr. ANDREWS. Mr. Speaker, my understanding of the amendment is that it would apply only in the case of those who have taken an appeal to the Department of Health, and whose physical status has therefore become a matter of official knowledge in the Department of Health.

Mr. ROSE. Mr. Speaker and members of the House, I find myself in sympathy with the passing of this amendment, I find myself in sympathy with the purpose of this amendment and I would like to see a provision to effectuate this purpose put in the bill. However, I can not bring myself to vote for an amendment which is so limited in its scope as to apply only to a person who has taken an appeal to the Department of Health and loses that appeal. Therefore, reluctantly I express my intention to vote against the amendment.

Mr. AUKER. Mr. Speaker and members of the House, I was going to vote for this amendment because I believe that the subject is of such importance that certain compulsions should be necessary.

However, with the greatest respect for my colleague from Westmoreland County, Mr. Denman, the point raised by his tact has changed my mind, and I am now going to vote against the amendment.

I do want to add one thing in furtherance of this bill. I am speaking now from a different point than has been raised so far, and that is from the viewpoint of juvenile delinquency. Senate Bill No. 12 provides for pre-marital and pre-natal examination. If that bill is passed, to my mind, from the study which I have made and from the experience I have had in working with boys and girls in my own county in the prevention of juvenile blindness and the prevention of feeble minded children who go out of our schools and become potential criminals, I believe we are striking at the very root of this great problem of juvenile delinquency by passing these two bills. I want to bring to the attention of the House the fact that Senate Bill No. 12 does provide for such remedies that will greatly, to my mind, cure juvenile delinquency, by providing for pre-marital and pre-natal examination.

I intend to vote for both bills, but I intend to vote against the amendment because I believe at this time, from the arguments given by Mr. Denman, that it is going a little bit too far, and will probably cause more harm than it will do good.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. Andrews and Mr. Achterman and were as follows:

YEAS—29

Achterman,	Falkenstein,	Reynolds,	Sweeney,
Allen,	Furman,	Rhodes,	Tahl,
Andrews,	Harkins,	Rider,	Tarr,
Baker,	Holland,	Scanlon,	Tronzo,
Boles,	Kenehan,	Schrope,	Welsh, E. B.,
Brancato,	Malone,	Shaw,	Welsh, M. J.,
Burns,	Moran,	Stank,	Westrick,
Chervenak,			

NAYS—139

Ackermann,	Eckels,	Kane,	Roseberry,
Alspach,	Ely,	Kilroy,	Royer,
Auker,	Ewing,	Kline,	Sarge,
Balliet,	Fauset,	Knoble,	Sarraf,
Balthaser,	Finnerty,	Kowalski,	Schrock,
Bardes,	Fisher,	Krise,	Schwab,
Bennett,	Fiss,	Lee,	Seif,
Boorse,	Flanagan,	Leisey,	Serrill,
Boose,	Fleming,	Levy,	Shearer,
Boyd,	Foor,	Leydic,	Simons,
Bretherick,	Freed,	Lichtenwalter,	Sloan,
Broad,	Fullerton,	Marr,	Snyder,
Bronson,	Gates,	Matthews,	Sollenberger,
Brown, H. S.,	Gillan,	McClester,	Stambaugh,
Brown, S. W.,	Gillette,	McGarrity,	Stewart,
Brunner,	Goll,	McKinney,	Stockham,
Burris,	Gorski,	McNally,	Taylor,
Cadwalader,	Habbyshaw,	McVay,	Thistle,
Calvin,	Haines,	Melchiorre,	Thompson, G. R.,
Carpenter,	Hall,	Mihm,	Tiemann,
Check,	Hamilton,	Montgomery,	VanAllsburg,
Christler,	Harbeson,	Moser, F. S.,	Voorhees,
Clark,	Haudenshield,	Moser, J. L.	Wagner,
Clearwater,	Henry,	Muir,	Watkins,
Cohen, H. B.,	Hess,	O'Dare,	Webster,
Cooper,	Hewitt,	Peacock,	Wilkinson,
Cordier,	Hindman,	Peale,	Wilson,
Cortese,	Hocke,	Preston,	Winner,
Curran,	Hoffman, J. N.,	Readinger,	Wood, H. M.,
Dalrymple,	Hoffman, S. K.,	Reese, D. P.,	Wood, L. H.,
Denman,	Hoyt,	Regan,	Wood, N.,
Dick,	Huntley,	Riley,	Woodside,
Donahue,	James,	Robertson,	Yeakel,
Donohoe,	Johnston,	Rooney,	Turner,
Downey,	Jones,	Rose,	Speaker.

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The fourth to the seventh sections inclusive, and title were separately read and agreed to as follows:

Section 4 The statements of the physician who examined the applicant and the laboratory which made the serological test shall be uniform throughout the State and

shall be upon forms provided therefor by the State Department of Health These forms shall be filed by the clerk of the orphans' court separately from the applications for marriage licenses and shall be regarded as absolutely confidential by any and every person whose duty it may be to obtain make transmit or receive such information or report

Section 5 Any applicant for a marriage license physician or representative of a laboratory who shall misrepresent any of the facts prescribed by this act or any licensing officer failing to receive the statements prescribed by this act or who shall have reason to believe that any of the facts thereon have been misrepresented and shall nevertheless issue a marriage license or any person who shall disregard the confidential character of the information or reports required by this act or any other person who shall otherwise fail to comply with the provisions of this act shall upon conviction thereof in a summary proceeding before any justice of the peace or alderman of the county wherein such offense was committed be sentenced to pay a fine of not less than twenty dollars ($20.00) nor more than one hundred dollars ($100.00) to be paid to the use of said county and the costs of prosecution and upon failure to pay such fine and costs shall be imprisoned not less than ten (10) nor more than thirty (30) days

Section 6 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed Provided That nothing in this act shall be construed to repeal the provisions of section four of the act approved the twenty-fourth day of July one thousand nine hundred and thirteen (Pamphlet Laws 1013) which provides for a hearing by the orphans' court in those cases when the right to a license is not made to appear

Section 7 This act shall become effective one (1) year after final enactment

An Act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

STATEMENT BY SPEAKER

The SPEAKER. The Chair again desires to compliment the members of the House upon the high plane on which the debate on this amendment was kept, in spite of the fact that there has been a lot of publicity given to the subject and the fact that it is a delicate subject to handle.

The Chair congratulates the members on the manner in which the arguments were handled in the debate, and the manner in which the subject was approached. It is a source of great satisfaction to the Chair, and I know it must be to the members, when a debate is kept on the plane on which this debate was kept on a subject of as great vital importance to the public as this subject is.

BILL ON SECOND READING

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. WOODSIDE.

The House resumed the consideration on second reading of House Bill No. 667, (Senate Bill No. 12), entitled:

An Act for the prevention of congenital syphilis providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and still-birth certificates of their children imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

RESOLUTION

RECALLING HOUSE BILL NO. 199 FROM THE GOVERNOR

Mr. HAMILTON offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 5, 1939.

Resolved (if the Senate concur), that House Bill No. 199, Printer's No. 57, entitled "An act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon," be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

The SPEAKER. The Chair requests the gentleman from Greene, Mr. Furman, to preside.

MR. FURMAN IN THE CHAIR

BILLS PASSED OVER

There being no objection House Bill No. 598 Printer's No. 215 was passed over at the request of Mr. WAGNER.

There being no objection House Bill No. 276 Printer's No. 180 was passed over at the request of Mr. HABBY-SHAW.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 304, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by adding thereto section fifty-seven and one-tenth; requiring county officers in counties of the sixth class to keep separate from their personal accounts all fees, costs and other moneys paid into their office, and to turn such moneys not paid to parties entitled thereto over to their successor.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Downey,	Lee,	Sarge,
Ackermann,	Eckels,	Leisey,	Sarraf,
Allen,	Ely,	Levy,	Scanlon,
Alspach,	Ewing,	Leydic,	Schrock,
Andrews,	Falkenstein,	Lichtenwalter,	Schropp,
Atkins,	Fauset,	Long,	Schwab,
Auker,	Finnerty,	Lyons,	Seif,
Baker,	Fisher,	Madden,	Serrill,
Balliet,	Fiss,	Malloy,	Shaw,
Balthaser,	Flanagan,	Malone,	Shearer,
Bardes,	Fleming,	Marr,	Simons,
Bennett,	Foor,	Matthews,	Skale,
Bohn,	Freed,	McClester,	Sloan,
Boies,	Fullerton,	McGarrity,	Snyder,
Boney,	Furman,	McKinney,	Sollenberger,
Boorse,	Gates,	McLane,	Stambaugh,
Boose,	Gillan,	McNally,	Stank,
Bower,	Gillette,	McVay,	Stewart,

Boyd,	Goll,	Melchiorre,	Stockham,
Brancato,	Gorski,	Mihm,	Sweeney,
Bretherick,	Habbyshaw,	Montgomery,	Tahl,
Broad,	Haines,	Mooney,	Tarr,
Bronson,	Hall,	Moran,	Taylor,
Brown, H. S.,	Hamilton,	Moser, F. S.,	Terry,
Brown, S. W.,	Harbeson,	Moser, J. L.,	Thistle,
Brunner,	Harkins,	Muir,	Thompson, E. F
Burns,	Haudenshield,	Munley,	Thompson, G. R
Cadwalader,	Henry,	O'Brien,	Tiemann,
Calvin,	Hess,	O'Dare,	Tronzo,
Carpenter,	Hewitt,	O'Keefe,	Trout,
Check,	Hindman,	O'Neill,	VanAllsburg,
Chervenak,	Hocke,	Peacock,	Voorhees,
Christler,	Hoffman, J. N.,	Peale,	Wagner,
Clark,	Hoffman, S. K.,	Preston,	Walsh,
Clearwater,	Holland,	Readinger,	Watkins,
Cohen, H. B.,	Hoyt,	Reagan,	Webster,
Cook,	Huntley,	Reese, D. P.,	Welsh, E. B.,
Cooper,	James,	Reese, R. E.	Welsh, M. J.,
Cordier,	Jirolanio,	Regan,	Westrick,
Corrigan,	Johnston,	Reynolds,	Wilkinson,
Cortese,	Jones,	Rhodes,	Williams,
Curran,	Kane,	Rider,	Wilson,
Dalrymple,	Keenan,	Riley,	Winner,
Denman,	Kenehan	Robertson,	Wood, H. M.,
DeNote,	Kilroy,	Rose,	Wood, L. H.,
Dick,	Kline,	Roseberry,	Wood, N.,
Dix,	Knoble,	Rosenfeld,	Woodside,
Donahue,	Kowalski,	Rothenberger,	Yeakel,
Donohoe,	Krise,	Royer,	Turner,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 684, entitled:

An Act to further amend section ten of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State Employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by making further provision for credits on account of services rendered prior to the thirty-first day of December, one thousand nine hundred and twenty-three.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Downey,	Lee,	Sarge,
Ackermann,	Eckels,	Leisey,	Sarraf,
Allen,	Ely,	Levy,	Scanlon,
Alspach,	Ewing,	Leydic,	Schrock,
Andrews,	Falkenstein,	Lichtenwalter,	Schrope,
Atkins,	Fauset,	Long,	Schwab,
Auker,	Finnerty,	Lyons,	Seif,
Baker,	Fisher,	Madden,	Serrill,
Balliet,	Fiss,	Malloy,	Shaw,
Balthaser,	Flanagan,	Malone,	Shearer,
Bardes,	Fleming,	Marr,	Simons,
Bennett,	Foor,	Matthews,	Skale,
Bohn,	Freed,	McClester,	Sloan,
Boles,	Fullerton,	McGarrity,	Snyder,
Boney,	Furman,	McKinney,	Sollenberger,
Boorse,	Gates,	McLane,	Stambaugh,
Boose,	Gillan,	McNally,	Stank,
Bower,	Gillette,	McVay,	Stewart,
Boyd,	Goll,	Melchiorre,	Stockham,
Brancato,	Gorski,	Mihm,	Sweeney,
Bretherick,	Habbyshaw,	Montgomery,	Tarr,
Broad,	Haines,	Mooney,	Tarr,
Bronson,	Hall,	Moran,	Taylor,
Brown, H. S.,	Hamilton,	Moser, F. S.,	Terry,
Brown, S. W.,	Harbeson,	Moser, J. L.,	Thistle,
Brunner,	Harkins,	Muir,	Thompson, E. F.,
Burns,	Haudenshield,	Munley,	Thompson, G.R.,
Cadwalader,	Henry,	O'Brien,	Tiemann,
Calvin,	Hess,	O'Dare,	Tronzo,
Carpenter,	Hewitt,	O'Keefe,	Trout,
Check,	Hindman,	O'Neill,	Van Allsburg,
Chervenak,	Hocke,	Peacock,	Voorhees,
Christler,	Hoffman, J. N.,	Peale,	Wagner,
Clark,	Hoffman, S. K.,	Preston,	Walsh,
Clearwater,	Holland,	Readinger,	Watkins,
Cohen, H. B.,	Hoyt,	Reagan,	Webster,
Cook,	Huntley,	Reese, D. P.,	Welsh, E. B.,
Cooper,	James,	Reese, R. E.	Welsh, M. J.,
Cordier,	Jirolanio,	Regan,	Westrick,
Corrigan,	Johnston,	Reynolds,	Wilkinson,
Cortese,	Jones,	Rhodes,	Williams,
Curran,	Kane,	Rider,	Wilson,
Dalrymple,	Keenan,	Riley,	Winner,
Denman,	Kenehan	Robertson,	Wood, H. M.,
DeNote,	Kilroy,	Rose,	Wood, L. H.,
Dick,	Kline,	Roseberry,	Wood, N.,
Dix,	Knoble,	Rosenfeld,	Woodside,
Donahue,	Kowalski,	Rothenberger,	Yeakel,
Donohoe,	Krise,	Royer,	Turner,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 300, entitled:

An Act to amend clause nineteen of section one thousand five hundred two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by making provision for adoption of standard building codes; and dispensing with the publishing of such codes in full.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Downey,	Lee,	Sarge,
Ackermann,	Eckels,	Leisey,	Sarraf,
Allen,	Ely,	Levy,	Scanlon,
Alspach,	Ewing,	Leydic,	Schrock,
Andrews,	Falkenstein,	Lichtenwalter,	Schrope,
Atkins,	Fauset,	Long,	Schwab,
Auker,	Finnerty,	Lyons,	Seif,
Baker,	Fisher,	Madden,	Serrill,
Balliet,	Fiss,	Malloy,	Shaw,
Balthaser,	Flanagan,	Malone,	Shearer,
Bardes,	Fleming,	Marr,	Simons,
Bennett,	Foor,	Matthews,	Skale,
Bohn,	Freed,	McClester,	Sloan,
Boles,	Fullerton,	McGarrity,	Snyder,
Boney,	Furman,	McKinney,	Sollenberger,
Boorse,	Gates,	McLane,	Stambaugh,
Boose,	Gillan,	McNally,	Stank,
Bower,	Gillette,	McVay,	Stewart,

Boyd,	Goll,	Melchiorre,	Stockham,
Brancato,	Gorski,	Mihm,	Sweeney,
Bretherick,	Habbyshaw,	Montgomery,	Tahl,
Broad,	Haines,	Mooney,	Tarr,
Bronson,	Hall,	Moran,	Taylor,
Brown, H. S.,	Hamilton,	Moser, F. S.,	Terry,
Brown, S. W.,	Harbeson,	Moser, J. L.	Thistle,
Brunner,	Harkins,	Muir,	Thompson, E. F.,
Burns,	Haudenshield,	Munley	Thompson, G. R.,
Cadwalader,	Henry,	O'Brien,	Tiemann,
Calvin,	Hess,	O'Dare,	Tronzo,
Carpenter,	Hewitt,	O'Keefe,	Trout,
Check,	Hindman,	O'Neill,	VanAllsburg,
Chervenak,	Hocke,	Peacock,	Voorhees,
Christler,	Hoffman, J. N.,	Peale,	Wagner,
Clark,	Hoffman, S. K.,	Preston,	Walsh,
Clearwater,	Holland,	Readinger,	Watkins,
Cohen, H. B.	Hoyt,	Reagan,	Webster,
Cook,	Huntley,	Reese, D. P.,	Welsh, E. B.,
Cooper,	James,	Reese, R. E.	Welsh, M. J.,
Cordier,	Jirolanio,	Regan,	Westrick,
Corrigan,	Johnston,	Reynolds,	Wilkinson,
Cortese,	Jones,	Rhodes,	Wilson,
Curran,	Kane,	Rider,	Winner,
Dalrymple,	Keenan,	Riley,	Wood, H. M.,
Denman,	Kenehan,	Robertson,	Wood, L. H.,
DeNote,	Kilroy,	Rose,	Wood, N.,
Dick,	Kline,	Roseberry,	Woodside,
Dix	Knoble,	Rosenfeld,	Yeakel,
Donahue,	Kowalski,	Rothenberger,	Turner.
Donohoe,	Krise,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 353, entitled:

A Joint Resolution Proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania by adding thereto section six A

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. KANE. Mr. Speaker and members of the House, it is with great reluctance that I address the House so many times in the one day. However, this bill by Mr. McKinney contains a very vital point which is of great importance.

You are probably all familiar with the fact that the Constitution requires certain things to be done under the law by juries. The interpretation of Constitution and the correct one, I believe, is that the decisions of those juries must be unanimous because that is the ancient law.

However, Mr. Speaker, in civil cases, which is what this resolution covers, where only right of property and other things of that sort are covered by the decision, it seems only right and reasonable that a five-sixths vote which is proposed by this Resolution should be sufficient. In other words, if ten jurors out of the twelve are convinced, that should be sufficient.

Members of the House, let me call your attention to the fact that the Constitution of the United States, for example, can be amended by a three-fourths vote, even the most important decisions in the State Courts are often reached by a two-thirds vote, and the laws themselves on which these decisions are based are passed by only a majority vote of the Assembly, it is only reasonable that in civil cases at least ten out of twelve men should be able to reach a decision. It would speed up the courts of justice tremendously. You all know from practical experience that as a matter of fact it is impossible for twelve men to reach a unanimous decision on all parts of any question. The only result is when one or two men are obstinate and unreasonable in their views, ten or eleven men must give way to the one or two who are unreasonable or obstinate. Surely this resolution does not go too far in requiring five-sixths of those on a jury to agree. It is more than reasonable and it will accomplish a great deal in the general cause of speeding up justice, and give the people economic decisions in their disputes if we pass this resolution and the Senate will do so, and it becomes a part of the Constitution.

I think Mr. McKinney has done a very constructive thing and I urge the members to vote "aye" on this Resolution.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eckels,	Knoble,	Roseberry,
Ackermann,	Ely,	Leydic,	Sarraf,
Allen,	Ewing,	Lichtenwalter,	Scanlon,
Alspach,	Falkenstein,	Long,	Schrock,
Andrews,	Fauset,	Lyons,	Schrope,
Atkins,	Finnerty,	Madden,	Schwab,
Auker,	Fisher,	Malloy,	Seif,
Baker,	Fiss,	Malone,	Serrill,
Balliet,	Flanagan,	Marr,	Shaw,
Balthaser,	Fleming,	Matthews,	Shearer,
Bardes,	Foor,	McClester,	Simons,
Bennett,	Freed,	McGarrity,	Skale,
Bohn,	Fullerton,	McKinney,	Sloan,
Boles,	Furman,	McLane,	Snyder,
Boney,	Gates,	McNally,	Sollenberger,
Boorse,	Gillan,	McVay,	Stambaugh,
Boose,	Gillette,	Melchiorre,	Stank,
Bower,	Goll,	Mihm,	Stewart,
Boyd,	Gorski,	Montgomery,	Stockham,
Brancato,	Habbyshaw,	Mooney,	Sweeney,
Bretherick,	Haines,	Moran,	Tahl,
Broad,	Hall,	Moser, F. S.,	Tarr,
Bronson,	Hamilton,	Moser, J. L.	Taylor,
Brown, H. S.,	Harbeson,	Muir,	Terry,
Brown, S. W.,	Harkins,	Munley,	Thistle,
Brunner,	Haudenshield,	O'Brien,	Thompson, E. F.,
Burns,	Henry,	O'Dare,	Thompson, G. R.,
Burris,	Hess,	O'Keefe,	Tiemann,
Cadwalader,	Hewitt,	O'Neill,	Tronzo,
Calvin,	Hindman,	Peacock,	Trout,
Carpenter,	Hocke,	Peale,	VanAllsburg,
Check,	Hoffman, J. N.,	Powers,	Voorhees,
Chervenak,	Hoffman, S. K.,	Preston,	Wagner,
Christler,	Holland,	Readinger,	Walsh,
Clark,	Hoyt,	Reagan,	Watkins,
Clearwater,	Huntley,	Reese, D. P.,	Webster,
Cohen, H. B.,	James,	Reese, R. E.	Welsh, E. B.,
Cook,	Jirolanio,	Regan,	Welsh, M. J.,
Cooper,	Johnston,	Reynolds,	Westrick,
Cordier,	Jones,	Rhodes,	Wilkinson,
Corrigan,	Kane,	Rider,	Williams,
Cortese,	Keenan,	Riley,	Wilson,
Curran,	Kenehan,	Robertson,	Winner,
Dalrymple,	Kilroy,	Rooney,	Wood, H. M.,
Denman,	Kline,	Rose,	Wood, L. H.,
DeNote,	Kowalski,	Rosenfeld,	Woodside,
Dick,	Krise,	Rothenberger,	Yeakel,
Dix,	Lee,	Royer,	Turner.
Donahue,	Leisey,	Sarge,	Speaker.
Donohoe,	Levy,	Wood, N.,	
Downey,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 498, entitled:

An Act to amend sections two and five of the act approved the first day of July one thousand nine hundred nineteen (Pamphlet Laws 717) entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" further regulating the term of office of such officers and employes

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Downey,	Leisey,	Sarraf,
Ackermann,	Eckels,	Levy,	Scanlon,
Allen,	Ely,	Leydic,	Schrock,
Alspach,	Ewing,	Lichtenwalter,	Schrope,
Andrews,	Falkenstein,	Long,	Schwab,
Atkins,	Fauset,	Lyons,	Seif,
Auker,	Finnerty,	Madden,	Serrill,
Baker,	Fisher,	Malloy,	Shaw,
Balliet,	Fiss,	Malone,	Shearer,
Balthaser,	Flanagan,	Marr,	Simons,
Bardes,	Fleming,	Matthews,	Skale,
Bennett,	Foor,	McClester,	Sloan,
Bohn,	Freed,	McGarrity,	Snyder,
Boies,	Fullerton,	McKinney,	Sollenberger,
Boney,	Furman,	McLane,	Stambaugh,
Boorse,	Gates,	McNally,	Stank,
Boose,	Gillan,	McVay,	Stewart,
Bower,	Gillette,	Melchiorre,	Stockham,
Boyd,	Goll,	Mihm,	Sweeney,
Brancato,	Gorski,	Montgomery,	Tahl,
Bretherick,	Habbyshaw,	Mooney,	Tarr,
Broad,	Haines,	Moran,	Taylor,
Bronson,	Hall,	Moser, F. S.,	Terry,
Brown, H. S.,	Hamilton,	Moser, J. L.	Thistle,
Brown, S. W.,	Harbeson,	Muir,	Thompson, E. F.,
Brunner,	Harkins,	Munley,	Thompson, G.R.,
Burns,	Haudenshield,	O'Brien,	Tiemann,
Burris,	Henry,	O'Dare,	Tronzo,
Cadwalader,	Hess,	O'Keefe,	Trout,
Calvin,	Hewitt,	O'Neill,	VanAllsburg,
Carpenter,	Hindman,	Peacock,	Voorhees,
Check,	Hocke,	Peale,	Wagner,
Chervenak,	Hoffman, J. N.,	Preston,	Walsh,
Christler,	Hoffman, S. K.,	Readinger,	Watkins,
Clark,	Holland,	Reagan,	Webster,
Clearwater,	Hoyt,	Reese, D. P.,	Welsh, E. B.,
Cohen, H. B.,	Huntley,	Reese, R. E.,	Welsh, M. J.,
Cook,	James,	Regan,	Westrick,
Cooper,	Jirolanio,	Reynolds,	Wilkinson,
Cordier,	Johnston,	Rhodes,	Williams,
Corrigan,	Jones,	Rider,	Wilson,
Cortese,	Kane,	Riley,	Winner,
Curran,	Keenan,	Robertson,	Wood, H. M.,
Dalrymple,	Kenehan,	Rooney,	Wood, L. H.,
Denman,	Kilroy,	Rose,	Wood, N.,
DeNote,	Kline,	Roseberry,	Woodside,
Dick,	Knoble,	Rosenfeld,	Yeakel,
Dix,	Kowalski,	Rothenberger,	Turner,
Donahue,	Krise,	Royer,	Speaker.
Donohoe,	Lee,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Greene, Mr. Furman, for presiding.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 470, entitled:

An Act to amend sections twenty-seven and twenty-eight of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," by providing for the transfer of the registration of electors without personal appearance, upon change of residence from a borough, town or township to a city of the third class in the same county; and authorizing the registration commission to amend the registers for such boroughs, towns, townships and cities accordingly.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Downey,	Leisey,	Sarraf,
Ackermann,	Eckels,	Levy,	Scanlon,
Allen,	Ely,	Leydic,	Schrock,
Alspach,	Ewing,	Long,	Schrope,
Andrews,	Falkenstein,	Lyons,	Schwab,
Atkins,	Fauset,	Madden,	Seif,
Auker,	Finnerty,	Malloy,	Serrill,
Baker,	Fisher,	Malone,	Shaw,
Balliet,	Fiss,	Marr,	Shearer,
Balthaser,	Flanagan,	Matthews,	Simons,
Bardes,	Fleming,	McClester,	Skale,
Bennett,	Foor,	McGarrity,	Sloan,
Bohn,	Fullerton,	McKinney,	Snyder,
Boies,	Furman,	McLane,	Sollenberger,
Boney,	Gates,	McNally,	Stambaugh,
Boorse,	Gillan,	McVay,	Stank,
Boose,	Gillette,	Melchiorre,	Stewart,
Bower,	Goll,	Mihm,	Stockham,
Boyd,	Gorski,	Montgomery,	Sweeney,
Brancato,	Habbyshaw,	Mooney,	Tahl,
Bretherick,	Haines,	Moran,	Tarr,
Broad,	Hall,	Moser, F. S.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.,
Brunner,	Haudenshield,	O'Dare,	Thompson, G.R.,
Burns,	Henry,	O'Keefe,	Tiemann,
Burris,	Hess,	O'Neill,	Tronzo,
Cadwalader,	Hewitt,	Peacock,	Trout,
Calvin,	Hindman,	Peale,	VanAllsburg,
Carpenter,	Hocke,	Preston,	Voorhees,
Check,	Hoffman, J. N.,	Readinger,	Wagner,
Chervenak,	Hoffman, S. K.,	Reagan,	Walsh,
Christler,	Holland,	Reese, D. P.,	Watkins,
Clark,	Hoyt,	Reese, R. E.	Webster,
Clearwater,	Huntley,	Regan,	Welsh, E. B.,
Cohen, H. B.,	James,	Reynolds,	Welsh, M. J.,
Cook,			

Cooper,	Jirolanio,	Rhodes,	Westrick,
Cordier,	Johnston,	Rider,	Wilkinson,
Corrigan,	Jones,	Riley	Williams,
Cortese,	Kane,	Robertson,	Wilson,
Curran,	Keenan,	Rooney,	Winner.
Dalrymple,	Kenehan	Rose,	Wood, H. M.,
Denman,	Kilroy,	Roseberry,	Wood, L. H.,
DeNote,	Kline,	Rosenfeld,	Wood, N.,
Dick,	Knoble,	Rothenberger,	Woodside,
Dix,	Kowalski,	Royer,	Yeakel,
Donahue,	Krise,	Sarge,	Turner.
Donohoe,	Lee,		Speaker.

NAYS—3

Freed,	Lichtenwalter,	Moser, J. L.,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 533 Printer's No. 188 was passed over at the request of Mr. SNYDER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 254, entitled:

An Act to amend section one thousand two hundred seven of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for compensation for services rendered by constables and their deputies.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Downey,	Leisey,	Sarraf,
Ackermann,	Eckels,	Levy,	Scanlon,
Allen,	Ely,	Leydic,	Schrock,
Alspach,	Ewing,	Lichtenwalter,	Schrope,
Andrews,	Falkenstein,	Long,	Schwab,
Atkins,	Fauset,	Lyons,	Seif,
Auker,	Finnerty,	Madden,	Serrill,
Baker,	Fisher,	Malloy,	Shaw,
Balliet,	Fiss,	Malone,	Shearer,
Balthaser,	Flanagan,	Marr,	Simons,
Bardes,	Fleming,	Matthews,	Skale,
Bennett,	Foor,	McClester,	Sloan,
Bohn,	Freed,	McGarrity,	Snyder,
Boles,	Fullerton,	McKinney,	Sollenberger,
Boney,	Furman,	McLane,	Stambaugh,
Boorse,	Gates,	McNally,	Stank,
Boose,	Gillan,	McVay,	Stewart,
Bower,	Gillette,	Melchiorre,	Stockham,
Boyd,	Goll,	Mihm,	Sweeney,
Brancato,	Gorski,	Montgomery,	Tahl,
Bretherick,	Habbyshaw,	Mooney,	Tarr,
Broad,	Haines,	Moser, F. S.,	Taylor,
Bronson,	Hall,	Moser, J. L.,	Terry,
Brown, H. S.,	Hamilton,	Muir,	Thistle,
Brown, S. W.,	Harbeson,	Munley,	Thompson, E. F.,
Brunner,	Harkins,	O'Brien,	Thompson, G. R.,
Burns,	Haudenshield,	O'Dare,	Tiemann,
Burris,	Henry,	O'Keefe,	Tronzo,
Cadwalader,	Hess,	O'Neill,	Trout,
Calvin,	Hewitt,	Peacock,	VanAllsburg,
Carpenter,	Hindman,	Peale,	Voorhees,
Check,	Hocke,	Preston,	Wagner,
Chervenak,	Hoffman, J. N.,	Readinger,	Walsh,
Christler,	Hoffman, S. K.,	Reagan,	Watkins,
Clark,	Holland,	Reese, D. P.,	Webster,
Clearwater,	Hoyt,	Reese, R. E.,	Welsh, E. E.,
Cohen, H. B.,	Huntley,	Regan,	Welsh, M. J.,
Cook,	James,	Reynolds,	Westrick,
Cooper,	Jirolanio,	Rhodes,	Wilkinson,
Cordier,	Johnston,	Rider,	Williams,
Corrigan,	Jones,	Riley	Wilson,
Cortese,	Kane,	Robertson,	Winner,
Curran,	Keenan,	Rooney,	Wood, H. M.,
Dalrymple,	Kenehan	Rose,	Wood, L. H.,
Denman,	Kilroy,	Roseberry,	Wood, N.,
DeNote,	Kline,	Rosenfeld,	Woodside,
Dick,	Knoble,	Rothenberger,	Yeakel,
Dix,	Kowalski,	Royer,	Turner,
Donahue,	Krise,	Sarge,	Speaker.
Donohoe,	Lee,		

NAYS—1

Moran,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 256, entitled:

An Act to amend clause four of subsection (b) of section nine hundred thirteen of the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the filing fee for certain nomination petitions

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eckels,	Levy,	Sarraf,
Ackermann,	Ely,	Leydic,	Scanlon,
Allen,	Ewing,	Lichtenwalter,	Schrock,
Alspach,	Falkenstein,	Long	Schrope,
Andrews,	Fauset,	Lyons,	Schwab,
Atkins,	Finnerty,	Madden,	Seif,
Auker,	Fisher,	Malloy,	Serrill,
Baker,	Fiss,	Malone,	Shaw,
Balliet,	Flanagan,	Marr,	Shearer,
Balthaser	Fleming,	Matthews,	Simons,
Bardes,	Foor,	McClester,	Skale,
Bennett,	Freed,	McGarrity,	Sloan,
Bohn,	Fullerton,	McKinney,	Snyder,
Boles,	Furman,	McLane,	Sollenberger,
Boney,	Gates,	McNally,	Stambaugh,
Boorse,	Gillan,	McVay,	Stank,
Boose,	Gillette,	Melchiorre,	Stewart,
Bower,	Goll,	Mihm,	Stockham,
Boyd,	Gorski,	Montgomery,	Sweeney,
Brancato,	Habbyshaw,	Mooney,	Tahl,

Bretherick,	Haines,	Moran,	Tarr,
Broad,	Hall,	Moser, F. S.,	Taylor,
Bronson,	Hamilton,	Moser, J. L.,	Terry,
Brown, H. S.,	Harbeson,	Muir,	Thistle,
Brunner,	Harkins,	Munley,	Thompson, E. F.,
Burns,	Haudenshield,	O'Brien,	Thompson, G. R.,
Burris,	Henry,	O'Dare,	Tiemann,
Cadwalader,	Hess,	O'Keefe,	Tronzo,
Calvin,	Hewitt,	O'Neill,	Trout,
Carpenter,	Hindman,	Peacock,	VanAllsburg,
Check,	Hocke,	Peale,	Voorhees,
Chervenak,	Hoffman, J. N.,	Preston,	Wagner,
Christler,	Hoffman, S. K.,	Readinger,	Walsh,
Clark,	Holland,	Reagan,	Watkins,
Clearwater,	Hoyt,	Reese, D. P.,	Webster,
Cohen, H. B.,	Huntley,	Reese, R. E.	Welsh, E. B.,
Cook,	James,	Regan,	Welsh, M. J.,
Cooper,	Jirolanio,	Reynolds,	Westrick,
Cordier,	Johnston,	Rhodes,	Wilkinson,
Corrigan,	Jones,	Rider,	Williams,
Cortese,	Kane,	Riley	Wilson,
Curran,	Keenan,	Robertson,	Winner,
Dalrymple,	Kenehan	Rooney,	Wood, H. M.,
Denman,	Kilroy,	Rose,	Wood, L. H.,
DeNote,	Kline,	Roseberry,	Wood, N.,
Dick,	Knoble,	Rosenfeld,	Woodside,
Dix,	Kowalski,	Rothenberger,	Yeakel,
Donahue,	Krise,	Royer,	Turner,
Donohoe,	Lee,	Sarge,	Speaker.
Downey,	Leisey,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 632, entitled:

An Act to amend section ten of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamplet Laws 1011) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March Anno Domini one thousand nine hundred and one creating a department of city planning providing for its organization and powers regulating the platting of ground prohibiting the recording of plans and sales of lots therein before their approval under penalties making it a misdemeanor for the recorder of deeds to record an unapproved plan restricting accepting laying out opening and improving private streets prohibiting the erection of buildings on land not abutting on public streets not shown on the official master plan or an approved plat transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same the preparation and compilation of an official street map providing penalties for the violation of this act and repealing certain statutes" further defining the powers of the planning commission in cities of the second class.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz

YEAS—198

Achterman,	Downey,	Leisey,	Sarraf,
Ackermann,	Eckels,	Levy,	Scanlon,
Allen,	Ely,	Leydic,	Schrock,
Alspach,	Ewing,	Lichtenwalter,	Schrope,
Andrews,	Falkenstein,	Long,	Schwab,
Atkins,	Fauset,	Lyons,	Seif,
Auker,	Finnerty,	Madden,	Serrill,
Baker,	Fisher,	Malloy,	Shaw,
Balliet,	Fiss,	Malone,	Shearer,
Balthaser,	Flanagan,	Marr,	Simons,
Bardes,	Fleming,	Matthews,	Skale,
Bennett,	Foor,	McClester,	Sloan,
Bohn,	Freed,	McGarrity,	Snyder,
Boles,	Fullerton,	McKinney,	Sollenberger,
Boney,	Furman,	McLane,	Stambaugh,
Boorse,	Gates,	McNally,	Stank,
Boose,	Gillan,	McVay,	Stewart,
Bower,	Gillette,	Melchiorre,	Stockham,
Boyd,	Goll,	Mihm,	Sweeney,
Brancato,	Gorski,	Montgomery,	Tahl,
Bretherick,	Habboyshaw,	Mooney,	Tarr,
Broad,	Haines,	Moran,	Taylor,
Bronson,	Hall,	Moser, F. S.,	Terry,
Brown, H. S.,	Hamilton,	Moser, J. L.,	Thistle,
Brown, S. W.,	Harbeson,	Muir,	Thompson, E. F.,
Brunner,	Harkins,	Munley,	Thompson, G. R.,
Burns,	Haudenshield,	O'Brien,	Tiemann,
Burris,	Henry,	O'Dare,	Tronzo,
Cadwalader,	Hess,	O'Keefe,	Trout,
Calvin,	Hewitt,	O'Neill,	VanAllsburg,
Carpenter,	Hindman,	Peacock,	Voorhees,
Check,	Hocke,	Peale,	Wagner,
Chervenak,	Hoffman, J. N.,	Preston,	Walsh,
Christler,	Hoffman, S. K.,	Readinger,	Watkins,
Clark,	Holland,	Reagan,	Webster,
Clearwater,	Hoyt,	Reese, D. P.,	Welsh, E. B.,
Cohen, H. B.,	Huntley,	Reese, R. E.,	Welsh, M. J.,
Cook,	James,	Regan,	Westrick,
Cooper,	Jirolanio,	Reynolds,	Wilkinson,
Cordier,	Johnston,	Rhodes,	Williams,
Corrigan,	Jones,	Rider,	Wilson,
Cortese,	Kane,	Riley,	Winner,
Curran,	Keenan,	Robertson,	Wood, H. M.,
Dalrymple,	Kenehan,	Rooney,	Wood, L. H.,
Denman,	Kilroy,	Rose,	Wood, N.,
DeNote,	Kline,	Roseberry,	Woodside,
Dick,	Knoble,	Rosenfeld,	Yeakel,
Dix,	Kowalski,	Rothenberger,	Turner,
Donahue,	Krise,	Royer,	Speaker.
Donohoe,	Lee,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

The SPEAKER. The Chair will return to page 6 of the calendar, House Bill No. 276, which was passed over at the request of the sponsor.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 276, entitled:

An Act to further amend sections four and twenty-two of the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws, eight hundred fifty-eight), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties", by transferring the State Employes' Retirement Board from the Treasury Department to the Department of State; and transferring certain appropriations.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. FURMAN. Mr. Speaker, I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Dauphin, Mr. Habbyshaw, permit himself to be interrogated?

Mr. HABBYSHAW. I will, Mr. Speaker.

Mr. FURMAN. Will the gentleman from Dauphin tell the members of the House why he is proposing to transfer the State Employees Retirement Board from the Treasury Department to the Department of State?

Mr. HABBYSHAW. Mr. Speaker, in answer to the gentleman from Greene, it is simply because that is where the Retirement Board was prior to 1937, in the Department of State.

Mr. FURMAN. Mr. Speaker, is that the only reason the gentleman has to offer to the members of the House for making this transfer—the fact that it was once in that department.

Mr. HABBYSHAW. Mr. Speaker, it has always been in the Department of State, and for that reason alone it has been transferred back to the Department of State.

Mr. FURMAN. Mr. Speaker, has the operation of this Board while under the Treasury Department not been efficient, or have they not been able to handle this particular Department?

Mr. HABBYSHAW. Mr. Speaker, I don't believe it has been any more efficient than it was under the Department of State.

Mr. FURMAN. Mr. Speaker, does the gentleman feel that the duties of this Board are more in line with the duties of the office of the Department of State than they are under one of the fiscal offices of the state?

Mr. HABBYSHAW. I do, Mr. Speaker.

Mr. FURMAN. Mr. Speaker, for what reason?

Mr. HABBYSHAW. Mr. Speaker, for the reason that they have personnel records and have had experience over a period of many years in the handling of the duties of the Retirement Board.

Mr. FURMAN. Mr. Speaker, have not those same records been transferred to the Treasury Department?

Mr. HABBYSHAW. Mr. Speaker, if they have, they can be returned again to the Department of State where they originally came from.

Mr. FURMAN. Mr. Speaker, can the gentleman from Dauphin tell the members of the House whether or not it is the practice in other states to have this particular work in the Department of State or whether it is done under the fiscal officers of the State.

Mr. HABBYSHAW. Mr. Speaker, I do not know anything about what the other states are doing.

Mr. FURMAN. Mr. Speaker and members of the House, it seems to me that there is no particular purpose to be accomplished in making this transfer. I feel that the real reason for the transfer is in order to get control of patronage. I know that this department originally was under the Department of State. When the Democratic party was in control of that department, the state chairman of that party was at that time the Secretary of State. It was felt by the administration in power that the duties of this office could be better handled by transferring it to the Treasury Department, that those duties were more in line with the work of that Department. There was nothing political involved at that time in making the transfer.

For the information of the members of the House, this work in other states is under the fiscal officers of the state. In the state of Ohio, the Treasury Department handles the retirement work. In the state of New York it is under the Controller General. Making this transfer, if it is made, is nothing but a political move and is what I have heard termed "peanut politics."

Mr. WOODSIDE. Mr. Speaker and members of the House, the State Employes Retirement Board was under the Department of State from the time it was founded, until the 1937 ripper session of the Legislature, when along with numerous other ripper bills it was taken out of the Department of State, when they saw the hand writing on the wall, and put in the Treasury Department.

The Department of State has had the experience and the back ground; they have the personnel records, and under our present administrative code, and the manner of set-up of the government that is where it belongs and it ought to be returned to that Deparment. It was not taken away from there for any sound, legitimate reason and it should be returned to the Department of State where it belongs.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Dauphin as to the functions Employes Retirement Fund was founded.

Mr. WOODSIDE. Mr. Speaker, my recollection is that it was passed in the 1923 session, and became effective January 1, 1924.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Dauphin as to the functions of the Department of State at the time of the passage of the State Employes Retirement Bill in 1923.

Mr. WOODSIDE. Is the gentleman asking what all the functions of the Department of State were in 1923?

Mr. HERBERT B. COHEN. Mr. Speaker, I am.

Mr. WOODSIDE. Mr. Speaker, if that is so, I would refer the gentleman to the 1923 Legislative Hand Book which I will procure for him and let him look it up.

Mr. HERBERT B. COHEN. Mr. Speaker, notwithstanding the facetious reply of the gentleman from Dauphin, I desire to interrogate him as to whether or not it is not a fact that the Department of State in 1923 was the Department of State and Finance.

Mr. WOODSIDE. Mr. Speaker, prior to the session of 1923, I think that is probably true. In the 1923 session, if my recollection is correct, the Administrative Code reorganized it and it became effective at the same time that the law creating the Retirement Board became effective.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Dauphin whether the legislation reorganizing the Department of State in 1923, or thereabouts, in which they transferred the functions of the Department of State and Finance to the Department of State was ripper legislation.

Mr. WOODSIDE. Mr. Speaker, not at that time, no.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, the gentleman from Dauphin has felt inclined to term the transfer of the State Employees' Retirement Board from the Department of State to the Treasury Department, as affectuated in the 1937 session,

ripper legislation. As the gentleman from Dauphin has indicated, at one time the Department of State also had financial duties. Apparently in 1923, realizing the necessity of a change in functions of the various departments, the financial duties of the Department of State were foregone and concentrated in other departments of the Commonwealth.

The point that I wish to make, and the point which I wish to impress upon the membership of the House, is the fact that the only function which the Department of of State performed relative to any so-called financial duties was the administration of the State Employees' Retirement Fund. Now, all this tommyrot about the personnel records, and all this tommyrot about the conduct of that bureau in the Department of State is of no avail, because it will not tend in any manner to delude the people of the Commonwealth in believing that the sole and solitary purpose of this bill is to effect ripper legislation, and to get for the starving hungry Republicans a few more jobs, irrespective of how it affects—

(Laughter)

The SPEAKER. The Chair feels that under no circumstances during a debate, no matter what the conditions may be, should there be any outburst of that kind.

Mr. HERBERT B. COHEN. I appreciate the Speaker's attitude on the matter and I realize the mention of the word "jobs" to the Republicans will cause them to roar like an angry lion. Nevertheless it is picayune, or as the gentleman from Greene has stated, it is "peanutty" in the acquisition of jobs. Let me call your attention to the fact that the State Retirement Fund has very few jobs; not more than possibly five, six, or seven in number. The payroll is very small, the work is very difficult and the work to a very great extent is of such a nature that when you establish the State Employees' Retirement Fund in the Department of State, you will have to take the trained, efficient Democratic personnel of the Treasury Department and put them in the Department of State, so these jobs, gentlemen, that you think you are going to get are not going to be there, and you are still going to give them to the efficient Democrats.

Now, I would like to know what financial authority there is in the Department of State as it is presently constituted. I would like to know whether the Secretary of the Commonwealth realizes the importance of this particular bureau. I would like to know whether the esteemed lady who holds that office is fully acquainted with the valuation of bonds, with the financial problems with which the investments of State funds for the protection of state employees is surrounded. I would like to know where in the Department of State, as it is now constituted, or ever has been constituted since the State Employee's Retirement Act was passed has there been the financial knowledge necessary to maintain a proper retirement fund. A superficial analysis of the work leads one to the fair conclusion that the proper place in the management of the affairs of the Commonwealth to put a financial board is in a financial department. There is absolutely no similarity between the functions of the Secretary of the Commonwealth and the functions of the State Employees' Retirement Board, and of necessity our intelligence leads us to the conclusion that it should be placed in the Treasury Department, and that is where is was placed in 1937.

Let me call the attention of the membership of this House to the fact that at that time both the Secretary of the Commonwealth and the State Treasurer were members of the Democratic party, and hence any attempt to intimate that this particular legislation passed in the 1937 session was ripper legislation, is an incorrect statement of fact. I say to the job-hungry Republicans, who expect to be appeased by the few paltry jobs in this very small and highly efficient bureau, that even though you are going to continue to allow the employes to make their donations to your party, even though you have refused to protect the future employes of the Commonwealth from solicitation for campaign contributions, you at least should protect their retirement fund; keep it in the Department that is properly constituted and able to maintain its investments so that when the time comes for retirement, the funds will be available.

Members of the House, I see no logical reason for the passage of this act. Only on rare occasions—and we just had an instance this afternoon—is a member's vote changed by anything that is said on the floor, I don't think for one minute that any of the members of the majority party are going to change their votes. I know they won't, but I want the record to show, and I think it is conclusively shown, that what the majority is attempting to do is to sabotage efficient state government for the benefit of a few paltry jobs. No better terminology has ever been applied to such action than was applied by the gentleman from Greene when he said that is "peanut politics" applied by "peanut politicians."

Mr. WOODSIDE. Mr. Speaker and members of the House, with all the experience that the gentleman from York has had with rippers, I think he ought to know a little bit more about rippers. This is not ripper legislation, we are just sewing up what was ripped in 1937. This fund was in the hands of the Department of State before it was in the hands of the Treasury Department and this fund in their hands was well managed up until 1937. Every care was taken of it. It was a good fund, well operated. I think the gentleman will admit that it was a good fund and well operated up until 1937.

I can realize why the gentleman wanted to take it out of the Department of State in 1937. I can see two very good reasons. In the first place, for two and a half years more the Treasury Department would be Democratic and they, I think, saw the handwriting on the wall in reference to the Department of State.

I think there may be another sound reason why the gentleman wanted to take it out of the Department of State, and that is because that Department ceased to function as a Department of this government, because the head of that Department neglected his duties, permitting sixty-seven thousand pages of records to pile up in his office without ever having them recorded. When the present Secretary of State went into that office there were found checks nearly a year old from lawyers and corporations of this State, to pay for pages of various documents which were supposed to be recorded in that office. No wonder, that the gentlemen on that side were conscientious in their desire to take it out of the Department of State.

I wish to say to the members of this House at this time that we have an efficient Secretary of State who is interested in the job of Secretary of State and not running a political party; who is there to do a good job and who will make every effort to see that this fund is handled so

that the funds of the employes of this Commonwealth will be protected and that the work will be carried on in a most efficient and effective manner.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I realize that the most effective attack against any proposition is to barrage the situation with so-called half truths.

The exigency that existed in the Department of State, to which the gentleman from Dauphin has very vociferously and dramatically referred, was a situation that arose and had its inception not under the Democratic administration, but which had its inception in 1933 under the Republican administration, when we passed the new corporation code for profit and non-profit corporations. With the passage of that corporation code under the previous Republican administration, new duties were imposed upon the Secretary of the Commonwealth who never performed those duties, and in the 1933 session no appropriation was made for it. Those duties were performed under the Democratic administration as adequately as possible. So the question of these unfiled documents, about which the gentleman from Dauphin complains, was an ill that arose under the previous Republican administration. The only thing that we have handed over to the lady who is now holding the position of Secretary of the Commonwealth are the unfiled documents that were existent under the Republican administration.

The SPEAKER. The Chair recognizes the fact that the barrage is pretty heavy.

Mr. HERBERT B. COHEN. What I am concerned about is the record, Mr. Speaker.

I know you men are going to pass this bill. You had your orders to pass the bill. The steam roller is all oiled up and the gas is in the tank, and "bang" it is going through. All that is required is the rubber stamp of approval by the Legislature, a Legislature that is supposed to be independent of administrative influence. Anything that I may say isn't going to affect one single solitary vote that demarks the line that exists in this House between good government on one side and peanut politics on the other.

Mr. FURMAN. Mr. Speaker, I desire to interrogate the majority floor leader.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. FURMAN. Mr. Speaker, did the gentleman from Dauphin state that in the passage of this bill the majority in this House were not passing ripper legislation, but were just sewing up a rip?

Mr. WOODSIDE. Mr. Speaker, that is right.

Mr. FURMAN. Mr. Speaker, would that not also apply to the bill placing the State Athletic Commission under the Department of Military Affairs and taking it out of the Department of Revenue?

Mr. WOODSIDE. Mr. Speaker, I do not recall of its having been transferred. I don't know; it may have been passed. I apologize for my lack of knowledge concerning the Athletic Commission.

Mr. FURMAN. Mr. Speaker, for the information of the gentleman from Dauphin, the State Athletic Commission was formerly under the Department of Military Affairs and was placed in the Department or Revenue. I would like to know whether the majority floor leader has made any attempt to sew up that rip.

Mr. WOODSIDE. Mr. Speaker, I did not know there was a hole there. Maybe we can get some of the W. P. A. sewing schools to help us out a little.

Mr. FURMAN. Mr. Speaker, apparently the reason that the majority floor leader did not know about this rip is the fact that that department, the Department of Revenue, is under the control of the administration and there are no more jobs to sieze by sewing up that rip.

The SPEAKER. On the "hole" it seems to be a good argument.

Mr. JIROLANIO. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, I would like to inquire of the gentleman from Dauphin, Mr. Woodside, how he voted in 1937 when the question of transferring this retirement fund to the State Treasurer was up.

Mr. WOODSIDE. I think I voted "no," Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, may I refresh the memory of the gentleman from Dauphin, Mr. Woodside?

The SPEAKER. Does the gentleman from Northampton desire to further interrogate the gentleman from Dauphin?

Mr. JIROLANIO. Mr. Speaker, I do not.

Mr. Speaker and members of the House, I did not intend to rise at all to speak on this measure one way or the other. However, when I heard the various speeches on the question of rippers back and forth, I heard the gentleman from Dauphin say that he was just attempting to mend or sew some of the rips that had been made by the majority in 1937, and when I look at the record of that session I see that the very bill which we are discussing today to take it from the hands of the State Treasurer and place in the office of the Secretary of the Commonwealth of Pennsylvania, passed the House by a vote of two hundred and three to nothing. Every Republican, when the question of placing that particular fund in the hands of the State Treasurer came up for a vote, voted in favor of it with the Democratic majority of the House.

I can hardly bring myself to believe that a matter of several months can change the minds and opinions of various men of this Assembly as it did in this particular case. In the Senate, if I might quote this bill passed by a vote of thirty-nine to one and not a single Republican voted against the bill. It was a Democrat who voted against it. Not a single Republican in the Senate saw fit to voice any opposition. The same condition existed as existed in the House. Not a single member of the House, of the then minority party, saw fit to vote in opposition, and now they come here just as the minority floor leader has stated, because there is a question of some jobs involved and because of orders given to them, they throw aside all of their own ideas on the bill and say that what we did in 1937 was wrong. When I say "we," I refer to the minority party in 1937——they want to rectify that mistake by voting another way.

If you are going to change departments from year to year, I don't know what is going to happen to the Commonwealth of Pennsylvania, because, ladies and gentlemen,

if that type of legislation is allowed to be carried on from time to time, no department at any time will be safe, because if the head of a department should get in wrong with the executive and the executive should have more power with the legislature than the head of that particular department would have, he could take from him whatever authority he might have. So you can readily see if you are going to pass from time to time measures such as this particular act, you are going to tear aside the entire principle of government in Pennsylvania. Therefore, I would say that everyone of you Republicans that voted in 1937 should vote his conscience in the same way as you did in 1937, and say to his political boss, "We have not changed our views because a change of administration has taken place, and we are still of the same mind today as we were in 1937".

Mr. WOODSIDE. Mr. Speaker, I just want to say to the gentleman that in the 1937 session we remember the Secretary of State coming through those doors, walking in the hall, sitting up there and watching around at the then majority, and maybe going up the aisle and calling them one by one, so that we realized it was rather useless to voice objection to a lot of this legislation. I think the gentleman on the other side might take a page out of our books to that extent at least, and give us a little cooperation in doing what is for the best interests of the Commonwealth instead of objecting to many of the pieces of legislation which they deep down in their hearts know are all right and in to which they desire only to throw a monkey wrench, as one of the newspapers stated today.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I rise to refute the implication that has been thrown out to this House by the gentleman from Dauphin, relative to activities of our Secretary of the Commonwealth, who at that time was also the Democratic State Chairman. I say to the membership of this House that during the 1935 and 1937 sessions, the deliberations of this body came purely as the result of the highest ideals, the administrative ideals of the Democratic party and of all the members who made up that party.

I would say to the gentleman from Dauphin that it would not be a bad idea for the Republican majority to bring up to Capitol Hill their State Chairman. There might be some direction in this Legislation; we might know where we are going instead of floundering around like men lost in a fog; we might know what the problems of government are rather than having a three-weeks vacation to school the innocent Republicans as to what should be done in the state government. You cannot bring your State Chairman up here on Capitol Hill, because he could not make up his mind, he would have to contact the Mellons, he would have to contact the Cooks, he would have to contact the Grundys, he would have to contact the Pews and the Annenbergs; he might even have to contact Colonel Estes before he could say what should be done as part of the Republican party's platform. When the Democratic party was in control of the Commonwealth of Pennsylvania that party was run under the dome of this Capitol and the government of the Commonwealth of Pennsylvania was under the dome of this capitol. Today you go down to smoke filled hotel rooms to get your instructions as to what should be done. Today your committees are meeting in secret sessions with only Republican members secretly evolving legislation, secretly bringing to this House——

POINT OF ORDER

Mr. McKINNEY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. McKINNEY. Mr. Speaker, the gentleman is not speaking on the bill before the House.

The SPEAKER. The gentleman will confine his remarks to the bill before the House.

Mr. HERBERT B. COHEN. I will, Mr. Speaker. The bill before the House was developed by the Democrats without consulting with any extraneous influences and I defy the membership of the Republican party to tell us who evolved the idea of grabbing these few picayune jobs. Did it come from the oil barons of Delaware county? Did it come from the Mellon interests of Allegheny county? Did it come from the industrial interests of Bucks County? I want to know where it came from. It surely didn't come from the Republicans of this House, because they all voted for it in 1937.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—119

Ackermann,	Eckels,	Lee,	Seif,
Alspach,	Ely,	Leisey,	Serrill,
Atkins,	Ewing,	Leydic,	Shearer,
Auker,	Fisher,	Lichtenwalter,	Simons,
Ballliet,	Fiss,	Lyons,	Sloan,
Bardes,	Fleming	Madden,	Sollenberger,
Bennett,	Foor,	Marr,	Stambaugh,
Boorse,	Freed,	Matthews,	Stewart,
Boose,	Gillan,	McClester,	Stockham,
Bower,	Gillette,	McGarrity,	Sweeney,
Boyd,	Goll,	McKinney,	Tahl,
Bretherick,	Habbyshaw,	McNally,	Taylor,
Bronson,	Haines,	McVay,	Thistle,
Brown, S. W.,	Hall,	Montgomery,	Thompson, G. R.,
Brunner,	Hamilton,	Moser, F. S.,	Tiemann,
Cadwalader,	Harbeson,	Moser, J. L.	VanAllsburg,
Calvin,	Haudenshield,	Muir,	Voorhees,
Carpenter,	Henry,	O'Dare,	Wagner,
Christler,	Hewitt,	Peacock,	Watkins,
Clark,	Hocke,	Peale,	Webster,
Clearwater,	Hoffman, J. N.,	Reagan,	Wilkinson,
Cooper,	Hoyt,	Reese, D. P.	Wilson,
Cordier,	Huntley,	Rhodes,	Winner,
Cortese,	James,	Riley,	Wood, H. M.,
Curran,	Johnston,	Robertson,	Wood, L. H.,
Dalrymple,	Jones,	Rose,	Wood, N.,
Denman,	Kline,	Roseberry,	Woodside,
Dick,	Knoble,	Royer,	Yeakel,
Dix	Kowalski,	Sarge,	Turner,
Donahue,	Krise,	Schrock,	Speaker.

NAYS—57

Achterman,	Downey,	McLane,	Rider,
Andrews,	Finnerty,	Melchiorre	Rosenfeld,
Baker,	Flanagan,	Mihm,	Rothenberger,
Balthaser,	Furman,	Mooney,	Sarraf,
Bohn,	Gorski,	Moran,	Schrope,
Boles,	Harkins,	Munley,	Schwab,
Boney,	Hindman,	O'Brien,	Stank,
Broad,	Holland,	O'Keefe,	Tarr,
Burns,	Jirolanio,	O'Neill,	Thompson, E. F.,
Burris,	Keenan,	Preston,	Tronzo,
Check,	Kenehan,	Readinger,	Welsh, E. B.,
Chervenak,	Long,	Reese, R. E.	Welsh, M. J.,
Cohen, H. B.,	Malloy,	Regan,	Westrick,
Corrigan,	Malone,	Reynolds,	Williams,
Donohoe,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 5, 1939

Resolved (if the Senate concur), that House Bill No. 199, Printer's No. 57, entitled "An act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon," be recalled from the Governor for further consideration.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 92.

An Act to prohibit assessments and demands for contributions for political purposes and providing a penalty

HOUSE BILL No. 344.

An Act to amend section seventy-seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" by permitting indictments against public officers and employees and their accomplices and confederates to be brought or exhibited within two years after such officer or employee shall have ceased to occupy such office or employment.

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 92.

An Act to prohibit assessments and demands for contributions for political purposes and providing a penalty

HOUSE BILL No. 344.

An Act to amend section seventy-seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws 427) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" by permitting indictments against public officers and employees and their accomplices and confederates to be brought or exhibited within two years after such officer or employee shall have ceased to occupy such office or employment

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 624, entitled:

An Act to amend section nine of the act approved the first day of July one thousand nine hundred and nineteen (Pamphlet Laws 717) entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their filling vacancies" by providing that compensation payable under this act shall be paid semi-monthly

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198.

Achterman,	Downey,	Leisey,	Sarraf,
Ackermann,	Eckels,	Levy,	Scanlon,
Allen,	Ely,	Leydic,	Schrock,
Alspach,	Ewing,	Lichtenwalter,	Schrope,
Andrews,	Falkenstein	Long,	Schwab,
Atkins,	Fauset,	Lyons,	Seif,
Auker,	Finnerty,	Madden,	Serrill,
Baker,	Fisher,	Malloy,	Shaw,
Balliet,	Fiss,	Malone,	Shearer,
Balthaser,	Flanagan,	Marr,	Simons,
Bardes,	Fleming,	Matthews,	Skale,
Bennett,	Foor,	McClester,	Sloan,
Bohn,	Freed,	McGarrity,	Snyder,
Boies,	Fullerton,	McKinney,	Sollenberger,
Boney,	Furman,	McLane,	Stambaugh,
Boorse,	Gates,	McNally,	Stank,
Boose,	Gillan,	McVay,	Stewart,
Bower,	Gillette,	Melchiorre,	Stockham,
Boyd,	Goll,	Mihm,	Sweeney,
Brancato,	Gorski,	Montgomery,	Tahl,
Bretherick,	Habbyshaw,	Mooney,	Tarr,
Broad,	Haines,	Moran,	Taylor,
Bronson,	Hall,	Moser, F. S.,	Terry,
Brown, H. S.,	Hamilton,	Moser, J. L.,	Thistle,
Brown, S. W.,	Harbeson,	Muir,	Thompson, E. F.,
Brunner,	Harkins,	Munley,	Thompson, G. R.,
Burns,	Haudenshield,	O'Brien,	Tiemann,
Burris,	Henry,	O'Dare,	Tronzo,
Cadwalader,	Hess,	O'Keefe,	Trout,
Calvin,	Hewitt,	O'Neill,	VanAllsburg,
Carpenter,	Hindman,	Peacock,	Voorhees,
Check,	Hocke,	Peale,	Wagner,
Chervenak,	Hoffman, J. N.,	Preston,	Walsh,
Christler,	Hoffman, S. K.,	Readinger,	Watkins,
Clark,	Holland,	Reagan,	Webster,
Clearwater,	Hoyt,	Reese, D. P.,	Welsh, E. B.,
Cohen, H. B.,	Huntley,	Reese, R. E.,	Welsh, M. J.,
Cook,	James,	Regan,	Westrick,
Cooper,	Jirolanio,	Reynolds,	Wilkinson,
Cordier,	Johnston,	Rhodes,	Williams,
Corrigan,	Jones,	Rider,	Wilson,
Cortese,	Kane,	Riley,	Winner,
Curran,	Keenan,	Robertson,	Wood, H. M.,
Dalrymple,	Kenehan,	Rooney,	Wood, L. H.,
Denman,	Kilroy,	Rose,	Wood, N.,
DeNote,	Kline,	Roseberry,	Woodside,
Dick,	Knoble,	Rosenfeld,	Yeakel,
Dix,	Kowalski,	Rothenberger,	Turner,
Donahue,	Krise,	Royer,	Speaker.
Donohoe,	Lee,	Sarge,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 394, entitled:

An Act to further amend section one of the act approved the seventh day of June one thousand nine hundred and one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in

cities of the second class and imposing fines penalties and forfeitures for violation thereof" by extending the provisions of said act to cities of the second class A

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Downey,	Leisey,	Sarraf,
Ackermann,	Eckels,	Levy,	Scanlon,
Allen,	Ely,	Leydic,	Schrock,
Alspach,	Ewing,	Lichtenwalter,	Schrope,
Andrews,	Falkenstein,	Long,	Schwab,
Atkins,	Fauset,	Lyons,	Seif,
Auker,	Finnerty,	Madden,	Serrill,
Baker,	Fisher,	Malloy,	Shaw,
Balliet,	Fiss,	Malone,	Shearer,
Balthaser,	Flanagan,	Marr,	Simons,
Bardes,	Fleming,	Matthews,	Skale,
Bennett,	Foor,	McClester,	Sloan,
Bohn,	Freed,	McGarrity,	Snyder,
Boies,	Fullerton,	McKinney,	Sollenberger,
Boney,	Furman,	McLane,	Stambaugh,
Boorse,	Gates,	McNally,	Stank,
Boose,	Gillan,	McVay,	Stewart,
Bower,	Gillette,	Melchiorre,	Stockham,
Boyd,	Goll,	Mihm,	Sweeney,
Brancato,	Gorski,	Montgomery,	Tahl,
Bretherick,	Habbyshaw,	Mooney,	Tarr,
Broad,	Haines,	Moran,	Taylor,
Bronson,	Hall,	Moser, F. S.,	Terry,
Brown, H. S.,	Hamilton,	Moser, J. L.,	Thistle,
Brown, S. W.,	Harbeson,	Muir,	Thompson, E. F.,
Brunner,	Harkins,	Munley,	Thompson, G. R.,
Burns,	Haudenshield,	O'Brien,	Tiemann,
Burris,	Henry,	O'Dare,	Tronzo,
Cadwalader,	Hess,	O'Keefe,	Trout,
Calvin,	Hewitt,	O'Neill,	Van Allsburg,
Carpenter,	Hindman,	Peacock,	Voorhees,
Check,	Hocke,	Peale,	Wagner,
Chervenak,	Hoffman, J. N.,	Preston,	Walsh,
Christler,	Hoffman, S. K.,	Readinger,	Watkins,
Clark,	Holland,	Reagan,	Webster,
Clearwater,	Hoyt,	Reese, D. P.,	Welsh, E. B.,
Cohen, H. B.,	Huntley,	Reese, R. E.	Welsh, M. J.,
Cook,	James,	Regan,	Westrick,
Cooper,	Jirolanio,	Reynolds,	Wilkinson,
Cordier,	Johnston,	Rhodes,	Williams,
Corrigan,	Jones,	Rider,	Wilson,
Cortese,	Kane,	Riley,	Winner,
Curran,	Keenan,	Robertson,	Wood, H. M.,
Dalrymple,	Kenehan,	Rooney,	Wood, L. H.,
Denman,	Kilroy,	Rose,	Wood, N.,
DeNote,	Kline,	Roseberry,	Woodside,
Dick,	Knoble,	Rosenfeld,	Yeakel,
Dix,	Kowalski,	Rothenberger,	Turner,
Donahue,	Krise,	Royer,	Speaker.
Donohoe,	Lee,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 273, Printer's No. 194, was passed over at the request of Mr. HABBYSHAW.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 573, entitled:

An Act to amend section four hundred and forty-six of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" authorizing the members of the Board of Commissioners of Public Grounds and Buildings to act on said board through deputies.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Downey,	Leisey,	Sarraf,
Ackermann,	Eckels,	Levy,	Scanlon,
Allen,	Ely,	Leydic,	Schrock,
Alspach,	Ewing,	Lichtenwalter,	Schrope,
Andrews,	Falkenstein,	Long,	Schwab,
Atkins,	Fauset,	Lyons,	Seif,
Auker,	Finnerty,	Madden,	Serrill,
Baker,	Fisher,	Malloy,	Shaw,
Balliet,	Fiss,	Malone,	Shearer,
Balthaser,	Flanagan,	Marr,	Simons,
Bardes,	Fleming,	Matthews,	Skale,
Bennett,	Foor,	McClester,	Sloan,
Bohn,	Freed,	McGarrity,	Snyder,
Boies,	Fullerton,	McKinney,	Sollenberger,
Boney,	Furman,	McLane,	Stambaugh,
Boorse,	Gates,	McNally,	Stank,
Boose,	Gillan,	McVay,	Stewart,
Bower,	Gillette,	Melchiorre,	Stockham
Boyd,	Goll,	Mihm,	Sweeney,
Brancato,	Gorski,	Montgomery,	Tahl,
Bretherick,	Habbyshaw,	Mooney,	Tarr,
Broad,	Haines,	Moran,	Taylor,
Bronson,	Hall,	Moser, F. S.,	Terry,
Brown, H. S.,	Hamilton,	Moser, J. L.,	Thistle,
Brown, S. W.,	Harbeson,	Muir,	Thompson, E. F.,
Brunner,	Harkins,	Munley,	Thompson, G R.,
Burns,	Haudenshield,	O'Brien,	Tiemann,
Burris,	Henry,	O'Dare,	Tronzo,
Cadwalader,	Hess,	O'Keefe,	Trout,
Calvin,	Hewitt,	O'Neill,	VanAllsburg,
Carpenter,	Hindman,	Peacock,	Voorhees,
Check,	Hocke,	Peale,	Wagner,
Chervenak,	Hoffman, J. N.,	Preston,	Walsh,
Christler,	Hoffman, S. K.,	Readinger,	Watkins,
Clark,	Holland,	Reagan,	Webster,
Clearwater,	Hoyt,	Reese, D. P.,	Welsh, E. B.,
Cohen, H. B.,	Huntley,	Reese, R. E.	Welsh, M. J.,
Cook,	James,	Regan,	Westrick,
Cooper,	Jirolanio,	Reynolds,	Wilkinson,
Cordier,	Johnston,	Rhodes,	Williams,
Corrigan,	Jones,	Rider,	Wilson,
Cortese,	Kane,	Riley,	Winner,
Curran,	Keenan,	Robertson,	Wood, H. M.,
Dalrymple,	Kenehan,	Rooney,	Wood, L. H.,
Denman,	Kilroy,	Rose,	Wood, N.,
DeNote,	Kline,	Roseberry,	Woodside,
Dick,	Knoble,	Rosenfeld,	Yeakel,
Dix,	Kowalski,	Rothenberger,	Turner,
Donahue,	Krise,	Royer,	Speaker.
Donohoe,	Lee,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 681, Printer's No. 218, was passed over at the request of Mr. CLEARWATER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and considerationsideration of House Bill No. 268, as follows:

An Act to add section six hundred and two and one-tenth to article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309 entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" further regulating the sale of unused and unnecessary land and buildings by boards of school directors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding thereto after section six hundred and two a new section to read as follows

Section 602.1 The board of school directors of any district is hereby vested with the necessary power and authority to sell unused and unnecessary lands and buildings by any of the following methods and subject to the following provisions

(a) By public auction conducted by a licensed auctioneer either on the premises to be sold or at places selected by the school boards after due notice by publication in one or more newspapers of general circulation published within the county or the school district and in the legal newspaper in said county if any once a week for three successive weeks before the date fixed for said sales and by hand bills one or more of which must be posted on the property proposed to be sold and at least five of which must be posted at conspicuous places within the vicinity of said real estate terms and conditions of said sale to be fixed by the board in the motion or resolution authorizing said sales

(b) Upon sealed bids requested by the school board notice of the request for sealed bids to be given as in (a) terms and conditions of said sale to be fixed by the board in the motion or resolution authorizing the request for sealed bids

(c) At private sale subject to the approval of the Court of Common Pleas of the county in which the school district is located said authority to be secured from said court upon petition of the board of school directors which petition shall be executed by the proper officers of the board and which petition shall contain a full and complete description of the land proposed to be sold a brief description and character of the building or buildings erected thereon if any the name of the prospective purchaser the amount offered for said property and it shall have attached thereto an affidavit of at least two persons who are familiar with the values of real estate in the locality in which the land and buildings proposed to be sold are located to the effect that they have examined said property that the price offered therefor is a fair and reasonable one and in their opinion a better price than could be obtained at public sale and that they are not interested either directly or indirectly in the purchase sale thereof that before the court may act upon said petition it shall fix a time for the hearing of said petition and direct that public notice thereof be given as provided in clause (a) Also a return of sale be made to said court after the sale has been consummated and the deed executed and delivered

(d) The board of school directors may at their discretion when selling property as authorized in (a) (b) and (c) sell and convey said properties to the purchasers for the accepted consideration payable partly in cash and partly in the form of a purchase money mortgage (and bond) to be paid in not more than five years from the date thereof and bearing interest at the rate of not less than five per centum said mortgage and bond to contain the customary provisions having to do with fire insurance and the payment of taxes water rents and assessments by the mortgagor and obligor

(e) The board of school directors when selling property at private sale as authorized in (c) may engage the services of licensed real estate brokers to secure prospective purchasers and pay them the customary real estate agents' commission charged within the various school districts but only in the event the sales be actually consummated by said brokers

(f) The moneys derived from said sales shall be paid into the general fund of the said school districts for general school purposes and not exclusively for debt service payments should the school districts have bonded indebtedness

Section 2 This Act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Downey,	Leisey,	Sarraf,
Ackermann,	Eckels,	Levy,	Scanlon,
Allen,	Ely,	Leydic,	Schrock,
Alspach,	Ewing,	Lichtenwalter,	Schrope,
Andrews,	Falkenstein,	Long,	Schwab,
Atkins,	Fauset,	Lyons,	Seif,
Auker,	Finnerty,	Madden,	Serrill,
Baker,	Fisher,	Malloy,	Shaw,
Balliet,	Fiss,	Malone,	Shearer,
Balthaser,	Flanagan,	Marr,	Simons,
Bardes,	Fleming,	Matthews,	Skale,
Bennett,	Foor,	McClester,	Sloan,
Bohn,	Freed,	McGarrity,	Snyder,
Bois,	Fullerton,	McKinney,	Sollenberger,
Boney,	Furman,	McLane,	Stambaugh,
Boorse,	Gates,	McNally,	Stank,
Boose,	Gillan,	McVay,	Stewart,
Bower,	Gillette,	Melchiorre,	Stockham,
Boyd,	Goll,	Mihm,	Sweeney,
Brancato,	Gorski,	Montgomery,	Tahl,
Bretherick,	Habbyshaw,	Mooney,	Tarr,
Broad,	Haines,	Moran,	Taylor,
Bronson,	Hall,	Moser, F. S.,	Terry,
Brown, H. S.,	Hamilton,	Moser, J. L.	Thistle,
Brown, S. W.,	Harbeson,	Muir,	Thompson, E. P.,
Brunner,	Harkins,	Munley,	Thompson, G. R.,
Burns,	Haudenshield,	O'Brien,	Tiemann,
Burris,	Henry,	O'Dare,	Tronzo,
Cadwalader,	Hess,	O'Keefe,	Trout,
Calvin,	Hewitt,	O'Neill,	VanAllsburg,
Carpenter,	Hindman,	Peacock,	Voorhees,
Check,	Hocke,	Peale,	Wagner,

Chervenak,	Hoffman, J. N.,	Preston,	Walsh,
Christler,	Hoffman, S. K.,	Readinger,	Watkins,
Clark,	Holland,	Reagan,	Webster.
Clearwater,	Hoyt,	Reese, D. P.,	Welsh, E. B.
Cohen, H. B.,	Huntley,	Reese, R. E.,	Welsh, M. J.,
Cook,	James,	Regan,	Westrick,
Cooper,	Jirolanio,	Reynolds,	Wilkinson,
Cordier,	Johnston,	Rhodes,	Williams,
Corrigan,	Jones,	Rider,	Wilson,
Cortese,	Kane,	Riley,	Winner,
Curran,	Keenan,	Robertson,	Wood, H. M.,
Dalrymple,	Kenehan,	Rooney,	Wood, L. H.,
Denman,	Kilroy,	Rose,	Wood, N.,
DeNote,	Kline,	Roseberry,	Woodside,
Dick,	Knoble,	Rosenfeld,	Yeakel,
Dix,	Kowalski,	Rothenberger,	Turner,
Donahue,	Krise,	Royer,	Speaker.
Donohoe,	Lee,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 437, Printer's No. 221, was passed over at the request of Mr. WOODSIDE.

There being no objection House Bill No. 436, Printer's No. 193, was passed over at the request of Mr. WOODSIDE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 477, (Senate Bill No. 34), as follows:

An Act to further amend section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further regulating the incurring of temporary indebtedness and the repayment thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An Act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section three of the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2860) is hereby further amended to read as follows

Section 508 Any school district having no indebtedness or whose indebtedness incurred or created without the assent of the electors thereof is less than two (2) per centum of the total valuation of the taxable property for school purposes therein may at any time for the purpose of providing funds in any fiscal year for current expenses and debt service for permanent improvements or in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs with such limitations and for such length of term as hereinafter provided by or through its board of school directors incur in addition to any bonds therein authorized a temporary debt or borrow money and issue an obligation or obligations therefor under the seal of the district if any properly attested by the president and secretary thereof and bearing interest not exceeding the legal rate but no such obligation shall be sold for less than par Provided That the incurring of any such temporary debt or borrowing money upon such obligation shall receive the affirmative vote of not less than two-thirds of the members of the board of school directors therein

The total amount of temporary indebtedness incurred for current expenses and debt service shall at no time exceed an amount equal to the State appropriations not received but payable during the fiscal year and the tax levied upon taxable property within such school district for school purposes and remaining uncollected for the current fiscal year Provided That any temporary indebtedness incurred for current expenses and debt service at any time during a period of five years from the effective date of these amendments shall at no time exceed an amount equal to the State appropriations not received but payable during the fiscal year and the tax levied upon taxable property within such school district for school purposes and remaining uncollected and unpledged All such loans shall be paid out of the receipts available or pledged for the repayment thereof when and as the said funds are received Provided That the total amount of the temporary indebtedness for such purpose remaining unpaid at the close of the fiscal year shall become an obligation upon the following year's budget and be included therein

The total amount of temporary indebtedness incurred in any school district for the purpose of permanent improvements shall at no time in school districts of the first and second class exceed one-half of one (1) per centum of the last assessed valuation of taxable property for school purposes therein and in school districts of the third and fourth class two (2) per centum of such assessed valuation Provided That at or before the time of incurring such indebtedness for such purpose provision shall be made for the collection of an annual tax sufficient to pay the interest and also the principal thereof within the term of such indebtedness as hereinafter provided Provided That the total indebtedness in any school district of the first class including all bonded indebtedness and temporary indebtednes shall never exceed two (2) per centum of the last assessed valuation of taxable property for school purposes therein and in school districts of the second third and fourth class shall not exceed seven (7) per centum of such assessed valuation

The total amount of temporary indebtedness incurred in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs as hereinbefore provided shall not exceed seventy-five (75) per centum of the full amount of bonds authorized by such bond issue

All money borrowed for the purpose of current expenses and debt service as hereinbefore provided and remaining unpaid at the close of any fiscal year shall be paid out of the receipts of the following fiscal year for school districts as heretofore provided but in all events not later than the first day of July of such following year in school districts of the first class and not later than the first day of November in school districts of the second third and fourth class Provided That all temporary indebtedness for such purpose existing prior to the first day of July one thousand nine hundred [thirty-seven] thirty-nine shall be payable at any time not to exceed three years thereafter

All money borrowed for permanent improvements for which no bond issue has been provided and for which an obligation or obligations other than bonds have been issued shall be paid within three years from date of issue of such obligation together with interest and at

least one-third of the total principal of the original loan shall be paid annually Such obligation or obligations may be paid in full or in part each year when the taxes are received and reborrowed again the latter part of the fiscal year Provided That the amount reborrowed is less than the amount borrowed the preceding year by at least one-third of the total amount of the original loan Provided further That each time the money is reborrowed the date and purpose for which it was originally borrowed shall be restated Provided further That the amount of the original loan shall be paid in full within a maximum term of three years from the date of the original loan for such purpose

All obligations other than bonds issued by any school district in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs shall be paid in full together with interest out of the proceeds of such bond issue within one year six months from the date of authorization of such bond issue

In case of an emergency any school district in this Commonwealth in any fiscal year after incurring temporary indebtedness for current expenses and debt service to the full extent of the provisions hereinbefore provided and finding the receipts from said temporary loans together with all other receipts to be inadequate to meet the expenditures of the official fiscal year's budget may appeal to the State Superintendent of Public Instruction for permission to increase the temporary indebtedness of such school district beyond the amount hereinbefore provided and shall present to the State Superintendent of Public Instruction or his agent such financial statements or reports as he may require to give him adequate facts relative to the necessity of such increase in indebtedness The State Superintendent of Public Instruction is hereby authorized after due examination of the need of such school district either to refuse or grant permission to such school district to borrow additional funds beyond the provisions hereinbefore provided and in case of approval he shall set a maximum limit of the total amount of additional temporary indebtedness that such school district may incur during the fiscal year in addition to all temporary indebtedness outstanding at the time of such approval Provided That such additional amount of temporary indebtedness together with all other temporary indebtedness at any time for the purpose of payments on current expenses and debt service in school districts of the first [and second] class shall not exceed four-tenths of one (1) per centum and in school districts of the second class shall not exceed three-fourths of one (1) per centum and in school districts of the third and fourth class shall not exceed one (1) per centum of the total amount of taxable property in such district and the total indebtedness for such purposes together with all other indebtedness incurred without authorization by vote of the electors of the district shall at no time exceed two (2) per centum of the last total assessed valuation of the taxable property herein All temporary indebtedness remaining unpaid at the end of the fiscal year shall be paid in the same manner as hereinbefore provided

Section 2 This act shall become effective immediately upon its approval by the Governor

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constituition the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Downey,	Leisey,	Sarge,
Ackermann,	Eckels,	Levy,	Sarraf,
Allen,	Ely,	Leydic,	Scanlon,
Alspach,	Ewing,	Lichtenwalter,	Schrock,
Andrews,	Falkenstein,	Long,	Schrope,
Atkins,	Fauset,	Lovett,	Schwab,
Auker,	Finnerty,	Lyons,	Seif,
Baker,	Fisher,	Madden,	Serrill,
Balliet,	Fiss,	Malloy,	Shaw,
Balthaser,	Flanagan,	Malone,	Shearer,
Bardes,	Fleming,	Marr,	Simons,
Bennett,	Foor,	Matthews,	Skale,
Bohn,	Freed,	McClester,	Sloan,
Boles,	Fullerton,	McGarrity,	Snyder,
Boney,	Furman,	McKinney,	Sollenberger,
Boorse,	Gates,	McLane,	Stambaugh,
Boose,	Gillan,	McNally,	Stank,
Bower,	Gillette,	McVay,	Stewart,
Boyd,	Goll,	Melchiorre,	Stockham,
Brancato,	Gorski,	Mihm,	Sweeney,
Bretherick,	Habbyshaw,	Montgomery,	Tahl,
Broad,	Haines,	Mooney,	Tarr,
Bronson,	Hall,	Moran,	Taylor,
Brown, H. S.,	Hamilton,	Moser, F. S.,	Terry,
Brown, S. W.,	Harbeson,	Moser, J. L.,	Thistle,
Brunner,	Harkins,	Muir,	Thompson, E. F.,
Burns,	Haudenshield,	Munley,	Thompson, G. R.,
Burris,	Henry,	O'Brien,	Tiemann,
Cadwalader,	Hess,	O'Dare,	Tronzo,
Calvin,	Hewitt,	O'Keefe,	Trout,
Carpenter,	Hindman,	O'Neill,	Van Allsburg,
Check,	Hocke,	Peacock,	Voorhees,
Chervenak,	Hoffman, J. N.,	Peale,	Wagner,
Christler,	Hoffman, S. K.,	Preston,	Walsh,
Clark,	Holland,	Readinger,	Watkins,
Clearwater,	Hoyt,	Reagan,	Webster,
Cohen, H. B.	Huntley,	Reese, D. P.,	Welsh, E. B.,
Cook,	James,	Reese, R. E.,	Welsh, M. J.,
Cooper,	Jirolanio,	Regan,	Westrick,
Cordier,	Johnston,	Reynolds,	Wilkinson,
Corrigan,	Jones,	Rhodes,	Williams,
Cortese,	Kane,	Rider,	Wilson,
Curran,	Keenan,	Riley,	Winner,
Dalrymple,	Kenehan,	Robertson,	Wood, H. M.,
Denman,	Kilroy,	Rooney,	Wood, L. H.,
DeNote,	Kline,	Rose,	Wood, N.,
Dick,	Knoble,	Roseberry,	Woodside,
Dix,	Kowalski,	Rosenfeld,	Yeakel,
Donahue,	Krise,	Rothenberger,	Turner,
Donohoe,	Lee,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL ON THIRD READING

Mr. WOODSIDE. I would like to call up, Mr. Speaker, House Bill No. 496, Printers No. 142 on page 14 of today's Calendar, bills on third reading postponed.

Yesterday's calendar showed this bill on final passage postponed. I believe, however, that was an error. I would like the chair to state whether or not the bill is properly on the third reading postponed calendar.

The SPEAKER. The bill is on the third reading postponed calendar.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. WOODSIDE.

The House resumed the consideration on third reading of House Bill No. 496, entitled:

An Act to amend section four of the act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand twenty-four) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commis-

sioners of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" by extending the night restrictions on employment in manufacturing establishments in certain cases.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. WOODSIDE, Mr. Speaker, I move that this bill be recommitted to the Committee on Labor for the purpose of further study.

The motion was agreed to.

RESOLUTION No. 57

Mr. WOODSIDE. Mr. Speaker, I desire to call up at this time Resolution No. 57, Printer's No. 204.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 28, 1939.

Whereas, A bill is pending in the Congress of the United States, providing for the construction of the "Lake Erie to the Ohio River Barge" Canal; and

Whereas, The construction of such a canal would seriously affect transportation on and over the railroads operating in that section of the Nation, of goods and material now transported thereon; and

Whereas, Such curtailment of transportation on and over such railroads would cause gradual disintegration of such railroads, deprive them of the larger portion of their income, and necessitate the dismissal of thousands of employes; and

Whereas, The loss to the railroad industry would likewise affect the coal operators and coal miners, and would mean the dismissal of thousands of miners now gainfully occupied, thereby adding greatly to unemployment; and

Whereas, The injury to the railroads would be reflected in the business of the small steel mills which rely upon the prosperity of railroads for their existence; and

Whereas, In addition to this destruction that would be wrought by reason of the construction and operation of such canal, it is morally and financially unsound to build, by expenditure of public money, such an enterprise when a great part of that money is being contributed by the railroads, mine operators and the steel manufacturers, whose existence it threatens; and

Whereas, A public hearing is to be held on this bill at the National Capitol on March 28, 1939; therefore be it

Resolved, (If the Senate concur), That the General Assembly memorialize the Congress of the United States to oppose the passage of this bill and to refuse to make any appropriation of public moneys for the construction of the proposed canal; and be it further

Resolved, That a copy of this resolution be forwarded by the Chief Clerk of the House of Representatives to the presiding officer of the Senate and Speaker of the House of Representatives of the United States.

On the question,

Will the House adopt the resolution?

RESOLUTION RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, I move that this resolution be recommitted to the Committee on Rules for the purpose of further study.

The motion was agreed to.

RESOLUTION No. 59

Mr. WOODSIDE. Mr. Speaker, I desire to call up at this time Resolution No. 59, which was reported from committee earlier in the session.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 28, 1939.

Whereas, The Pennsylvania Interscholastic Athletic Association conducts each year sectional and regional elimination tournaments in order to determine the Pennsylvania State Championship High School basket ball team, and

Whereas, The basket ball team of Homestead High School of Homestead, Allegheny County, Pennsylvania, was the winner of District VII of the Western Pennsylvania Interscholastic Athletic Association and later became the W. P. I. A. A. champion and subsequently by its victories over Conemaugh Boswell and Erie Academy fought its way to the final game with Lower Merion High School, and

Whereas, on Saturday evening, March 25, 1939, the Homestead High School coached by Paul Birch, assisted by Walter Miller, met the Lower Merion Township quintet at the Palestra in Philadelphia, where Homestead through its fine team work and great offensive playing won the Pennsylvania State I. A. A. championship title by the score of 29-24, and

Whereas, In forging to the front when the championship seemed lost because its opponent was ahead by a substantial score, the players on the Homstead Team, not only displayed hearts of courage, but also bodies with the strength of steel for which Homestead is famous, and

Whereas, Such interscholastic rivalry and competition is an integral part of our American system of education tending to break down sectionalism and promoting those ideals of fair play, clean, decent sportsmanship, of unfailing courage, loyalty and devotion to community, school, state and nation, all of which are basic attributes of Americanism, and which train the youth of our high schools in this State for the high type of citizenship demanded of them by the problems confronting them today, and

Whereas, the House of Representatives of the Commonwealth of Pennsylvania, recognizing the value of such interscholastic competition and being aware of the high honor which has come to the Homestead Community, by reason of the success of the Homestead High School in winning the 1939 P. I. A. A. tournament, and being desirous of congratulating and complimenting the said High School team; Now, therefore, be it

Resolved, That the Members of the House of Representatives do hereby express their congratulations to the Board of Education of the School District of Homestead to Head Coach, Paul Birch, and Assistant Coach Walter Miller, to Pat Logan, Bill Vojtko, Jim Furnival, Bill Coggin, Joe Penzelik, Jim Borgen, Steve Mock, Ed Spartz, Jim Feeney, John Huber, Bernard Rousher, and Andrew Kita, members of the Championship Team, to Port Eckles, Superintendent of Schools, D. H. Conner and William V. Campbell, Principals, and Robert C. Schenk, faculty manager, John Urban and Edward Mattis, student managers, and to Homestead High School student body and its cheerleaders upon the occasion of the winning of the P. I. A. A. championship by Homestead High; and be it further

Resolved, That the House of Representatives urge the members of the Championship Homestead basket ball team, as well as the Homestead High student body, to keep alive forever the spirit of Americanism and of love of Pennsylvania which such championship tournaments inspire; and which the said Homestead High basket ball team, its loyal student body its cheerleaders and its fans have shown throughout this tournament; and be it further

Resolved, That a copy of this Resolution be sent by the Chief Clerk to each member of the championship team, to Coaches Paul Birch and Walter Miller, and that a copy engrossed on parchment be sent by the Chief Clerk to the Secretary of the Homestead School Board, such copy to be suitable for framing and for hanging in the trophy room.

On the question,

Will the House adopt the resolution?

It was adopted.

ADDRESS BY MR. HOLLAND

Mr. HOLLAND asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, the members of this House have received a report prepared by the Department of Internal Affairs showing the valuation of Public Utility Real Estate exempt from taxation, and the amount of taxes which would have accrued to all political sub-divisions in Pennsylvania for the year 1937.

Through no fault of the Secretary of Internal Affairs this report is not correct. For the figures shown although they may seem high to some of the members — any person acquainted with the vast holdings of the electric light companies, the gas companies, the telephone companies, the water companies, the railroads, the street railways, the Western Union, the Postal Telegraph Company and motor transportation knows that $230,641,066.00 is a mere drop in the bucket to the values carried on the Utilities' books for rate making purposes. The Internal Affairs Department found, in trying to get the assessed valuations from the County assessing units—that due to the fact that these properties were not subject to taxation, records, if any, were kept loosely, and in numerous cases no values were ever estimated on properties by the different assessing units. Or, to put it in the words as expressed by the assessors "since no taxes were collected, we did not worry about their values."

In the 1937 session public utilities of Pennsylvania gave a release to the Press showing that some counties in the State would benefit from local taxations of utilities properties more than others. I want to use as a comparison the utility figures given at that time and the figures shown on this report. On your report Bedford County has no record of the utility holding. The utilities claim they would be subject to a tax on 5,760,000, Wayne County shows 414,000, the utility company shows 11,000,000, Lancaster County shows 2,298,000, the utility shows 16,000,000, York County shows 648,557.00, the utility shows 14,000,000, Delaware County shows 123,660.00 while the utility states that they have 9,000,000. Comparing these counties, the Internal Affairs Department shows on their reports from the respective assessors of these counties that the utility holdings to be taxed are assessed at 7,406,926.00. According to the utilities own report printed in a Philadelphia newspaper, on March 30, 1937 the taxable properties in these counties had an assessed valuation of 64,760,000.00, and I want to particularly draw to the attention of the gentlemen from Wayne County, Mr. Dix that his problem of underpaid school teachers would be solved if the utilities of his county paid their just share of school taxes. I believe these few comparisons will convince the members of this House that when I state this report is only about one-fifth of the real value of the exempt real estate properties of the utilities, I am not making any exaggeration.

Right here I want to point out to the members of this House one of the fallacies of Governor James' economy policy when he curtailed the operating expenses of the Public Utility Commission. If the Public Utility Commission was permitted to continue its exhaustive surveys, I am certain that it would have learned that real estate properties of the utilities were carried on the utility books at inflated values so that rates could be made at higher figures than the utilities would be entitled.

I am not going to point out to you the numerous discrepancies existing, but I am going to ask every member of this House to take this report back home with you over the week-end, and ask that you personally check up the value of the assessed real estate as shown on this report with the book value carried by the utilities serving your district.

The exemption from local taxation of the real estate of the utilities is not an exemption passed by any Act of this House — as this exemption is by a court opinion established by the Supreme Court of Pennsylvania in 1825. The reason given for the exempting of such properties is that —

> "The power to tax includes the power to sell for non-payment of taxes, and thus the property of a public corporation, without which it could not perform its duties to the public, could be sold piece-meal and a corporate purpose be defeated by divesting the title to certain portions of the real estate which tax liens were filed."

This can be verified in the decision rendered in Conoy Township vs York Haven Co., 222 Pa. 319 and 321.

In 1934, Dr. Edward B. Logan made a complete survey which resulted in his writing a book entitled "Taxation of Real Property in Pennsylvania." Since Dr. Logan is the Budget Secretary for Governor James, I know that you Repubilcan members of the House, who followed his lead and recommendation for the reenactment of the Earle bills will again follow his suggestions for taxing the real estate of the utilities. For—on page 16 of Dr. Logan's book — he can be quoted as follows:

> "the exemption of the real estate of public utilities from local taxation shifts a heavy burden of taxation to other taxpayers."

On this same page he can be quoted as stating:

> "Utilities receive the same police, fire, sewerage, highway, sanitary and other protection and services as other real estate in the same community. These local districts which render greater service to the utilities than the State receive no contributions toward the maintenance of these services."

On page 17, Dr. Logan is very definite in pointing out that Pennsylvania is the only state where the utilities do not share their burden of local taxation, and he can be quoted as follows:

> "The States included in the study have taken steps to reduce the burden of exemption. All these States tax the real property of public utilities for the defraying of local governmental expenses. Such actual practice on the part of other states refutes the ruling of the Courts of Pennsylvania and the contention of the utilities that to allow such properties to be assessed and taxed for local benefit would be opening the door to destruction of public service through tax sales by local governments for unpaid utilities taxes."

I could go on indefinitely quoting Dr. Logan from his book written in 1934. Dr. Logan appeared, in 1937, before the House Committee, then considering a bill introduced by me to tax the real estate of the utilities, and urged the passage of the bill. And on March 11, 1937, he wrote me as follows:

> "I believe it would be possible to show how taxes on utility corporations and on other corporations

compare, and I am inclined to think the comparisons would be unfavorable to the utilities and would desaroy any arguments the utilities can raise."

I believe that Dr. Logan can be considered as an authority for I do not know any other man in Pennsylvania who has made more of a study of taxation than Dr. Logan. He was Pinchot's right hand man and now he is James,' and I have the greatest respect and regard for Dr. Logan.

When one compares utilties and manufacturers, I would like to show to this House just what is happening in Allegheny County and when it happens in Allegheny County the comparison can be made in the other sixty-six counties in the state for the same conditions exist. In Allegheny County, Jones & Laughlin Steel Company pay in local taxes $418,720.00. All of the water companies, all the electric companies, all of the gas companies combined pay $111,805.72. In other words the Jones & Laughlin Steel Company is paying four times the taxes paid by these monopolies who are given a guaranteed income and who hold more property than Jones & Laughlin's. The utilities use the streets of Pittsburgh without paying a cent for a Franchise Tax — as they do in every other state in the United States. If ever an injustice exists, this is an injustice—and then the Governor of this state states he is going to encourage Pennsylvania industries who are competing in world markets and at the same time "Mr. Utility James" handicaps our Pennsylvania manufacturers and coal companies and, yes — our coal mines that this "breaker boy" worked in, by forcing them not only to pay their share of the local government, but also to pay the share that the utilities, by all laws of decency, should be paying. And I might add, that Jones & Laughlin's investments are held right here in Pennsylvania, while the utilities of Allegheny County send their money to the H. A. Byllbesby Company of Chicago, Standard Oil Co. of New Jersey, Columbia Gas & Electric (J. P. Morgan) and others.

I wish that I could take the time of this House to explain this chart to you showing how utilities are taxed in other cities and states and also to compare the average monthly electric bill paid in these cities compared to what we pay in Pennsylvania. But it would take too much time of the House. However, this chart is available to every member of this House for his perusal.

I don't think it is necessary to continue to talk further and to ask your support for the immediate enactment of legislation. These bills have been introduced and should be speedily acted upon by this House. House Bill No. 78 — taxing the real estate of the utilities — is in the Committee of Public Utilities, as well as House Bill No. 428 — creating a State Utility Tax Commission which will place a value on the special franchise and certify it back to the community served by the utility. House Bill No. 427 is an enabling act giving the Utilities Tax Commission this power.

Ladies and gentlemen of the House, your action on these bills will determine your stand as to whom you are serving — the poor oppressed real estate owner back home or the utility lobby maintained in Harrisburg.

I invite interrogations on the floor of this House — from any member who takes exception to any statement that I have made.

ADDRESS BY MR. BONEY

Mr. BONEY asked and obtained unanimous consent to address the House.

Mr. Speaker first of all I want to thank you for granting me permission to speak. I know that all of you are probably tired this late in the afternoon but I would like to point out one thing, Mr. Speaker and members of the House, which I think is very vital and which has occupied a vital spot in my mind ever since I became a member of this House.

Being a new member I was sort of reluctant to take the floor, but as I said before this question has occupied a vital spot in my mind. I believe it is not only essential but it is necessary, Mr. Speaker, in this particular situation. We heard a number of arguments or speeches with reference to our educational system on the floor and from the records. I know that each and every one of you is heartily in sympathy with the school question. I do not stand here today to retaliate in any manner with any of the members. I do not stand here as a Democrat, neither would I stand here as a Republican if I were one, but I stand here as an American citizen.

I feel that the public school system of this state and the entire United States is the most essential institution for the good of democracy. In my opinion it is the life blood of democracy that is being sapped away by idelogoists. I want to inform the members here that if our educational system falls our democracy falls. In the debate on House Bill No. 276, the speakers debated the bill vociferously and vigorously. Some of the gentlemen referred to ripper legislation. Our honorable Speaker mentioned the fact that there was a hole and a Republican member mentioned the fact that it should be sewed up, but I want to call your attention to this fact, members that there is quite a rip in our educational system and we should do something to mend it. We should do something to mend it by legislation that will be of great benefit to all of us.

Reference was made to "peanut" government. I want to inform you that if our educational system falls, we will have nothing but a "peanut" government. You know that our forefathers recognized the importance of education when in the Constitution they guaranteed us the right of life, liberty and pursuit of happiness. Those words would have been just an empty gesture if they did not devise some means by which we could pursue happiness, some means by which we could develop initiative to realize and distinguish realities in the future of the nation. Now, gentlemen, as I said before, even while I stand here, the most essential institution for democracy is our public educational system. What do we find? We find it is breaking down, we find that many schools are financially embarrased and cannot pay their teachers. If they cannot pay their teachers, they cannot buy the materials for their children to work with. For your children's sake, I ask you to do something for this very important institution in our state. We hear that the teachers are ready to go on strike. All of this must have a bad effect on the pupils. What do you find? The most important institution in the United States is breaking down. We should do something about it.

In conclusion I wish to cite a quotation from one of the newspapers on the educational system, one of the most important institutions in the United States. "It is more im-

portant than the army and the navy and the health service combined". It causes a situation that is much worse than any situation that is going on in Europe today. There is something that can be done about it. There is something much easier that we can do about it. I thank you.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 199.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 5, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 199, Printer's No. 57, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

BILL AND MESSAGE LAID ON TABLE

Mr. HAMILTON. Mr. Speaker, I move that the bill together with the message from the Governor be laid upon the table.

The motion was agreed to.

REPORT FROM COMMITTEE

Mr. GILLAN from the Committee on Labor reported as amended, House Bill No. 702, (Senate Bill No. 134), entitled:

An Act requiring aliens to register with the Department of Labor and Industry and to carry, and upon proper demand to exhibit, identification cards; prohibiting the issuing of certain registrations and licenses to, or the employment of, aliens under certain circumstances; and prescribing penalties.

COMMITTEE MEETINGS

There will be meetings of the Committees on:

Education, immediately after adjournment in Room 323.

Insurance, Tuesday, April 11, 1939 at 10.30 a. m., in Room 323.

Townships, Monday, April 10, 1939 at 7 p. m., in Room 418.

ADJOURNMENT

Mr. BURRIS. Mr. Speaker, I move that this House do now adjourn until Monday, April 10, 1939, at 8 p. m.

The motion was agreed to, and (at 3:31 p. m.) the House adjourned until Monday, April 10, 1939, at 8 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1939. 133d of the General Assembly.

Vol. 23 HARRISBURG, PA., MONDAY, APRIL 10, 1939. No. 35.

SENATE

MONDAY, April 10, 1939.

The Senate met at 9:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

Our Heavenly Father, as we come in prayer tonight we are exceedingly apprehensive of the immediate future of the world.

Turning from the beauty of yesterday with its message of victory, peace and triumph we again are startled by the aggression of the most dangerous dictators of the earth. Trampling asunder the liberty and sovereignty of weaker, defenseless nations and the direct threatening of others we grimly note the march of political conquest in Europe.

Are the ghosts of Napoleon and Caesar marching again? Must the clock of time again be turned back to 1914 and 1917? If so, O God of all nations, suffer the ominous shadows of Waterloo and the fateful daggers of conspirators to fall full across their ambitious pathways e'er the nations of the earth become embroiled in another cataclysmic struggle leaving so much suffering, misery, destruction and death in its wake.

We know not what a day may bring forth, neither can we read aright the signs of the times but we can and do continue to repose our faith in Thee. Thus far Thou hast directed us safely; we will fervently believe in our national motto—"In God we trust" and mean it.

We turn now to our own problems of State. As we strive to solve them give us Divine guidance throughout our labors. For Jesus' sake. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. SCARLETT, the further reading was dispensed with, and the Journal was approved.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President and gentlemen of the Senate: The personal privilege rule has been much abused in this Senate and I must plead guilty to some violations. But like Edmund Burke I have often hoped that the good nature of the Chair would incline him to some indulgence toward human frailty.

But tonight I ask no indulgence and offer no apologies. I speak on behalf of millions of citizens of my city and State.

For many years the City of Philadelphia has been labeled as 'corrupt and contented,' and during all that time the financial and political affairs of the City have been controlled by the Republican party and Republican officeholders. In the last few years the stranglehold has been loosened and the usual landslide by which the Republican party was repeatedly swept into office has been reduced to a mere majority. In spite of that and in spite of the fact that in 1935 the Democratic party polled more than 45 per cent of the votes cast not a single Democratic Councilman was elected.

In the State the situation is the same. Republican controlled for more than forty years, when it was swept out of power in Pennsylvania it lost every contested office by a comparatively small majority.

With such results the so-called 'two party system' becomes a high sounding phrase and minority representation a figment of the imagination. The one party either absorbs or destroys the other at least during the period of supremacy. Party pledges and principles are forgotten. The elected public officials become the representatives of the party.

Under Republican rule for nearly half a century in both City and State the citizens have witnessed and accepted this practice without audible protest. In 1934 economic conditions brought about a change and a new party was placed in power, pledged to a platform of liberal legislations. Opinions may differ on the guilt or innocence of those State officers against whom charges have been made, whether they are politically born or true. But upon this fact no one can honestly disagree: In 1935 and 1937 the Democratic party enacted into law every plank in its platform.

Now we have a new administration. It was elected to office on the basis of charges of corruption and destructive business taxation. It promised to prove its charges by convicting the guilty, and to relieve business by repealing the 'burdensome' taxes. It has done neither. Almost a year has passed since the charges were made and no one has been even tried. A former Governor, coming from a family whose name has gained eminence in Philadelphia for integrity and philanthropy has not been accorded the courtesy, decency and sportmanship that

would be given any ordinary citizen accused of the most heinous crime.

Our State budget is not balanced and to prevent its complete destruction the James Administration is moving to get appellate court assistance to keep alive these very taxes which it was pledged to destroy. What hypocrisy! What a spectacle! Mr. President, on this subject I shall have more to say at another time.

The situation in the city of Philadelphia is even worse and more imminent. Fifty years of misrule, of waste, extravagance and corruption have reduced the third largest city of the nation to financial and social ruin. In my memory not a single bona fide improvement of any value to the citizens has been suggested or made, but hundreds of millions of dollars have been thrown away on Sesqui-centennials staged in out of the way spots; on subways that begin nowhere and end nowhere; on holes in the ground; on Parkways and on schems to beautify the city that were never finished, all of which carried with them the seed of corruption and scandal.

Bonded indebtedness has arisen from $110,000,000 to $540.000,000 in a few short years. Deficits of over $40,-000,000 in current expense budgets have been created. But with starvation and dependence on charity all around them; with attempts of the political leaders to make them pay for the extravagances of the politicians; with a world gone mad and a shaking civilization, the people of our city are aroused to a fury. Philadelphia is still corrupt. It is no longer contented.

Its people have reached the conclusion that we must have capable and honest and efficient public officers and that the only way to get such men of high standing and ability to accept even nominations for public office is to set up a new governmental framework which will make possible the election of such men without political obligation.

This is the thought and the purpose back of the new City Charter. It was drawn up by a group of representative and responsible citizens. It is sponsored and backed by a majority of the people. It is supported by most of our intelligent and public spirited citizens.

This Senate has heard from the public pro and con and the time has come to act. Frankly this proposed Charter spells the death knell of politically controlled city government. It will bring about the birth of a new kind and far better kind of politics in the City and a new kind of City in Pennsylvania.

It will prevent a recurrence of the waste, mismanagement and corruption of the past by granting proper minority representation in the future.

The people of Philadelphia want an opportunity to vote on this Charter. No back room conferees, even if they do meet in the Union League, can arrogate to themselves the right to decide this question for two million people of our city. That right belongs to the people themselves to decide this vital question.

It is the right of the people alone to decide whether the proposed Charter is good or bad. It is their right, and theirs alone, to decide whether they want that form of government.

We in the Senate have no right to deny them that privilege. No political party that is honest has any right to deny this privilege. No party that is wise will frustrate that right of the people of Philadelphia.

I call upon the Committee on Municipal Government and the Republican members of this Senate to act, and to act promptly. This week should allow ample time for the committee to complete the hearings and act.

f it does not I will feel it my duty to move to discharge the Committee for further consideration of Senate Bills Nos. 1, 2 and 3.

LEAVE OF ABSENCE

Mr. FREY asked and obtained leave of absence for the Senator from Adams, Mr. RICE, for the current week.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVAL OF SENATE BILL NO. 8.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 6, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 40, Printer's No. 8, entitled, "An Act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie and for the joint use of the Department of War of the United States Government and the Department of Forests and Waters of the Commonwealth of Pennsylvania and the use of the Department of Forests and Waters in cooperation with the Federal Beach Erosion Board."

ARTHUR H. JAMES.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

HOUSE MESSAGE

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 254, (Senate Bill No. 437), entitled:

An Act to amend section one thousand two hundred seven of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An Act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for compensation for services rendered by constables and their deputies.

Which was committed to the Committee on Elections.

House Bill No. 256, (Senate Bill No. 438), entitled:

An Act to amend clause four of subsection (b) of section nine hundred thirteen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An Act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by changing the filing fee for certain nomination petitions.

Which was committed to the Committee on Elections.

House Bill No. 300, (Senate Bill No. 439), entitled:

An Act to amend clause nineteen of section one thousand five hundred two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by making provision for adoption of standard building codes; and dispensing with the publishing of such codes in full.

Which was committed to the Committee on County Government.

House Bill No. 304, (Senate Bill No. 440), entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by adding thereto section fifty-seven and one-tenth; requiring county officers in counties of the sixth class to keep separate from their personal accounts all fees, costs and other moneys paid into their office, and to turn such moneys not paid to parties entitled thereto over to their successor.

Which was committed to the Committee on County Government.

House Bill No. 353, (Senate Bill No. 441), entitled:

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania by adding thereto section six A.

Which was committed to the Committee on Judiciary General.

House Bill No. 470, (Senate Bill No. 442), entitled:

An Act to amend sections twenty-seven and twenty-eight of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," by providing for the transfer of the registration of electors without personal appearance, upon change of residence from a borough, town or township to a city of the third class in the same county; and authorizing the registration commission to amend the registers for such boroughs, towns, townships and cities accordingly.

Which was committed to the Committee on Municipal Government.

House Bill No. 498, (Senate Bill No. 443), entitled:

An Act to amend sections two and five of the act, approved the first day of July, one thousand nine hundred nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage, and duties of the officers and employes of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies," further regulating the term of office of such officers and employes.

Which was committed to the Committee on State Government.

House Bill No. 632, (Senate Bill No. 444), entitled:

An Act to amend section ten of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 1011), entitled "A supplement to an act entitled 'An act for the government of cities of the second class,' approved the seventh day of March, Anno Domini one thousand nine hundred and one, creating a department of city planning; providing for its organization and powers; regulating the platting of ground; prohibiting the recording of plans and sales of lots therein before their approval, under penalties; making it a misdemeanor for the recorder of deeds to record an unapproved plan; restricting accepting, laying out, opening and improving private streets; prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat; transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land, the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same, the preparation and compilation of an official street map; providing penalties for the violation of this act; and repealing certain statutes," further defining the powers of the planning commission in cities of the second class.

Which was committed to the Committee on Municipal Government.

House Bill No. 684, (Senate Bill No. 445), entitled:

An Act to further amend section ten of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by making further provision for credits on account of services rendered prior to the thirty-first day of December, one thousand nine hundred and twenty-three.

Which was committed to the Committee on State Government.

House Bill No. 268, (Senate Bill No. 446), entitled:

An Act to add section six hundred and two and one-tenth to article six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," further regulating the sale of unused and unnecessary land and buildings by boards of school directors.

Which was committed to the Committee on Education.

House Bill No. 276, (Senate Bill No. 447), entitled:

An Act to further amend sections four and twenty-two of the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws eight hundred fifty-eight), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by transferring the State Employes' Retirement Board from the Treasury Department to the Department of State; and transferring certain appropriations.

Which was committed to the Committee on State Government.

House Bill No. 394, (Senate Bill No. 448), entitled:

An Act to further amend section one of the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure, and registration of persons, firms or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the second class; and imposing fines, penalties, and forefeitures for violation thereof," by extending the provisions of said act to cities of the second class A.

Which was committed to the Committee on Municipal Government.

House Bill No. 573, (Senate Bill No. 449), entitled:

An Act to amend section four hundred and forty-six of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the members of the Board of Commissioners of Public Grounds and Buildings to act on said board through deputies.

Which was committed to the Committee on State Government.

House Bill No. 624, (Senate Bill No. 550), entitled:

An Act to amend section nine of the act, approved the first day of July, one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number compensation, mileage, and duties of the officers and employes of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies," by providing that compensation payable under this act shall be paid semi-monthly.

Which was committed to the Committee on State Government.

HOUSE MESSAGE

SENATE BILL NO. 34, RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 34, entitled:

An Act to further amend section five hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled: "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the incurring of temporary indebtedness and the repayment thereof

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

The amendment will be noted on tomorrow's Calendar.

REPORT FROM COMMITTEE

Mr. REED, from the Committee on Public Utilities, reported as amended, Senate Bill No. 268, entitled:

An Act to amend paragraph (c) of section four hundred nine paragraphs (a) and (c) of section four hundred eleven of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the

supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossing of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resulting costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by providing a more equitable method for the apportionment of damages and expenses occasioned by or resulting from the construction, relocation, alteration protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways; limiting in certain cases the amount to be borne by the public utilities concerned, and providing for the recovery by the commission on behalf of the Commonwealth of the amount of expenses occasioned by or resulting from such crossing improvement, as well as the amount of damages or compensation awarded to the owners of adjacent property.

BILLS INTRODUCED

Mr. FARRELL read in his place and presented to the Chair Senate Bill No. 451, entitled:

An Act to amend the title and sections one, three, four, five, six and twelve of the act, approved the seventh day of May, one thousand nine hundred and thirty-seven (P. L. 589) entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the first class as State highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the making of any opening in said street after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," by extending the provisions thereof to bridges and culverts on such streets; providing for the assessment of abutting property owners for portions of the cost of street improvements; and providing for appropriations to cities of the first class and the Department of Highways.

Which was committed to the Committee on Highways.

Mr. KILGALLEN read in his place and presented to the Chair Senate Bill No. 452, entitled:

An Act establishing certain public roads as State highways and providing for their construction, reconstruction and maintenance at the expense of the Commonwealth.

Which was committed to the Committee on Highways.

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 453, entitled:

An Act to amend section one of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 796), entitled "An act providing for the preservation of the records of banks, bank and trust companies, trust companies, saving banks, and private banks; and imposing penalties for violations," to permit the preservation of photographs, or the means of making or reproducing photographs, of such records in lieu thereof.

Which was committed to the Committee on Banking.

Mr. HOMSHER read in his place and presented to the Chair Senate Bill No. 454, entitled:

An Act to further amend article twenty of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistent therewith," by designating the type of contract which shall be used for certain employees in the Teachers Colleges, the Cheyney Training School for Teachers, the State Oral School, the Home for Training in Speech, the Soldiers' Orphan School, and the Thaddeus Stevens Industrial School in this Commonwealth and specifying the means whereby they may be dismissed.

Which was committed to the Committee on Education.

Mr. JAMES read in his place and presented to the Chair Senate Bill No. 455, entitled:

An Act to amend section seven hundred six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by the appointment of bridge inspectors from the Board of Viewers.

Which was committed to the Committee on County Government.

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 456, entitled:

A Joint Resolution proposing an amendment to section one, article nine of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Judiciary General.

Mr. CHAPMAN read in his place and presented to the Chair Senate Bill No. 457, entitled:

An Act to amend sections one and five of the act approved the twenty-ninth day of May, one thousand eight hundred eighty-five, entitled, "An act to provide for the incorporation and regulation of natural gas companies," enlarging the powers of such corporations; and limiting the cases where certificates setting forth enlargement or alteration of territory of production need be recorded.

Which was committed to the Committee on Public Utilities.

Mr. SCARLETT read in his place and presented in the Chair Senate Bill No. 458, entitled:

An Act to provide for increasing the indebtedness of railroad corporations with the privilege of converting the same into capital stock.

Which was committed to the Committee on Corporations.

Mr. WOLFENDEN, by request, read in his place and presented to the Chair Senate Bill No. 459, entitled:

An Act relating to recognizances and official bonds of present and future sheriffs and coroners and to their sureties thereon; imposing the expense of corporate suretyships on such obligations upon the several counties and various duties upon the Courts of Common Pleas and county officers thereof; authorizing the substitution of approved surety companies for individual or corporate sureties upon such obligations and the release of any surety upon any such recognizance by such Court upon certain conditions; dispensing with sureties on such recognizances but providing for the acknowledgment, recording and indexing of same as liens on certain real estate; regulating such liens and releases therefrom; providing for refunds to sheriffs and coroners of certain premiums paid to sureties on their official bonds and recognizances; and repealing inconsistent laws, except as to existing claims or pending suits thereunder, subject to certain limitations.

Which was committed to the Committee on County Government.

Mr. WALKER read in his place and presented to the Chair Senate Bill No. 460, entitled:

An Act to amend paragraphs (6) and (7) of Section 2, Sections 405 and 915 of, and to add Sections 922 and 1315 to, of the act, approved the twenty-eight day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Comission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilties and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultal costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment procedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporatioons) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by adding to the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle"; requiring common carriers to deal only with certain common carriers by motor vehicles; providing for additional insurance by certain motor carriers of passengers; authorizing the Commission and the Department of Revenue to co-operate in identification plate requirements; and providing additional penalties.

Which was committed to the Committee on Public Utilities.

He also read in his place and presented to the Chair Senate Bill No. 461, entitled:

An Act to amend Paragraph 1 of Section 1, Clauses (f), (g) and (h) of Section 202, Paragraph 4 of Section 403, Sections 405 and 406, to add Clause (f) to Section 407, and to amend Section 413 of the act approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1449), entitled "An act establishing a court of record in the county of Allegheny for control, care, guidance, treatment, trial, placement and commitment of delinquent, neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency, neglect or dependency of children; defining the jurisdiction and powers of the court, and regulating procedure therein; providing for the transfer thereto of certain powers, functions and duties from other courts, providing for the election of judges thereof, the appointment of probation officers, other necessary staff officials and assistants providing for housing of same, and providing for detention facilities; making the contributing to or encouraging of the delinquency, neglct or dependency of children a misdemeanor; and providing penalties," by extending the provisions of the act to children under eighteen years of age.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 462, entitled:

An Act to amend Clause 2 of Section 1, and Sections 4, 6, 7, 8 and 14 of the act approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1433), entitled "An act defining the powers of the courts of quarter sessions, the Municipal Court of Philadelphia, and the County or Juvenile Court of Allegheny County, with respect to the care, guidance, control, trial, placement and commitment of delinquent, dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency, neglect and dependency of children; and amending, revising and consolidating the law relating thereto," by extending the provisions of the act to children under eighteen years of age.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair, Senate Bill No. 463, entitled:

An Act establishing certain public roads and streets as a State highway and providing for their construction, re-

construction and maintenance by the Department of Highways, subject to certain terms and conditions.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair, Senate Bill No. 464, entitled:

An Act establishing certain public roads and streets as a State highway, and providing for their construction, reconstruction and maintenance by the Department of Highways, subject to certain terms and conditions.

Which was committed to the Committee on Highways.

Mr. CROWE read in his place and presented to the Chair, Senate Bill No. 465, entitled:

An Act relating to the qualifications of individual or personal sureties.

Which was committed to the Committee on Judiciary General.

He also, by request, read in his place and presented to the Chair, Senate Bill No. 466, entitled:

An Act relating to the filing of supersedeas or appeal bonds in cases wherein an insurance carrier is bound or obligated to pay on behalf of the appellant any part less than the entire amount of the order, judgment or decree appealed from in the event of its affirmance.

Which was committed to the Committee on Judiciary General.

Mr. THOMAS read in his place and presented to the Chair, Senate Bill No. 467, entitled:

An Act making an appropriation to the West Lake Hose Company of Erie County for the protection of State property.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair, Senate Bill No. 468, entitled:

An Act making an appropriation to the Jamestown Volunteer Fire Department for the protection of State property.

Which was committed to the Committee on Appropriations.

Mr. FREY read in his place and presented to the Chair, Senate Bill No. 469, entitled:

An Act making an appropriation to the Saint Francis' Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. GELTZ, by request, read in his place and presented to the Chair, Senate Bill No. 470, entitled:

An Act to further amend section five of the act approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 551), entitled "An act relating to roads, highways and bridges," authorizing the appropriation of property in excess of the requirements for the width of public roads for the construction of traffic grade separations and to provide for anticipated traffic requirements at highway intersections.

Which was committed to the Committee on Highways.

He also, by request, read in his place and presented to the Chair, Senate Bill No. 471, entitled:

An Act to amend route number three hundred and eighty-eight of an act approved the eighth day of April, one thousand nine hundred and twenty-five (P. L. 191), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

Which was committed to the Committee on Highways

He also, by request, read in his place and presented to the Chair, Senate Bill No. 472, entitled:

An Act to further amend article three of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," authorizing the Superintendent of Police to appoint additional patrolmen at the expense of persons asking such appointment; and authorizing the mayor to take command of the police force, and to appoint special patrolmen during emergencies or apprehensions of emergencies; and providing for their regulations, duties and pay.

Which was committed to the Committee on Municipal Government.

Messrs. DENT and EROE read in their places and presented to the Chair, Senate Bill No. 473, entitled:

An Act to regulate the sale, storage, offering or exposing for sale of fireworks, defining commercial and display fireworks and providing for licensing and regulation of the manner of using fireworks; and providing license fees and penalties.

Which was committed to the Committee on Judiciary Special.

Mr. EROE read in his place and presented to the Chair, Senate Bill No. 474, entitled:

An Act to amend a part of section one of the act approved the fifth day of April, one thousand nine hundred and twenty-nine (P. L. 170), entitled "An act to regulate and establish the fees to be charged by justices of the peace and aldermen in this Commonwealth, and imposing liability for costs upon the county in certain cases," providing for the payment of costs in dismissed summary conviction proceedings by the prosecutor or defendant or partly by each.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair, Senate Bill No. 475, entitled:

An Act to amend part of section one of the act approved the twentieth day of July one thousand nine hundred seventeen (P. L. 1158, Number 401), entitled "An act to fix, regulate and establish the fees to be charged and received by constables in this Commonwealth," reducing the mileage chargeable by constables.

Which was committed to the Committee on Judiciary General.

Mr. DENT read in his place and presented to the Chair, Senate Bill No. 476, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the second class and second class A, and third class as State

highways and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit and providing penalty therefor; regulating the maintenance of detour; authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act," by establishing additional routes in the City of Jeannette.

Which was committed to the Committee on Highways.

Mr. KUNKEL read in his place and presented to the Chair, Senate Bill No. 477, entitled:

An Act to amend section seven of the act, approved the second day of January, one thousand nine hundred and thirty-four (P. L. 201), entitled "An act authorizing the issue and sale of bonds by the Commonwealth of Pennsylvania to defray the cost of the acquisition of toll bridges; defining the powers and duties of the Governor, the Auditor General, the State Treasurer, and the Board of Finance and Revenue, in relation thereto; providing for the payment of interest on, and the redemption of, such bonds; and making an appropriation," providing for the payment of the interest on and the redemption of such bonds out of the Motor License Fund.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair, Senate Bill No. 478, entitled:

An Act to amend section eleven of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 395), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth; providing the procedure therefor; providing for the reimbursement of the Commonwealth from tolls and charges, and making an appropriation," as amended; by providing that such toll bridges heretofore or hereafter acquired by the Department of Highways shall be free bridges from the effective date of this act, or from the date they are so acquired.

Which was committed to the Committee on Highways.

TIME OF NEXT MEETING

Mr. SNOWDEN offered the following resolution which was twice read, considered, and agreed to:

In the Senate, April 10, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, April 17, 1939, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, April 17, 1939, at eight o'clock.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

URGING ADDITIONAL AMUSEMENT TAX

Mr. REED offered the following resolution which was twice read as follows:

In the Senate, April 10, 1939.

Whereas, It appears that in order to efficiently operate the business of the Commonwealth for the next biennium it will be necessary to levy additional taxes; and

Whereas, It is consistent with good government that taxes be imposed in such a manner as to rest equally upon all; and

Whereas, An amusement tax would not injure or burden the people of the Commonwealth:

Therefore, Be It Resolved, That this Senate promptly advise the Governor of the Commonwealth that it is the will of the Senate that an amusement tax be added to the Tax Program, wherein it shall be provided that a reasonable tax to be later fixed by the legislature be imposed, and for amusements conducted on the Sabbath a tax of 25% or more on the gross price charged; and in the event more money is thereby raised than is necessary to provide for the existing deficiency, then such surplus shall be used to reduce in like proportion the four mill emergency tax on personal property.

Which was laid on the table.

REPORT FROM COMMITTEE

Mr. EALY. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY from the Committee on Executive Nominations reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

APPOINTMENT AS MEMBER OF PUBLIC UTILITY COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

John Siggins, Jr., Warren, Warren County, for appointment as a member of the Pennsylvania Public Utility Commission, for the residue of the term ending April 1, 1941, and until his successor shall be duly appointed and shall be qualified.

ARTHUR H. JAMES.

MEMBER OF BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 22, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of Olaf J. Pedersen, 21 North Greene Street, East Stroudsburg, Monroe County, as a member of the Board of Trustees of Farview State Hospital, for the term of four years and until his successor is qualified, vice Edward J. Healey, Jr.

ARTHUR H. JAMES.

MEMBER OF PENNSYLVANIA STATE BOARD OF CENSORS.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of Mrs. Edna R. Carroll, 4904 Roosevelt Boulevard, Philadelphia, Philadelphia County, as a member of the Pennsylvania State Board of Censors, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

ARTHUR H. JAMES.

MEMBERS OF STATE BOARD OF PUBLIC ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 6, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the State Board of Public Assistance:

Howard L. Russell, Upper Darby, Delaware County, for a term of six years and until his successor shall have been appointed and qualified.

John Schropp, Lebanon, Lebanon County, for a term of six years, and until his successor shall have been appointed and qualified.

John Stevenson, Bryn Mawr, Montgomery County, until the third Tuesday of January, 1942, and until his successor shall have been appointed and qualified.

Mrs. Harriet B. Phillips, Pittsburgh, Allegheny County, until the third Tuesday of January, 1941, and until her successor shall have been appointed and qualified.

John W. Howell, Scranton, Lackawanna County, until the third Tuesday of January, 1941, and until his successor shall have been appointed and qualified.

James J. Know, Philadelphia, Philadelphia County, until the third Tuesday of January, 1940, and until his successor shall have been appointed and qualified.

Frank A. Robbins, Jr., Steelton, Dauphin County, until the third Tuesday of January 1940, and until his successor shall have been appointed and qualified.

ARTHUR H. JAMES.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations sent to the Senate, April 5 and 10, 1939, by His Excellency, the Governor of the Commonwealth, together with the nominations just reported from Committee.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

It was agreed to.

EXECUTIVE SESSION

By unanmious consent,

A motion was made by Mr. EDMONDS and Mr. OWLETT.

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. OWLETT.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

Mr. EALY. Mr. President, I ask that the name of Mr. Cyrus Davis, nominated for appointment as a member of the Board of Trustees of Indiana State Teachers College, which was laid on the table last Wednesday, be taken up and voted on first, and that the others be taken up in order and voted on singly.

Mr. MALLERY. Mr. President, I second the motion.

It was agreed to.

The nominations were as follows:

BOARD OF TRUSTEES OF INDIANA STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 27, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Indiana State Teachers College, for terms of four years and until their successors are qualified:

Cyrus Davis, Ebensburg, Cambria County.

Mrs. Jennie S. Reed, Indiana, Indiana County.

ARTHUR H. JAMES.

On the question,

Will the Senate agree to the motion?

Mr. HALUSKA. Mr. President, in reference to the nomination of Mr. Davis, which was before the Senate last week, I wish to say tonight that I have contacted Judge McCann, who had been asked to resign, and I am satisfied that Mr. Davis should be confirmed; and I am asking my colleagues to approve the confirmation.

On the question,

Will the Senate agree to the nomination?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Mundy,	Thomas,
DiSilvestro,	James,	Owlett,	Walker,
Ealy,	Jaspan,	Pierson,	Wolfenden,
Edmonds,	Kilgallen,	Reed,	Woodward,
Eroe,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

MOTION TO LAY NOMINATION ON THE TABLE

Mr. EALY. Mr. President, I move that the nomination of Mrs. Jennie S. Reed, for appointment as a member of the Board of Trustees of Indiana State Teachers College, be again laid on the table.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

It was agreed to.

MOTION TO CONSIDER NOMINATION OF MR. JOHN SIGGINS, JR.

Mr. EALY. Mr. President, I now ask that the name of Mr. John Siggins, Jr. be taken up next, for confirmation as a Member of the Pennsylvania Public Utility Commission.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

It was agreed to.

On the question,

Will the Senate agree to the nomination?

Mr. OWLETT. Mr. President, I desire to change my vote from "aye" to "no."

The PRESIDENT. It will be so recorded.

Mr. MALLERY. Mr. President, I desire to change my vote from "aye" to "no."

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Bartlett,	Farrell,	Letzler,	Stevenson,
Chapman,	Gelder,	McCreesh,	Tallman,
Crowe,	Geltz,	McGinnis,	Thomas,
Dando,	Heyburn,	Miller,	Walker,
Deitrick,	Homsher,	Pierson,	Wolfenden,
Ealy,	James,	Scarlett,	Woodward,
Edmonds,	Lanius,	Snowden,	

NAYS—17

Cavalcante,	Gilson,	Kunkel,	Ruth,
Coleman,	Haluska	Mallery,	Shapiro,
Dent,	Jaspan,	Mundy,	Sipe,
DiSilvestro,	Kilgallen,	Owlett,	Stiefel,
Frey,			

Less than two-thirds of all the Senators having voted "aye" the question was determined in the negative.

MOTION TO RECONSIDER VOTE

Mr. OWLETT. Mr. President, I move you that the Senate do now reconsider the vote by which the confirmation of the nomination of Mr. John Siggins, Jr. was rejected.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "no."

Mr. MALLERY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. MALLERY. Mr. President, I voted "no."

On the motion.

Will the Senate agree to the motion?

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, the Senator from Tioga is not listed as voting with the majority, and therefore cannot move to reconsider the vote, under the rules of this Senate.

Mr. OWLETT. Mr. President, in answering the point of order raised by the Senator from Fayette, I desire to call his attention to the fact that I did vote with the majority. I voted "no."

Mr. CAVALCANTE. Mr. President, the Senator from Tioga did not vote with the majority; he voted with the minority.

The PRESIDENT. The Chair decides that the point of order raised by the Senator from Fayette, Mr. Cavalcante, is not well taken, and as authority for that he reads Rule 16 of the Rules of the Senate:

"Reconsideration. When a question has been once made and carried in the affirmative or negative, it shall be in order for any two members of the majority to move the reconsideration thereof. When the Senate has been equally divided on a question, or a bill shall have failed to pass, by reason of not having a constitutional majority, it shall be in order for any two who voted in the negative to move the reconsideration thereof."

QUESTION OF PARLIAMENTARY INQUIRY

Mr. CAVALCANTE. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of parliamentary inquiry.

Mr. CAVALCANTE. Mr. President, does the Chair have in mind that the latter part of this rule quoted by the Chair refers to bills where the majority is in the negative, less than 26?

The PRESIDENT. The Chair rules that that would refer to any vote.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. CAVALCANTE. Mr. President, I rise to a question of parliamentary inquiry before the roll is called.

The PRESIDENT. The Senator from Fayette will state his question of parliamentary inquiry.

Mr. CAVALCANTE. Mr. President, based on the same reasoning applied by the Chair in overruling my point of order previously made, will it require two-thirds of those present to sustain a reconsideration?

The PRESIDENT. The Chair rules that it will not.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Bartlett,	Farrell,	Lanius,	Snowden,
Chapman,	Gelder,	Letzler,	Stevenson,
Crowe,	Geltz,	Mallery,	Tallman,
Dando,	Gilson,	Miller,	Thomas,
Deitrick,	Heyburn,	Owlett,	Walker,
Ealy,	Homsher,	Pierson,	Wolfenden,
Edmonds,	James,	Scarlett,	Woodward,

NAYS—16

Cavalcante,	Haluska,	McCreesh,	Ruth,
Dent,	Jaspan,	McGinnis,	Shapiro,
DiSilvestro,	Kilgallen,	Mundy,	Sipe,
Frey,	Kunkel,	Reed,	Stiefel,

Less than two-thirds of all the Senators having voted "aye" the question was determined in the negative.

NOMINATION OF JOHN SIGGINS, JR., RE-REFERRED TO COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. EALY. Mr. President, I now move that the nomination of Mr. John Siggins, Jr. be referred to the Committee on Executive Nominations.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

CONSIDERATION OF NOMINATION OF OLAF J. PEDERSEN NOMINATED AS A MEMBER, BOARD OF TRUSTEES, FARVIEW STATE HOSPITAL

Mr. EALY. Mr. President, I now call up the name of Olaf J. Pedersen, as a member of the Board of Trustees of the Farview State Hospital.

The clerk proceeded with the calling of the roll.

Mr. OWLETT. Mr. President, I desire to change my vote from "Aye" to "No."

The PRESIDENT. It will be so noted.

Mr. MALLERY. Mr. President, I desire to change my vote from "Aye" to "No."

The PRESIDENT. It will be so noted.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—24

Bartlett,	Edmonds,	James,	Stevenson,
Chapman,	Farrell,	Letzler,	Tallman,
Crowe,	Gelder,	Miller,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrick,	Heyburn,	Scarlett,	Wolfenden
Ealy,	Homsher,	Snowden,	Woodward,

NAYS—21

Cavalcante,	Haluska,	Mallery,	Reed,
Coleman,	Jaspan,	McCreesh,	Ruth,
Dent,	Kilgallen,	McGinnis,	Shapiro,
DiSilvestro,	Kunkel,	Mundy,	Sipe,
Frey,	Lanius,	Owlett,	Stiefel,
Gilson,			

Less than two-thirds of all the Senators having voted "aye" the question was determined in the negative.

CONSIDERATION OF NOMINATION OF MRS. EDNA R. CARROLL AS MEMBER OF BOARD OF CENSORS

Mr. EALY. Mr. President, I now call up the name of Mrs. Edna R. Carroll, of Philadelphia, as a member of the State Board of Censors.

The clerk proceeded with the calling of the roll.

Mr. MUNDY. Mr. President, not having heard my name called, I desire to be recorded as voting "No."

The PRESIDENT. It will be so recorded.

Mr. OWLETT. Mr. President, I desire to change my vote from "Aye" to "No."

The PRESIDENT. It will be so recorded.

Mr. HEYBURN. Mr. President, I desire to change my vote from "Aye" to "No."

The PRESIDENT. It will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—24

Bartlett,	Edmonds,	Mallery,	Stevenson,
Chapman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Pierson,	Thomas,
Dando,	Geltz,	Scarlett,	Walker,
Deitrick,	Homsher,	Snowden,	Wolfenden,
Ealy,	James,	Letzler,	Woodward,

NAYS—20

Cavalcante,	Gilson,	Kunkel,	Reed,
Coleman,	Haluska,	Lanius,	Ruth,
Dent,	Heyburn,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Frey,	Kilgallen,	Owlett,	Stiefel,

Less than two-thirds of all the Senators having voted "aye" the question was determined in the negative.

CONSIDERATION OF JOHN W. HOWELL AS MEMBER OF BOARD OF PUBLIC ASSISTANCE

Mr. EALY. Mr. President, I now call up for action the nominations for appointment as members of the State Board of Public Assistance; and ask that they all be voted on together.

Mr. COLEMAN. Mr. President, in order to conserve the time of the Senate and avoid confusion, I would like to suggest that the name of John Howell be voted upon individually; and if it is the desire of the Chair and the members of the Senate, the remainder of the Board may be voted on as a group.

The PRESIDENT. The Chair understands that, from the request of the Senator from Lackawanna, the name of John W. Howell be not considered at this time and that the others only be voted upon.

Mr. EALY. Mr. President, I suggest that we take up the name of Senator Howell first.

Mr. COLEMAN. Mr. President, I would like to interrogate the Chairman of the Committee of Executive Nominations, Mr. Ealy.

The PRESIDENT. Will the Senator from Somerset permit himself to be interrogated?

Mr. EALY. Mr. President, I will.

Mr. COLEMAN. Mr. President, I understand it is agreeable to the Senator from Somerset that the nomination of Senator Howell be voted upon first, individually.

Mr. EALY. Mr. President, either way, as I understand it, Mr. President, the Senator from Lackawanna wishes the name of John W. Howell voted upon first. I have no objection.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bartlett,	Farrell,	Kunkel,	Shapiro,
Cavalcante,	Frey,	Lanius,	Sipe,
Chapman,	Gelder,	Letzler,	Snowden,
Coleman,	Geltz,	Mallery,	Stevenson,
Crowe,	Gilson,	McGinnis,	Stiefel,
Dando,	Haluska,	Miller,	Tallman,
Deitrick,	Heyburn,	Mundy,	Thomas,
Dent,	Homsher,	Owlett,	Walker,
DiSilvestro,	James,	Pierson,	Wolfenden,
Ealy,	Jaspan,	Ruth,	Woodward,
Edmonds,	Kilgallen,	Scarlett,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

CONSIDERATION OF NOMINATION OF HOWARD L. RUSSELL AS A MEMBER OF BOARD OF PUBLIC ASSISTANCE

Mr. WOLFENDEN. Mr. President, I think the other members of this Committee should be accorded the same courtesy that was accorded Mr. Howell; and they should be voted upon individually.

The PRESIDENT. The Chair understands that that is the desire of the Senators on the other side.

Mr. WOLFENDEN. Mr. President, I am requesting that they be voted upon separately.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. WOODWARD. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Philadelphia, Mr. Woodward, will state his question of parliamentary inquiry.

Mr. WOODWARD. Mr. President, I rise to a question of ordinary curiosity. If Ex-Senator Howell is the only member of the board, will he function as a one-man board in the absence of the vote of the Democrats? Can one man function as the board—as the central board?

The PRESIDENT. The Chair will hold that in obeyance for the time being.

The question is on the confirmation of the other appointees of the same board.

The clerk will call the roll.

Mr. EALY. Mr. President, the Senator from Indiana requested that the other names be voted upon, in order, separately, and the first name is that of Mr. Russell.

The PRESIDENT. If there is no objection, we will proceed to the reading of the first name.

The clerk proceeded with the calling of the roll.

Mr. OWLETT. Mr. President, I desire to change my vote from "Aye" to "No."

The PRESIDENT. It will be so recorded.

Mr. MALLERY. Mr. President, I desire to change my vote from "Aye" to "No."

The PRESIDENT. It will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Bartlett,	Eroe,	Lanius,	Stevenson,
Chapman,	Farrell,	Letzler,	Tallman,
Crowe,	Gelder,	Miller,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrick,	Heyburn,	Scarlett,	Wolfenden,
Ealy,	Homsher,	Snowden,	Woodward,
Edmonds,	James,		

NAYS—19

Cavalcante,	Gilson,	Mallery,	Ruth,
Coleman,	Haluska,	McCreesh,	Shapiro,
Dent,	Jaspan,	McGinnis,	Sipe,
DiSilvestro,	Kilgallen,	Mundy,	Stiefel,
Frey,	Kunkel,	Owlett,	

Less than two-thirds of all the Senators having voted "aye" the question was determined in the negative.

CONSIDERATION OF NOMINATION OF MR. JOHN SCHROPP, AS MEMBER OF BOARD OF PUBLIC ASSISTANCE.

The PRESIDENT. The clerk will now read the name of Mr. John Schropp.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Bartlett,	Farrell,	Mallery,	Stevenson,
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Heyburn,	Pierson,	Walker,
Deitrick,	Homsher,	Scarlett,	Wolfenden,
Ealy,	James,	Snowden,	Woodward,
Edmonds,	Letzler,		

NAYS—19

Cavalcante,	Frey,	Kunkel,	Ruth,
Coleman,	Gilson,	Lanius,	Shapiro,
Dent,	Haluska,	McCreesh,	Sipe,
DiSilvestro,	Jaspan,	McGinnis,	Stiefel,
Eroe,	Kilgallen,	Mundy,	

Less than two-thirds of all the Senators having voted "aye" the question was determined in the negative.

CONSIDERATION OF NOMINATION OF JOHN STEVENSON AS MEMBER OF BOARD OF PUBLIC ASSISTANCE.

The PRESIDENT. The clerk will now read the name of Mr. John Stevenson.

The clerk proceeded with the calling of the roll.

Mr. OWLETT. Mr. President, I desire to change my vote from Aye to No.

The PRESIDENT. It will be so recorded.

Mr. HEYBURN. Mr. President, I desire to change my vote from Aye to No.

The PRESIDENT. It will be so recorded.

The yeas and nays were taken agreeably to the prosions of the Constitution, and were as follows, viz:

YEAS—24

Bartlett,	Edmonds,	Letzler,	Stevenson,
Chapman	Farrell,	Mallery,	Tallman,
Crowe,	Gelder,	Miller,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrick,	Homsher,	Scarlett,	Wolfenden,
Ealy,	James,	Snowden,	Woodward,

NAYS—20

Cavalcante,	Frey,	Kilgallen,	Owlett,
Coleman,	Gilson,	Lanius,	Ruth,
Dent,	Haluska,	McCreesh,	Shapiro,
DiSilvestro,	Heyburn,	McGinnis,	Sipe,
Eroe,	Jaspan,	Mundy,	Stiefel,

Less than two-thirds of all the Senators having voted "aye" the question was determined in the negative.

CONSIDERATION OF NOMINATION OF MRS. HARRIET B. PHILLIPS AS MEMBER OF BOARD OF PUBLIC ASSISTANCE.

The PRESIDENT. We will now consider the nomination of Mrs. Harriet B. Phillips.

Mr. WOLFENDEN. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Frey.

The PRESIDENT. Will the Senator from Allegheny, Mr. Frey permit himself to be interrogated?

Mr. FREY. Mr. President, I will.

Mr. WOLFENDEN. Mr. President, I would like to ask the Senator from Allegheny if this is the Mrs. John M. Phillips, who is a great civic leader in Allegheny County?

Mr. FREY. Mr. President, this is Mrs. Phillips of Allegheny County; That is as far as I can answer.

Mr. WOLFENDEN. Mr. President, I would like to further ask the Senator from Allegheny, Mr. Frey, if he does not know that this Mrs. John M. Phillips is a civic leader?

Mr. FREY. Mr. President, no, I do not know her as such.

Mr. WOLFENDEN. Mr. President, I understand the Senator said he did not know. Do I understand, Mr. President, that the Senator from Allegheny, Mr. Frey, does not know who this party is?

Mr. FREY. Mr. President, will the Senator from Indiana please restate that question?

Mr. WOLFENDEN. Mr. President, I understand the Senator from Allegheny does not know who this is.

Mr. FREY. Mr. President, I know her to be Mrs. John M. Phillips.

Mr. WOLFENDEN. Mr. President, I would like to further interrogate the Senator from Allegheny, Mr. Frey.

The PRESIDENT. Will the Senator from Allegheny, Mr. Frey, permit himself to be further interrogated?

Mr. FREY. Mr. President, I will.

Mr. WOLFENDEN. Mr. President, does the Senator from Allegheny, Mr. Frey, know of any reason, from her experience as a civic leader, why she is not qualified to hold this office?

Mr. FREY. Mr. President, I am not familiar with her civic experience.

Mr. WOLFENDEN. Mr. President, I would like to interrogate the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. I will, Mr. President.

Mr. WOLFENDEN. Mr. President, I would like to ask the Senator from Allegheny, Mr. McGinnis, if this is not Mrs. John M. Phillips, a great civic leader of Allegheny County?

Mr. McGINNIS, yes, I know she is a civic leader.

Mr. WOLFENDEN. Mr. President, I would like to further ask the Senator from Allegheny, Mr. McGinnis, if he knows of any reason why she is not fitted to carry out this office ably.

Mr. McGINNIS. No, Mr. President, I do not.

Mr. WOLFENDEN. Mr. President, I would like to interrogate the Senator from Allegheny, Mr. Kilgallen.

The PRESIDENT. Will the Senator from Allegheny, Mr. Kilgallen, permit himself to be interrogated?

Mr. KILGALLEN. Mr. President, I think I had the floor first, and I would like to interrogate the Senator from Indiana, Mr. Wolfenden.

The PRESIDENT. The Chair understands that the Senator from Indiana, Mr. Wolfenden, has the floor.

Mr. WOLFENDEN. Mr. President, I would ask the Senator from Allegheny, Mr. Kilgallen, if this is not Mrs. John M. Phillips, a great civic leader.

Mr. KILGALLEN. Mr. President, Mrs. Phillips, is a splendid woman.

Mr. WOLFENDEN. Mr. President, is not Mrs. Phillips a great civic leader?

Mr. KILGALLEN. Yes, Mr. President.

Mr. WOLFENDEN. Mr. President, I would further like to ask the Senator from Allegheny, Mr. Kilgallen, if he knows of any reason why she is not ably fitted to fill the office for which the Governor has nominated her.

Mr. KILGALLEN. Mr. President, will the Senator from Indiana, Mr. Wolfenden, permit himself to be interrogated?

The PRESIDENT. Will the Senator from Indiana permit himself to be interrogated?

Mr. WOLFENDEN. Mr. President, after the Senator from Allegheny, Mr. Kilgallen, has answered my question, I will.

Mr. KILGALLEN. Mr. President, I think that Mrs. John M. Phillips is very well capable of handling the position.

Mr. WOLFENDEN. Mr. President, I shall now be very glad to yield the floor to the Senator from Allegheny, Mr. Kilgallen.

Mr. KILGALLEN. Mr. President, will the Senator from Indiana state who Mrs. Phillips displaces on the board?

Mr. WOLFENDEN. Mr. President, I have no way of knowing, and I do not think the Senator from Allegheny has any way of knowing whom Mrs. Phillips displaced—seven members went off the board and seven went on.

Mr. KILGALLEN. Mr. President, will the Senator from Indiana state whether or not any of the old members of the board are not capable of handling their duties?

Mr. WOLFENDEN. Mr. President, I do not know that.

Mr. SHAPIRO. Mr. President, the questions that were in my mind, that I intended to ask the Senator, have been answered. I have no hesitancy in saying to the Senator that the reasons prompting the vote against these nominations are equal—there is no particular objection to Mrs. Phillips, and there is no particular objection to some of the others, but there is objection to the wholesale removal of boards for political purposes; and I shall vote against every one of these nominations so long as these nominations are borne of political design. Every person on that board was a decent, respectable citizen and had proved himself such in the performance of his duties. There was no reason other than political for their removal, and I do not intend to put my stamp of approval by confirming these new nominees.

It is not fair to one person to stand up and say, "Do you know anything against Mrs. Phillips?" I should like the Senator to know that I do not know a thing against Mrs. Phillips; and neither does he against the character, reputation and ability of those people who were displaced by these nominees.

Mr. WOLFENDEN. Mr. President, I should like to interrogate the Senator from Philadelphia, Senator Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I shall be very glad to be interrogated.

Mr. WOLFENDEN. Mr. President, am I to understand from the remarks of the Senator from Philadelphia, Mr. Shapiro, that the blocking of these fine people is purely political?

Mr. SHAPIRO. Mr. President, the Senator from Indiana can understand from my remarks that the appointment of these people is purely political, and I do not propose to join in it.

Mr. EALY. Mr. President, I think it is not necessary to look at it in this light. We have all been greatly concerned with the administration of relief. It has not been a success. We find ourselves lacking probably forty-five or more millions of dollars to carry us out to the end of this biennium.

Personally, I am not in favor of the present system of administering relief; but the Senator from Philadelphia and all the other Senators, and the people of Pennsylvania, will remember that the last administration ripped out not only the members of the Assistance Board but all boards of every character and kind whatsoever throughout the Commonwealth.

Now, having done that, they made a failure of relief as they made a failure of a great many other things; and it is only fair and right that this Administration be given a chance to try its plan, to see if it can do any better; and if there is any politics in this the members on the other side are the ones who have injected it.

Mr. OWLETT. Mr. President. I should like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. I will, Mr. President.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Philadelphia, Mr. Shapiro, if he knows what resignation caused the vacancy to which Mrs. Edna Carroll was appointed, whose confirmation he just voted against.

Mr. SHAPIRO. Mr. President, I know the Governor of Pennsylvania called up three members of the Motion Picture Licensing Board and told them to either resign or be fired, and I do not propose to condone that kind of conduct.

I know that in connection with these nominations—I have known Mr. Staples, President of the Bell Telephone Company, for many years; I have also known Mrs. Elsie L. Pfaelzer, for twenty-five years, as a woman of high standing in the community, a person who has devoted her whole life to civic service—Mothers' Assistance, Pen-

sions for the Blind and Relief; yet she was dismissed, and I say she was every bit as high-type as any person appointed.

While it may be true that these removals occurred in previous administrations I certainly know that Mr. Staples was no Democrat, and I certainly know that the percentage of Republicans on the board were much higher than the Democrats are now. I never heard of a single board where seven registered Republicans were appointed to a board when the law says they should not all be of the same political complexion. I know my conscience is clear, and I do not see how you can expect anything better from relief if this kind of conduct is continued by the Governor of Pennsylvania. It does not help to say that it was done before by the Democrats—that is not correcting the situation

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro, further.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be further interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like the Senator from Philadelphia to answer my question, instead of making a political speech.

Mr. SHAPIRO. Mr. President, I think I have answered two questions, as well as making a political speech.

Mr. OWLETT. Mr. President, I asked the Senator from Philadelphia, Mr. Shapiro if he knew that the vacancy on the Moving Picture was caused by the resignation—voluntary resignation—of Mrs. A. Mitchell Palmer; and that she was not asked to resign.

Mr. SHAPIRO. Mr. President, Mrs. A. Mitchell Palmer and two other members of the board called me on the telephone and told me they had been told to resign or they would be fired. Two of them called me a second time and told me that they were not even to be paid for the day on which they were fired; and I was again called by Mr. Palmer and asked what she should do with the pictures, because they were fired before some of the pictures could be reviewed.

Mr. OWLETT. Mr. President, the fact is that the vacancy to which Mrs. Carroll was appointed was caused by the voluntary resignation of Mrs. Palmer, Senator Shapiro to the contrary notwithstanding. She resigned without being requested to resign and a vacancy was thus created in this board; and the Governor has appointed Mrs. Edna Carrol of Philadelphia. Now, Mr. President, I can understand—and I have heard it rumored here—that Senator Shapiro is going to get even for some testimony that Mrs. Carroll gave.

POINT OF ORDER

Mr. GILSON. Mr. President, I rise to a point of order.

The Senator from Erie will state his point of order.

Mr. GILSON. Mr. President, the name of Mrs. Carroll is not now before the Senate.

Mr. OWLETT. Mr. President, the Senator from Philadelphia, Mr. Shapiro, in arguing with reference to the present nomination before this Senate, stated that they voted against these nominations because of the fact that they were asked to resign, and I submit that the Senator from Philadelphia, who raised that question, has just voted against the nomination of a woman who was appointed to fill a vacancy caused by voluntary resignation, and I want to point that out to this Senate.

Mr. SHAPIRO. Mr. President, there are some things that are not usually done by people who have some respect for the decency and integrity of others.

I want to say publicly that I resent the statement of the Senator from Tioga that I voted against Mrs. Carroll for any personal reason. Mrs. Carroll does not amount to that much in my life; I do not think she is of sufficient importance for me to do it, and I think the Senator from Tioga knows me better than to say that I would vote against this woman because of anything between the two of us.

I do not know the woman except that I have seen her once. I had no quarrel with her and she had no quarrel with me. I have not spoken to the woman in two years or three years, except maybe two years ago at one meeting, which was a public meeting. I do not know the lady and I have no interest in her. As far as I know she is a respectable person and nothing I am going to say here will reflect upon her and I would not undertake to reflect upon her.

The remarks made by the Senator from Tioga reflect upon her. I think it is high time that there be a halt called to charges of indecency and double dealing. The time may come when the Senator from Tioga will regret that attitude that he takes—it is time it was stopped.

Mr. OWLETT. Mr. President, I came to the Senate of Pennsylvania at the same time as my friend, the Senator from Philadelphia, Mr. Shapiro, and I think I know whereof I speak.

Mr. President, I would like to further interrogate the Senator from Philadelphia.

The PRESIDENT. Will the Senator from Philadelphia permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I shall be very glad to answer questions so long as they are within the bounds of decency.

Mr. OWLETT. Mr. President, I want to ask how the Senator from Philadelphia, Mr. Shapiro, voted on the bill to rip out the Municipal Court in Philadelphia last year.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

Mr. OWLETT. Mr. President, if the Senator from Philadelphia does not want to answer that question, it is all right with me.

Mr. SHAPIRO. Mr. President, I should be very glad to answer that question because the Senator from Tioga does not want an answer and I am going to give him an answer.

I helped to prepare the bill, which was known as the "Family Court Bill." I believed in that bill; but I did not agree with some of the things done subsequently in connection with the bill.

I voted for that bill because I believed it would help Philadelphia. I voted for the bill even though two of the members of the Court, who would have been removed, were not only personal friends of mine but one of them was my partner.

I do not see what this has to do with the present situation; but any time the Senator from Tioga wants to at-

tempt to match wits with me on that kind of method, I am ready to answer any question he puts.

Mr. MUNDY. Mr. President, a member of this Board came from my county, and I am advised that a letter was sent to Mrs. Palmer requesting her resignation, and sent personally by the Governor. She did send in her resignation to avoid unpleasant complications.

And the question recurring will the Senate agree to the nomination?

The Clerk proceeded to the calling of the roll.

Mr. OWLETT. Mr. President, I desire to be recorded as voting "No."

The PRESIDENT. It will be so recorded.

Mr. HEYBURN. Mr. President, I desire to be recorded as voting "No."

The PRESIDENT. It will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—25

Bartlett,	Farrell,	Mallery,	Stevenson,
Chapman,	Gelder,	McGinnis,	Tallman,
Crowe,	Geltz,	Miller,	Thomas,
Dando,	Homsher,	Pierson,	Walker,
Deitrick,	James,	Scarlett,	Wolfenden,
Ealy,	Letzler,	Snowden,	Woodward,
Edmonds,			

NAYS—16

Cavalcante,	Eroe,	Lanius,	Ruth,
Coleman,	Gilson,	McCreesh,	Shapiro,
Dent,	Heyburn,	Mundy,	Sipe,
DiSilvestro,	Jaspan,	Owlett,	Stiefel,

Less than two-thirds of all the Senators having voted "aye" the question was determined in the negative.

CONSIDERATION OF NOMINATION OF MR. JAMES J. KNOW AS MEMBER OF BOARD OF PUBLIC ASSISTANCE

The PRESIDENT. We will now proceed with the consideration of the nomination of Mr. James J. Know of Philadelphia County.

Will the Senate agree to the nomination?

The Clerk proceeded to the calling of the roll.

Mr. HEYBURN. Mr. President, I desire to change my vote from Aye to No.

The PRESIDENT. It will be so recorded.

Mr. OWLETT. Mr. President, I desire to change my vote from Aye to No.

The PRESIDENT. It will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—24

Bartlett,	Edmonds,	Letzler,	Stevenson,
Chapman,	Farrell,	Mallery,	Tallman,
Crowe,	Gelder,	Miller,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrick,	Homsher,	Scarlett,	Wolfenden,
Ealy,	James,	Snowden,	Woodward,

NAYS—20

Cavalcante,	Gilson,	Kunkel,	Owlett,
Dent,	Haluska,	Lanius,	Ruth,
DiSilvestro,	Heyburn,	McCreesh,	Shapiro,
Eroe,	Jaspan,	McGinnis,	Sipe,
Frey,	Kilgallen,	Mundy,	Stiefel,

Less than two-thirds of all the Senators having voted "aye" the question was determined in the negative.

CONSIDERATION OF NOMINATION OF MR. FRANK A. ROBBINS, JR., AS MEMBER OF BOARD OF PUBLIC ASSISTANCE

The PRESIDENT. We will now proceed with the consideration of the nomination of Mr. Frank A. Robbins, Jr., of Dauphin County.

On the question, will the Senate agree to the nomination?

Mr. WOLFENDEN. Mr. President, I would like to call the attention of the Senate to the fact that this gentleman was the one who was Chairman of the Dauphin County Relief Board under Governor Earle, and that this is just a promotion to the General State Relief Board because of his faithful services.

The PRESIDENT. The Clerk will proceed with the calling of the roll.

Mr. OWLETT. I desire to change my vote from Aye to No.

The PRESIDENT. It will be so recorded.

Mr. HEYBURN. Mr. President, I desire to change my vote from Aye to No.

The PRESIDENT. It will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—24

Bartlett,	Edmonds,	Letzler,	Stevenson,
Chapman,	Farrell,	Mallery,	Tallman,
Crowe,	Gelder,	Miller,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deitrick,	Homsher,	Scarlett,	Wolfenden,
Ealy,	James,	Snowden,	Woodward

NAYS—20

Cavalcante,	Frey,	Kilgallen,	Owlett,
Coleman,	Gilson,	Lanius,	Ruth,
Dent,	Haluska,	McCreesh,	Shapiro,
DiSilvestro,	Heyburn,	McGinnis,	Sipe,
Eroe,	Jaspan,	Mundy,	Stiefel,

Less than two-thirds of all the Senators having voted "aye" the question was determined in the negative.

MOTION TO RECONSIDER NOMINATION

Mr. OWLEETT. Mr. President, I now move that the vote by which the nominations just presented to the Senate and rejected be reconsidered.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted No.

Mr. HEYBURN. Mr. President, I second the motion.

Mr. PRESIDENT. How did the Senator vote?

Mr. HEYBURN. Mr. President, I voted No.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, the gentleman who made the motion to reconsider did not vote with the majority, as provided by both Rule 16 and Rule 38 of the Senate.

Mr. OWLETT. Mr. President, in answer to the point of order raised by the Senator from Fayette, I desire to state that in construing a majority, a majority is the side which wins; and in the case of the two-thirds vote the majority is the side which prevented the obtaining of the two-thirds majority.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The chair asks for the indulgence of the Senate for a moment, please.

The Senate will be at ease for a moment.

The PRESIDENT. The Chair will defer ruling on the point of order raised by the Senator from Fayette, Mr. Cavalcante.

Mr. OWLETT. Mr. President, do I understand, then, that the motion I made to reconsider this will not be voted upon at this time?

The PRESIDENT. The Chair so understands.

MOTION TO LAY ON THE TABLE

Mr. OWLETT. Mr. President, in view of the fact that the Chair has deferred his ruling on the point of order raised by the Senator from Fayette, I move you that the action of the Senate in the rejection of the nominations be laid upon the table, pending a vote on the motion to reconsider.

On the question,

Will the Senate agree to the motion?

It was agreed to.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. OWLETT. Mr. President, I rise to a point of personal privilege.

The PRESIDENT. The Senator from Tioga will state his question of personal privilege.

Mr. OWLETT. Mr. President, this Senate has just witnessed an arbitrary rejection on the part of the minority of this Senate of the members of the Relief Board of this State. They have witnessed like action on the nominations by the Governor to the Public Utility Commission, to a position made vacant at the time when the present Governor took office. We have witnessed the rejection, in the same manner, of an appointment to the Moving Picture Censorship Board.

Now, Mr. President, regardless of how these vacancies occurred, regardless of whether any of those people were asked to resign, the fact remains that they did resign; the fact remains that the people on relief—thousands and thousands of our people on relief in this State—are looking to this State Government to take care of them today, and this minority has arbitrarily and without reason—with nobody serving in these places at all—seen fit to vote down good citizens of this Commonwealth who have been nominated by this Administration to these offices.

I hope that the people of Pennsylvania will take note of the action by this minority tonight in arbitrarily rejecting these nominees and in attempting to hamper this State government in its orderly functioning.

MOTION TO RECESS

Mr. OWLETT. I move you, Mr. President, that the Senate do now recess for fifteen minutes.

Mr. GELDER. Mr. President, I second the motion.

Mr. MUNDY. Mr. President, I—

Mr. OWLETT. Mr. President, a motion to recess is not debatable.

Mr. MUNDY. Mr. President, there was no seconder. I asked for the privilege of the floor.

The PRESIDENT. The Chair so understands.

Mr. MUNDY. Mr. President, the Senator from Tioga made certain statements on this floor which personally I might resent. He said, including all, that the minority voted with one specific purpose in mind.

I say to you, Mr. President, that if the Senator from Tioga was so deeply concerned about the people on relief in Pennsylvania being cared for, then he should have comunicated this to the Governor of Pennsylvania so that the removals might be made in such an order that there would always be members remaining on these boards so as to function.

It is no fault of the Senate here if the Governor removed, in its entirely, every board in Pennsylvania and left Pennsylvania without a board to function.

May I say, I always advocated the confirmation of Mr. Hamilton, as Secretary of Revenue; from the very first I was for Mr. Hamilton being confirmed because I believed, as I was told by the majority, that we were hampering the functions of government by not doing so, but, much to my surprise, after I advocated this and did vote for this—and I carried the fight, as some of our members know, into our caucus to have it done—the Secretary of Revenue has not yet taken his seat.

Might I say, Mr. President, to the Senator from Tioga that the Governor saw fit to take out the Board of Censors in Philadelphia and for days there was no person in power to function, to censor those pictures.

What I want to impress the Senator with, Mr. President, is that this dismissal is not the action of the Senate—that some foresight might have been used in permitting sufficient members to remain, until sufficient members were confirmed, so that there would be no interruption in the functions of the Government.

Mr. CAVALCANTE. Mr. President, the Senator from Tioga is always concerned about the efficiency with which he wants the State Government to function.

It might be well at this time to call attention of the Senator from Tioga to the fact that the public assistance law requires that the County Boards of Assistance be appointed from residents of the county in which the board functions; but apparently the Governor of this State—even though he has served as a Superior Court judge for many years—either does not know the law or he does not want to read it, because out in my county he has summarily dismissed the County Board of Assistance and has sent into my county two gentlemen who are not residents of Fayette County, and who are now administering the functions of the County Board of Assistance.

The Senator from Tioga, of course, has heard me on the floor of this Senate objecting to a nomination of Mr. Hamilton to the office of Secretary of Revenue. Now, the Senator from Tioga, as well as his Excellency the Governor, no doubt ought to know that the Secretary of Revenue is not a constitutional officer but a legislative officer.

We confirmed Mr. Hamilton, as the Senator from Luzerne, Dr. Mundy, has stated, more than two months ago; and every time we pick up the telephone and call the Secretary of Revenue they answer "Mr. Hamilton's office," but when we go over to the Secretary of the Commonwealth

to find out whether Mr. Hamilton has taken the oath of office—

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga will state his point of order.

Mr. OWLETT. Mr. President, the question of Mr. Hamilton taking his oath of office is not now before the Senate. I have made a motion that we recess for fifteen minutes.

The PRESIDENT. As the Chair understands it the motion of the Senator from Tioga was not seconded.

Mr. OWLETT. For the information of the Chair, the Senator from Susquehanna, Mr. Gelder, got up.

The PRESIDENT. The Chair saw Senator Mundy stand up. The Chair did not see or hear the Senator from Susquehanna, Mr. Gelder, second the motion.

Mr. CAVALCANTE. The Secretary of Revenue is not a constitutional officer and the office of the Secretary of the Commonwealth shows he has not taken his oath of office as prescribed by Article 7 of the Constitution.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Tioga will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, I desire to know upon what subject the Senator from Fayette is now speaking.

The PRESIDENT. Upon a question of personal privilege, I understand.

Mr. CAVALCANTE. Mr. President, no. Before we went into Executive Session we were on the order of resolutions, and unanimous consent was given to go into Executive Session; and I take it that we are still on the order of resolutions, and while I am speaking about—if the Senator from Tioga will be kind enough to sit down and let me finish—will be on resolutions.

The PRESIDENT. The Chair must differ with the Senator from Fayette. When we went into Executive Session we had left the order of business of resolution.

Mr. CAVALCANTE. Mr. President, my recollection is very distinct, and it is that the Senator from Washington got up with a resolution afterwards.

MOTION TO RECESS

Mr. OWLETT. Mr. President, I now move you that the Senate recess for fifteen minutes.

Mr. GELDER. Mr. President, I second that motion.

Mr. CAVALCANTE. Mr. President, I have the floor.

The PRESIDENT. For what purpose does the Senator from Fayette rise.

MOTION TO DISCHARGE COMMITTEE ON STATE GOVERNMENT FROM FURTHER CONSIDERATION OF SENATE RESOLUTION SERIAL NUMBER 25

Mr. CAVALCATE. Mr. President, I move that the Committee on State Government of this Senate be now discharged from further consideration of Senate resolution, Serial No. 25, see Legislative Journal page 1006.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga will state his point of order

Mr. OWLETT. Mr. President, there is already a motion before the Senate to recess for fifteen minutes.

The PRESIDENT. The point of order of the Senator from Tioga is well taken.

The motion was carried.

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. WOODWARD. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD from the Committee on State Government reported as committed, Senate Bill No. 375, entitled:

An Act authorizing the Commonwealth, political subdivisions and certain institutions to purchase blind-made commodities and services from organizations for the blind without contract or advertisement; providing for the fixing of fair market prices for such commodities and services by a committee composed of heads of certain departments and representatives of institutions where blind-made commodities are manufactured; and imposing certain duties upon the Department of Property and Supplies and the State Council for the Blind.

Mr. SNOWDEN. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SNOWDEN from the Committee on State Government reported as committed, Senate Bill No. 267, (House Bill No. 449), entitled:

An Act to amend clause (a) of section one and section four of the act approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160) entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; defining in part the powers and duties of such commission; abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof and transferring to the Pennsylvania Public Utility Commission the records, employes, property, and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings, legal or otherwise, instituted before, by or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission, and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania," by changing method of appointing and removing members of the Commission and making political activity a grounds for their removal.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 267, (House Bill No. 449), entitled:

An Act to amend clause (a) of section one and section four of the act approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160), entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; defining in part the powers and duties of such commission; abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsylvania Public Utility Commission the records, employes, property, and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings, legal or otherwise, instituted before, by or against The Public Service Commision of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission, and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania," by changing method of appointing and removing members of the Commission and making political activity a grounds for their removal.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 268, entitled:

An Act to amend paragraph (c) of section four hundred nine and paragraphs (a) and (c) of section four hundred eleven of the act, approved the twenty-eight day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion results costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by providing a more equitable method for the apportionment of damages and expenses occasioned by or resulting from the construction, relocation, alteration, protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways; limiting in certain cases the amount to be borne by the public utilities concerned, and providing for the recovery by the commission on behalf of the Commonwealth of the amount of expenses occasioned by or resulting from such crossing improvement, as well as the amount of damages or compensation awarded to the owners of adjacent property.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 375, entitled:

An Act authorizing the Commonwealth, political subdivisions and certain institutions to purchase blind-made commodities and services from organizations for the blind without contract or advertisement; providing for the fixing of fair market prices for such commodities and services by a committee composed of heads of certain departments and representatives of institutions where blind-made commodities are manufactured; and imposing certain duties upon the Department of Property and Supplies and the State Council for the Blind.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

CONSIDERATION OF CALENDAR POSTPONED

Mr. OWLETT. Mr. President, I move that consideration of the Calendar be postponed until tomorrow.

Mr. GELDER. Mr. President, I second the motion.

It was agreed to.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Tuesday, April 11, 1939 at 2:00 o'clock, p. m.

Mr. HEYBURN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rose to a question of personal privilege before that motion to adjourn was seconded.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, I am not going to detain the members of this Senate very long, but it seems to me it is rather an unfair method for the Senator from Tioga to get up and make a statement in the form of a tirade against the members of this Senate, in effect saying that we are all a lot of nobodies, and then we adjourn. It sounded like a hit and run play to me. I want to suggest to the gentleman from Tioga that what we have done tonight does not stop the functioning of the departments at all.

Under an opinion in 1905 of Attorney-General Brown the Governor of the Commonwealth can appoint anybody he pleases during a session and there is nothing to prevent these men from functioning. As a matter of fact, these men have all been functioning, even though they have not been appointed.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

The Senate adjourned at 11:59 o'clock, p. m., until Tuesday, April 11, 1939, at 2:00 o'clock, p. m.

HOUSE OF REPRESENTATIVES

MONDAY, April 10, 1939

The House met at 8 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

With souls refreshed by the Ecclesiastical Holy Days through which we have just passed, we again approach Thee, O Lord, in prayer.

We magnify Thy name; we adore Thy personality; we worship before Thy throne. We plead for the forgiveness of all our sins; we crave a renewal of our child-like simplicity of faith in Thee as our Father, our Guide, our Protector, our Friend, our Benefactor, our God.

Our righteous wrath is stirred to the point of frenzy by the cruel, barbarous, and inhuman atrocities of those totalitarian states of the Old World.

O Spirit of the Living God, so possess our hearts and minds that we will be able to overcome, as a people, every inroad that foreign "isms" are attempting to foster in America.

Amid turbulent conditions and mental disquietude, unfold to us the deep things of God.

God of nations, protect, bless, and preserve the soul of our Republic. Direct the citizens of our fair land, and convince them that a high splendid national life finds its noblest spring of excellence in that divine impulse to trust God, and to believe in the righteous destiny of man.

By calm and fortified understanding, may we be faithful in the service of our country, and help our fellowman the world around. Consider, O Lord, and let the light of thy wisdom fall upon the pathways of our duty. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, April 5, 1939.

The Clerk proceeded to read the Journal of Wednesday, April 5, 1939, when, on motion of Mr. HERFERD M. WOOD the further reading was dispensed with and the Journal approved.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 344

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 6, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 344, Printer's No. 129, entitled "An Act to amend section seventy-seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws 427), entitled 'An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings' by permitting indictments against public officers and employees and their accomplices and confederates to be brought or exhibited within two years after such officer or employee shall have ceased to occupy such office or employment."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 92

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 6, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 92, Printer's No. 23, entitled "An Act to prohibit assessments and demands for contributions for political purposes and providing a penalty."

ARTHUR H. JAMES.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 5, 1939.

Whereas, it is harmful to labor, agriculture and industry in Pennsylvania to compel by legislative action the establishment and maintenance of freight rates from one rate territory to another on the rate per mile that applies within the destination territory which in turn would provide a substantially higher rate in one direction than in another over the same rails and between the same points; and

Whereas, The United States has been naturally divided into several rate territories because of differing costs of transportation caused primarily from the fact of differing volumes of tonnage produced and available for transportation in the various sections of the country; and

Whereas, Pennsylvania is located in what is designated Official Territory and being that territory lying east of the Mississippi River and north of the Ohio and Potomac Rivers, and recognized as one of the greatest industrial sections, not only of the United States but of the entire world, and because of this fact it provides the greatest number of tons per mile of transportation and consequently the lowest cost of operation for the railroads in that territory of any territory in the United States; and

Whereas, legislative action of this character would require the Interstate Commerce Commission, regardless of the facts, evidence, equity, their better judgment or otherwise, to disregard differing costs which form the basis for these different rate territories, and arbitrarily make from Official Territory to all other territories rates which would be materially higher than would be charged shippers in these other territories from shipping the same or similar articles, the same or similar distances into Pennsylvania, to the serious disadvantage of, and discrimination against Pennsylvania; and

Whereas, such a prejudice to Pennsylvania and preference of these other territories would not only seriously restrict the marketing and consequently the production of articles of commerce in Pennsylvania to the substantial and grave loss to its labor, agriculture and industry, but, even more seriously, would induce substantial removal of manufacturing operations from Pennsylvania to these more favored localities to the disadvantage of all its citizens; therefore be it

Resolved, by the Senate of the General Assembly of the Commonwealth of Pennsylvania, The House of Representatives Concurring, that Pennsylvania Senators and Representatives in the Congress of the United States be earnestly requested and urged to use their efforts to convince their colleagues in both houses of Congress of the unfairness and impropriety of such legislative action; and be it further

Resolved, that copies of this resolution be forwarded to each member of the Seventy-sixth Congress from the Commonwealth of Pennsylvania.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

LEAVES OF ABSENCE

Mr. Stewart asked and obtained leave of absence for Mr. HEWITT for the week on account of illness.

Mr. VanBelle asked and obtained leave of absence for Mr. SWEENEY for the week.

REPORTS FROM COMMITTEES

Mr. CARPENTER from the Committee on Townships reported as committed, House Bill No. 616, entitled:

An Act to amend the first paragraph of section two thousand four hundred fifteen of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," so as to permit the purchase of sewers and culverts and their appliances belonging to other townships and municipal corporations.

Mr. ROBERTSON from the Committee on Townships reported as committed, House Bill No. 762, entitled:

An Act to amend subdivision heading (i) of article eleven, and section one thousand one hundred forty, of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto;" authorizing the township supervisors to accept lands dedicated by deed to the township for highway purposes.

Mr. EWING from the Committee on Townships reported as committed, House Bill No. 1068, entitled:

An Act to further amend section five hundred thirty of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by changing the method of filling vacancies in boards of commissioners.

Mr. COOPER from the Committee on Cities—Second Class reported as committed, House Bill No. 1165, entitled:

An Act to further amend section four of the act approved the twenty-eighth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, five hundred ninety-six), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulation the administration and the payment of such pensions." allowing pensions to certain persons heretofore or hereafter dismissed.

Mr. LICHTENWALTER from the Committee on Townships reported as committed, House Bill No. 890, entitled:

An Act to amend section one thousand and one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one, (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto;" limiting the number of days for the completion of audits in townships of the first class.

Mr. ELY from the Committee on Townships reported as committed, House Bill No. 822, entitled:

An Act to amend section two thousand twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by permitting public roads to be less than thirty-three feet in width.

Mr. JAMES from the Committee on Townships reported as amended, House Bill No. 285, entitled:

An Act to amend section five hundred twenty of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by providing for the election of auditors.

Mr. SHAW from the Committee on Cities—Second Class reported as amended, House Bill No. 733, entitled:

An Act defining the civil service status of certain persons employed by fire departments in cities of the second class.

Mr. SHAW from the Committee on Cities—Second Class reported as committed, House Bill No. 765, entitled:

An Act to regulate the salaries of tipstaves in the County Court of Allegheny County.

Mr. POWERS from the Committee on Townships reported as amended, House Bill No. 840, entitled:

An Act to amend Clause I of section one thousand five hundred two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto" by changing regulations as to advertising of certain ordinances.

Mr. WILLIAMS from the Committee on Townships reported as committed, House Bill No. 821, entitled:

An Act to amend section seven hundred three of the act, approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," by providing for the compensation paid to township commissioners.

Mr. PEACOCK from the Committee on Townships reported as committed, House Bill No. 592, entitled:

An Act to further amend section four hundred and one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one, (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further regulating the creation and abolition of wards.

The SPEAKER. The Chair is pleased, and feels certain that all the members of the House are also pleased, to see in attendance a member who has been absent since the beginning of the session on account of illness, the gentleman from Butler, Mr. Imbrie.

During the session we have had several members who have been ill, two whom have been very ill, and both of them are now back with us. I am sure that both sides of the House welcome them with all their hearts, and hope they will be with us and have good health during the remainder of the session.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 742, entitled:

An Act to amend section one thousand eight hundred five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by exempting warrants for payments to volunteer fire companies from provision requiring production of certain evidence

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 299, entitled:

An Act to amend section four thousand one hundred twenty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 685, entitled:

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 289) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by providing for and regulating the incorporation of nonprofit medical service corporations organized to provide medical services for subscribers of low income and their dependents conferring powers on the Department of Health and the Insurance Department with respect thereto further prescribing the conditions on which such corporations may exercise their powers providing for the dissolution of nonprofit medical service corporations by and under the supervision of the Insurance Commissioner and further defining the scope of the Act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 687, entitled:

An Act to amend section three thousand seven hundred and twenty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by extending the power of park guards to police the lands properties and buildings taken for park purposes which are located beyond the limits of such cities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 686, entitled:

An Act providing for the regulation and supervision of nonprofit medical service corporations organized to provide medical services to subscribers of low income by the Department of Health and the Insurance Department and defining the functions of such departments with respect thereto authorizing certain departments commissions officers and other agencies of the State and its political subdivisions to subscribe under certain circumstances to the medical service plan of such corporations on behalf of persons of low income prescribing legal investments for the funds of such corporations and the rights of doctors of medicine to register with such corporations conferring authority on the Department of Health and on the Insurance Commissioner each within its own sphere of lawful activity to regulate and supervise such corporations conferring certain rights powers duties and immunities upon such corporations and their officers and members prescribing the conditions on which such corporations may exercise their powers exempting such corporations from taxation prohibiting any person copartnership association Common Law Trust or corporation except a nonprofit medical service corporation from providing medical services on a nonprofit plan in return for prepayment periodical or lump sum payments providing penalties for the violation of and mandatory and injunctive relief for the enforcement of the provisions of this act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 117, entitled:

An Act to amend section two thousand and eight of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled" An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by permitting policemen to charge and receive witness fees and mileage for attendance at courts of record and validating such payments heretofore made

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 702, (Senate Bill No. 134), entitled:

An Act requiring aliens to register with the Department of Labor and Industry and to carry and upon proper demand to exhibit identification cards prohibiting the issuing of certain registrations and licenses to or the employment of aliens under certain circumstances and prescribing penalties.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 439, entitled:

An Act to amend section one of the act approved the fourth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 127) entitled "An act reating to adoption" as amended by authorizing nonresidents to adopt persons within the Commonwealth and validating certain adoption proceedings heretofore decreed

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the fourth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 127) entitled "An act relating to adoption" as amended by section one of the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 822) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be lawful for any adult citizen of this Commonwealth [residing therein] or of any other state regardless of where such person shall reside desirous of adopting any person either a minor or an adult as his or her heir or as one of his or her heirs to present his or her petition to the orphans' court or to a law judge thereof of the county where he or she may be resident or of the county in which the person to be adopted is a resident declaring such desire and that he or she will perform all the duties of a parent to such person Such petition shall also set forth the name age date and place of birth of the person proposed to be adopted the name residence and marital status of the adopting parent or parents the name and place of residence of each of the natural parents or of the surviving parent or of any other person whose consent to the proposed adoption is necessary as hereinafter provided and shall embody or have attached thereto the consents in writing of the person or persons whose consent to the proposed adoption is necessary as hereinafter provided

On the question,

Will the House agree to the section?

BILL POSTPONED

Mr. ROSE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 554, entitled:

An Act validating municipal claims of cities and boroughs or incorporated towns where not filed within the time specified by law

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any city or borough or incorporated town has heretofore failed to file in the office of the prothonotary of the county any municipal claims assessed on any property within six months after the completion of the improvement as required by law whereby the lien of such claims was wholly lost such claims shall be and the same are hereby ratified confirmed declared valid and to be a lien on such property together with all charges expenses and fees added thereto for failure to pay promptly if such claims shall be duly entered and filed in the office of the prothonotary in the manner provided by law for the filing of municipal claims at any time within six months after the effective date of this act Provided however That the lien of any such municipal claim shall not reattach against any property transferred to any purchaser during the time the lien of the same was lost And provided further That where any other lien shall have attached to any such property during the period when the lien of the municipal claim was lost such other lien shall have priority over such municipal claim

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. KANE. Mr. Speaker, on account of the large number of amendments which have been proposed to this bill, and the two bills which appear later on the second reading calendar introduced by Mr. Wilkinson, we have agreed to recommit all these bills to the Committee on Municipal Corporations, so that they may be combined in one bill and save the time of the House.

I therefore move, Mr. Speaker, that this bill be recommitted to the Committee on Municipal Corporations.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 484, entitled:

An Act requiring the Department of the Auditor General to examine and audit the dockets and accounts of justices of the peace aldermen and magistrates and prohibiting any other department officer or agency of the State Government from so doing

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of the Auditor General shall examine and audit the dockets and records of justices of the peace aldermen and magistrates for the purpose of ascertaining whether all moneys due the Commonwealth or any department or agency thereof have been paid over The Department of the Auditor General shall have this

power in all cases and for all purposes where such power has heretofore been conferred upon any other department officer or agency of the State Government and no such other department officer or agency shall hereafter examine or audit any docket or record of any justice of the peace alderman or magistrate for any purpose whatsoever except that the Department of Justice may make any examination of such docket or record in connection with any litigation conducted or contemplated by it

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. JACOB L. MOSER. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 867, entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" providing for separate administration by county boards of assistance of certain types of public assistance designated "general assistance and pensions" regulating the employment and dismissal of employes therefor authorizing the employment and dismissal of an executive director of general assistance and pensions changing the system of allocation of funds by the Department of Public Assistance changing the powers and duties of county boards authorizing appointment of sub-committees for certain purposes providing for immediate return to assistance rolls of persons accepting temporary employment authorizing appointment of labor review boards to pass on eligibility for assistance of persons refusing offered employment regulating the granting of assistance to aliens and the use of credit agencies changing the maximum property allowances for pensions to blind persons and the qualifications for general assistance and changing penal provisions

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by section one of the act approved the fourteenth day of September one thousand nine hundred and thirty-eight (Pamphlet Laws 31) is hereby further amended to read as follows

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. VAN ALLSBURG. Mr. Speaker, I move that this bill be recommitted to the Committee on Welfare for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 895, entitled:

An Act to amend section 402 of the act approved the twenty-second day of May one thousand nine hundred thirty-three (Pamphlet Laws 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" providing a method for the valuation of real property for taxation purposes

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section 402 of the act approved the twenty-second day of May one thousand nine hundred thirty-three (Pamphlet Laws 853) entitled "An act relating to taxation designating the subjects property and persons subject to exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subject of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" is hereby amended to read as follows

Section 402 Valuation of Property It shall be the duty of the several elected and appointed assessors and in townships of the first class of the assessors assistant township assessors and assistant triennial assessors to assess rate and value all objects of taxation whether for county city township town school institution district poor or borough purposes according to the actual value thereof land at such rates and prices for which the same would separately bona fide sell In arriving at such value the price for which any property would separately bona fide sell or the price at which any property may bona fide actually have been sold shall be considered but shall not be controlling Instead such selling price estimated or actual shall be subject to revision by increase or decrease to accomplish equalization with other similar property within the taxing district

On the question,

Will the House agree to the section?

Mr. DAVID P. REESE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1 (Sec. 402), page 2, lines 19 and 21, by striking out the light-faced bracket before the word "and" in line 19, and after the word "sell" in line 21

Amend sec. 1 (Sec. 402), page 2, lines 21, 22 and 23, by striking out with heavy-faced brackets the words "**the** price for which any property would separately bona fide sell for"

Amend sec. 1 (Sec. 402), page 2, line 23, by striking out with heavy-faced brackets the words "bona fide"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

An Act to amend section 402 of the act approved the twenty-second day of May, one thousand nine hundred thirty-three (Pamphlet Laws 853) entitled, "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," providing a method for the valuation of real property for taxation purposes.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 538, as follows:

An Act to repeal the act approved the fifth day of March one thousand nine hundred and three (P. L. 13) entitled "An act in relation to abandonment of portions of railroads"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the fifth day of March one thousand nine hundred and three (P. L. 13) entitled "An act in relation to abandonment of portions of railroads" is hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 814 (Senate Bill No. 241), entitled:

An Act authorizing counties of the second class to make appropriations to the State World's Fair Commission

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 430, as follows:

An Act to amend section one of the act approved the seventeenth day of March one thousand nine hundred and twenty-one (Pamphlet Laws 32) entitled "An act fixing the salaries of court criers and tipstaves in counties of the third class by increasing the salary of court criers and tipstaves

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the seventeenth day of March one thousand nine hundred and twenty-one (Pamphlet Laws 32) entitled "An act fixing the salaries of court criers and tipstaves in counties of the third class' is hereby amended to read as follows

Section 1 Be it enacted etc That the salaries of the court criers of the several courts in counties of the third class is hereby fixed at [sixteen hundred and fifty] not more than two thousand dollars per annum and the salaries of the tipstaves in said counties is fixed at [fifteen] not more than eighteen hundred dollars per annum Such salaries shall be paid out of the county treasury in the usual manner

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 859, entitled:

An Act validating reviving and extending for a certain period of time all liens of taxes which have expired or become lost

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In all cases where any tax claim has heretofore been entered or filed in the office of the prothonotary of the proper county or any tax has been returned to the county commissioners of the proper county and entered on the tax return docket and the lien of such tax claim has expired or has for any reason become lost every such lien is hereby revived validated and continued in full force and effect upon the real estate upon which it was a lien at the time the lien was first filed until the property subject to such lien is sold as provided by law or until the same is paid and satisfied but in no such case shall the lien be continued or remain valid after the first Monday of August in the year one thousand nine hundred thirty-nine Provided however That any such lien shall not reattach against any real estate transferred to any purchaser during the time when such lien was not revived nor shall any such lien herein revived impair or effect the priority of the lien of any mortgage or other lien which gained priority during the time such lien was not revived

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. WILKINSON. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreebly to order,

The House proceeded to the second reading and consideration of House Bill No. 861, entitled:

An Act to authorize political subdivisions to sue out writs of scire facias on certain municipal claims or to revive judgments on such claims where more than five years have elapsed since said claims were filed or such judgments were entered or revived and to reduce such claims to judgment or to revive such judgment and providing for the revival and collection of such judgments

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any political subdivision has heretofore filed in the office of the prothonotary of the proper county any municipal claim or claims other than tax claims and the political subdivision has not within the period of five years after the date on which any such claim was filed sued out a writ of scire facias to reduce the same to judgment or whenever any such municipal claim or claims have been reduced to judgment and the political subdivision has not within the period of five years after the date on which such judgment or judgments were entered or within five years after the date on which such judgment or judgments were last revived filed a suggestion of non-payment and an averment of default or sued out a writ of scire facias to revive the same then in any such case any such political subdivision may within six months after the passage and approval of this act issue its praecipe for a writ of scire facias on any such municipal claim and proceed to judgment in the manner provided by law to obtain judgments upon municipal claims or in case judgment has been entered either file a suggestion of non-payment and an averment of default or issue its praecipe for a writ of scire facias on any such judgment and proceed to judgment in the manner provided by law to obtain judgments of revival and such judgment so entered or revived shall be a valid judgment and be a lien upon the real estate upon which it was a lien at the time the claim was filed or the judgment was entered and said judgment may be revived or further revived and collected as other judgments upon municipal claims are revived and collected Provided however That the lien of any such judgment shall not reattach against any real estate transferred to any purchaser during the time when the lien of any such municipal claim or judgment was lost nor shall the lien of any such judgment impair or affect the priority of the lien of any mortgage or other lien which gained priority because of the failure of the political subdivision to sue out the writ of scire facias or file a suggestion of non-payment and an averment of default within the five year period or was entered of record during the time the lien of such municipal claim or judgment was lost

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. WILKINSON. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 902, as follows:

An Act to amend and re-enact section 801 of the act of June twenty-fourth one thousand nine hundred thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended specifying and changing the conditions of the bond of the treasurer as treasurer and as tax collector for the township county school district poor and institution district

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section 801 of the act of June twenty-fourth one thousand nine hundred thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended by the act of June fifth one thousand nine hundred thirty-seven (Pamphlet Laws 1736) is hereby further amended and re-enacted to read as follows

Section 801 Fidelity Bond The treasurer of each township shall give a fidelity and not a surety bond to the Commonwealth in a sum to be prescribed by ordinance or resolution and at least equal to fifty per centum of the probable amount of the annual township tax Such bond shall be subscribed by sureties approved by the township commissioners or by a surety company or companies duly authorized to do business in this Commonwealth The bond given by the treasurer shall be conditioned [for the faithful performance of the duties of his office for] a just [account of] accounting for and paying over all moneys belonging to the township funds that may come into his hands as treasurer from taxation or otherwise for the payment over thereof only in the manner prescribed by law for the delivery to his successor in office of all papers books documents and other things held in right of his office [and] for the payment to such successor of any balance in money remaining in his hands or charged against him in the settlement of his accounts and that as tax collector of township county poor institution district and school taxes he shall account for and pay over all moneys received by him as taxes penalties and interest [and account for all tax items contained in the duplicates delivered to him during his term of office which remain uncollected] The township treasurer and his sureties shall be discharged from further liability on any bond as tax collector as soon as all tax items contained in the duplicates delivered to him are either (1) collected and paid over or (2) set forth in schedules filed with the tax authorities or (3) returned to the county commissioners for sale by the county treasurer or (4) in case of occpuation poll and per capita taxes a record of those which remain uncollected is filed with the tax authority [together with the oath of the tax collector that he has made a diligent effort to collect such taxes] The township treasurer shall be required to give but one bond which shall include his duties as township treasurer and collector of township county school institution district and poor taxes and shall cover the full term of his office Should the township county school district institution district or poor district be of the opinion at any time that the bond given is not sufficient additional security may be required to be given at the expense of the taxing district requiring the same The treasurer shall not in any event be required to give bond or bonds aggregating an amount in excess of the tax to be collected by him The bond or bonds given by the township treasurer shall be for the use of the township the county institution district the school district and the poor district Said bond shall be filed with the township commissioners

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 892, as follows:

An Act to amend section one hundred thirty-six as amended and section one hundred thirty-seven of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for the establishment of the office of controller in certain counties and for the abolition of the office of county auditor and for the audit of accounts of the county and its officers for the preceding year in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one hundred thirty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth

seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by section one of the act approved the twenty-third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 948) is hereby further amended to read as follows

Section 136 Establishment of Office of Controller [by Decree of Court] in Counties of the Sixth Seventh and Eighth Classes The office of controller may be established in any county of the sixth seventh or eighth class by petition to the court of common pleas of such county of [twenty-five per centum of the number of electors who voted at the general or municipal election as the case may be next preceding the date of such petition The petition shall include the signatures of] a majority of the board of county commissioners [the clerk of the courts coroner county treasurer prothonotary recorder of deeds and register of wills] or of at least five hundred registered electors of the county Upon presentation of such petition the court [after consideration of the petition and hearing if any requested by taxpayers] shall [if it deems the same to be for the best interests of the county] direct that at the next general or municipal election occurring at least sixty days after the presentation of said petition a question to determine the will of the electors as to the creation of the office of controller shall be submitted in the manner provided by the Pennsylvania Election Code If at said election a majority of those voting on said question shall vote in favor of creating the office of controller then at the first municipal election occurring after the vote on said question and quadrennially thereafter the electors of such county shall choose a citizen of the county for the office of controller in place of the county auditors Such person shall serve for a term of four years or until his successor is qualified if he shall so long behave himself well [Upon the filing of such decree the prothonotary shall transmit certified copies thereof to the county commissioners the sheriff and to the Governor Upon receipt thereof the sheriff shall give at least thirty days public notice by proclamation in addition to any other notice required by law Such proclamation shall be printed three times in every newspaper of general circulation in the county and shall contain a notice that a citizen of said county is to be elected at the next ensuing municipal election for the office of county controller] Such controller shall be nominated and elected in compliance with the provisions of the [general election laws] Pennsylvania Election Code and shall take office on the first Monday of January next succeeding his election

Section 2 Section one hundred thirty-seven of said act is hereby amended to read as follows

Section 137 [Appointment by Governor] Duties of Auditors Abolition of Office of Auditor [Whenever the office of controller is established in any county under the provisions of the preceding section of this act or by a change in class of such county the Governor shall appoint a suitable person to act as controller of said county until his successor in office is duly elected and installed] Upon the [appointment] election of a controller as provided in [this] the preceding section of this act or where the office of controller is created in any county by a change of class of a county in which case the office shall not be created until the first Monday of January succeeding the first municipal election after the ascertainment of such change of class the county auditors then in office if their terms of office have not expired shall proceed to audit all accounts as is now or may hereafter be required by law and shall file a report of such audit with the controller so [appointed] elected not later than three months after the controller assumes his office whereupon the said office of county auditor shall be abolished and cease to exist in said county and the terms of the county auditors in office shall cease and terminate If the terms of the county auditors shall cease and terminate at the time a controller takes office either as the result of the creation of the office as provided in the preceding section or by reason of a change in the class of the county then the controller shall audit the accounts of the county and its officers for the preceding year with like power and authority and with like effect as if such audit were made by the county auditors

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 893, as follows:

An Act fixing the salary of the controller in counties of the seventh and eighth classes and providing for a salary board to fix the number and salary or compensation of any deputies and clerks to assist the controller

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The annual salary of the controller in counties of the seventh and eighth classes where such office shall have been created in accordance with existing law shall be as follows

In counties of the seventh class those having population of twenty thousand and more but less than thirty thousand fifteen hundred dollars ($1500) those having a population of thirty thousand and more but less than forty thousand eighteen hundred dollars ($1800) and those having a population of forty thousand and more twenty-one hundred dollars ($2100)

In counties of the eighth class those having a population of less than ten thousand nine hundred dollars ($900) and those having a population of ten thousand and more twelve hundred dollars ($1200)

Section 2 In counties of the seventh and eighth class the county commissioners and the controller shall constitute a salary board The salary board shall meet on the first Monday of January in each year and from time to time as may be required by the controller and fix and determine the number and the salaries or compensation to be paid to any deputy and clerks which the board may deem required to assist the controller in the proper discharge of the duties of his office Any controller deputy or clerk dissatisfied with the salary or compensation allowed by the salary board for any deputy or clerk may appeal from the action of the board to the court of common pleas of the county which court after hearing shall make an order fixing the salary of such deputy or clerk The action of the court shall be final

Section 3 The salaries fixed by this act for the controller and his deputies and clerks shall be paid by the county

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 885, as follows:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The State Treasurer is hereby authorized and directed from time to time between the first day of April one thousand nine hundred thirty-nine and the thirty-first day of May one thousand nine hundred thirty-nine to transfer from the Motor License Fund to the General Fund such sums not exceeding in the aggregate the sum of three million eight hundred eighty-five thousand dollars ($3,885,000) as the Governor shall direct Transfers shall be made under this act upon warrants of the Auditor General upon requisitions of the Governor

The purpose of this transfer is to provide funds for the payment of deficiency appropriations for public assistance and other deficiency appropriations made for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine by the General Assembly of one thousand nine hundred thirty-nine To the extent to which this transfer makes it necessary the use of the transferred

fund for its ordinary purposes shall be postponed but not otherwise modified

Section 2 The amounts transferred under this act from the Motor License Fund to the General Fund shall be repaid to the Motor License Fund out of the General Fund not later than September first one thousand nine hundred thirty-nine

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 886, as follows:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of nine million dollars ($9,000,000) or as much thereof as may be necessary is hereby specifically appropriated from the General Fund in the State Treasury to the Department of Public Assistance to provide assistance and for local and certain State administration expenses in the manner provided in the Public Assistance Law for the payment of deficiencies for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine

Section 2 Out of the moneys hereby appropriated the Department of Public Assistance shall allocate from time to time among the several county boards of assistance funds with which to provide assistance and administrative expenses Allocations so made to a county board of assistance shall be available for expenditure in that county for assistance and for administration expenses in the manner provided by the Public Assistance Law

The Governor with the approval of the Auditor General and State Treasurer shall from time to time allocate to the Department of the Auditor General and the Treasury Department out of the appropriation made by this act such sums as may be deemed necessary to pay the administration expenses of said departments in auditing and disbursing the appropriation made by this act

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 598, as follows:

An Act authorizing the compromise of delinquent taxes on real property and the penalties interest and costs due thereon except in counties of the first second and third class before a tax sale of such real property and providing the procedure in such case

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever taxes levied by any political subdivision upon real property except in counties of the first second and third class are now delinquent and such delinquent taxes and the penalties interest and costs due thereon exceed in the opinion of the tax levying authorities the net amount which could be realized at a tax sale of such real property upon which the taxes have been levied it shall be lawful for the tax levying authorities or any of them if the court of common pleas of the county in which such real property is situated shall first have consented thereto to accept in compromise of such delinquent taxes penalties interest and costs any sum less than the whole amount due and to enter satisfaction of all such taxes on the record

Section 2 Upon the presentation of the petition of any tax levying authority to the court of common pleas of the county setting forth a description of the real property on which such taxes are delinquent the amount of delinquent taxes penalties interest and costs due segregated by years showing also the total amount due to each taxing district the amount offered in compromise thereof the division of the compromise settlement between the taxing districts interested and such other information as may be deemed necessary to the court the court shall fix a day not more than twenty days thereafter for a hearing thereon At least fifteen days' notice of such hearing shall be given by mail to each taxing authority having an interest in such delinquent taxes and shall also be given by publication three times in a newspaper of general circulation in the city borough town or township in which such real property is situate and in the legal journal if any of the appropriate county

Section 3 If after such hearing the court is satisfied that the proposed compromise is proper and to the advantage of the taxing authorities interested or any of them it shall enter a decree approving such compromise settlement with such petitioning tax authority and any other tax authority desiring to join in such settlement or such other settlement as the court may find proper and just The proceeds of such compromise shall be distributed to the respective taxing authorities in proportion to their claims

Section 4 All acts and parts of acts inconsistent with this act are hereby repealed

Section 5 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. WAGNER. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 533, entitled:

An Act authorizing political subdivisions of counties of the seventh class to defray the costs of the premiums upon bonds to be filed by tax collectors

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193

Achterman,	Eckels,	Lichtenwalter,	Scanlon,
Ackermann,	Ely,	Long,	Schrock,
Allen,	Ewing,	Lovett,	Schrope,
Alspach,	Faikenstein,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Gates,	McLane,	Sollenberger,
Boles,	Gillan,	McNally,	Stambaugh,

Boney,	Gillette,	McVay,	Stank,
Boorse,	Goll,	Melchiorre,	Stewart,
Boose,	Gorski,	Mihm,	Stockham,
Bower,	Habbyshaw	Montgomery,	Tahl,
Boyd,	Haines,	Mooney,	Tarr,
Brancato,	Hall,	Moser, F. S.,	Taylor,
Bretherick,	Hamilton,	Moser, J. L.	Terry,
Broad,	Harbeson,	Muir,	Thistle,
Bronson,	Harkins,	Munley,	Thompson, E. F.
Brown, H. S.,	Haudenshield	O'Dare,	Thompson, G. R.
Brown, S. W.	Henry,	O'Keefe,	Tiemann,
Brunner,	Hess,	Ominsky,	Tronzo,
Burns,	Hindman,	O'Neill,	Trout,
Burris,	Hocke,	Peacock,	VanAllsburg
Cadwalader,	Hoffman, J. N.,	Peale,	Van Belle,
Calvin,	Hoffman, S. K.,	Powers,	Voorhees,
Carpenter,	Holland,	Preston,	Wagner,
Check,	Hoyt,	Readinger,	Walsh,
Chervenak,	Huntley,	Reagan,	Watkins,
Christley,	Imbrie,	Reese, D. P.	Webster,
Clark,	James,	Reese, R. E.	Weiss,
Clearwater,	Johnston,	Regan,	Welsh, E. B.
Cohen, H. B.,	Jones,	Reynolds,	Welsh, M. J.,
Cook,	Kane,	Rider,	Westrick,
Cooper,	Keenan,	Riley,	Wilkinson,
Cordier,	Kenehan	Robertson	Williams,
Corrigan,	Kline,	Rooney,	Wilson,
Cortese,	Knoble,	Rose,	Winner,
Curran,	Kowalski,	Roseberry,	Wood, H. M.
Dalrymple,	Krise,	Rosenfeld,	Wood, L. H.,
Denman,	Lee,	Rothenberger	Wood, N.,
DeNote,	Leisey,	Royer,	Woodside,
Dick,	Levy,	Sarge,	Yeakel,
Dix,	Leydic,	Sarraf,	Turner,
Donahue,			Speaker.
Downey,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 273, entitled:

An Act to repeal the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-seven (P. L. 2116), entitled "An act declaring certain rights, grants, and privileges in the beds of navigable waters, within and on the boundaries of this Commonwealth, void; vesting power in the Department of Forests and Waters, the Water and Power Resources Board, and the Pennsylvania State Park and Harbor Commission to revoke and declare void such rights, grants, and privileges, and providing the procedure in such cases."

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. HABBYSHAW. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 681, as follows:

An Act providing for the licensing and regulation of tourist camps both privately and municipally owned by the Department of Health and prescribing its powers and duties fixing fees for such licenses giving the owners of such camps liens in certain cases upon the property of his guests and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The words "tourist camp" as used in this act shall be construed to mean any plot of land used maintained or held out to the public as a place for use for camping purposes by transient guests whether equipped with tents tent-houses huts or cottages or not so equipped and by whatever name the same may be called and whether any fee is charged for the use thereof or not

The word "department" as used in this act shall mean the Department of Health of the Commonwealth of Pennsylvania

Section 2 No person or political subdivision shall establish or maintain any tourist camp in this State without first obtaining a license therefor from the Department of Health and the said department shall have the power to revoke any license issued upon the failure of the holder thereof to comply with the provisions of this act or any other law or any of the rules and regulations made and promulgated by the department under authority of this act Any person the members of any firm and the officers of any corporation private or municipal who shall maintain or operate a tourist camp without first obtaining such license or who shall operate the same after the revocation of such license shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of one hundred dollars ($100) or imprisonment in the county jail not exceeding thirty days or both such fine and imprisonment

Section 3 Application for such license shall be made in writing to the Department of Health The application shall state the location of the camp type of camp the approximate number of guests for which facilities are to be furnished the probable duration of use the proposed water supply for such camp the proposed method of sewage and garbage disposal and such other information as may be required by the department Forms for such applications shall be prepared by the department and distributed upon request

Section 4 As soon as possible after the receipt of such application the department shall cause an inspection of said premises to be made and if satisfied from such application and inspection that the existing or proposed tourist camp will not be a source of danger to the health of the guests of such camp or the general public it shall notify the applicant of its approval of such camp and of the fees for a license therefor Fees shall be charged and collected upon the basis of the number of beds available for use by guests for hire whether in tents tent-houses huts cottages or in a single building or several buildings For tourist camp grounds offering no beds the fee shall be five dollars ($5.00) to be paid at the time the application for license is made for any tourist camp having beds for the use of their guests the fee shall be one dollar ($1.00) for each single bed for each quarterly inspection and one dollar and fifty cents ($1.50) for each double bed for each quarterly inspection The fee for the first quarterly inspection shall be paid at the time the application for a license is made the fees for the other quarterly inspections shall be paid to the inspector at the time of each such inspection A fee of five dollars ($5.00) shall be charged and collected for a license to operate any tourist camp which makes no charge to guests for any of the facilities offered by such tourist camp Provided however That no license fee shall be charged for any tourist camp owned and operated by a political subdivision Upon receipt of the required fee and upon the approval of the application the department shall issue a license in writing to the person of political subdivision named in the application upon a form to be prescribed by the department Such license shall be for a term of one year from January first to December thirty-first and shall be renewable upon the same basis as the same was issued in the first instance Such licenses shall be transferable only with the consent of the department which may upon application take up and cancel a license issued for the operation of any tourist camp and issue a new license to the transferee for the balance of the year The proceeds of all such fees shall be

paid by the said department into the State Treasury through the Department of Revenue

Section 5 The department shall have general supervision of the health and sanitary condition of all tourist camps in this Commonwealth and shall have the power to make promulgate and enforce such rules and regulations as may be necessary or desirable for the preservation of the same The department and any and all inspectors designated by it shall have full and free right of access to the premises of each and every tourist camp and each and every part thereof at such times as may be proper and reasonable for the inspection of said premises and each such camp shall be so inspected at least four times each year

Section 6 Suitable garbage containers of a kind to be approved by the department shall be provided at a convenient point or points in each tourist camp for the disposal of garbage and refuse shall be deposited therein Any person who shall throw and leave garbage or refuse of any kind upon the ground in any such tourist camp shall be guilty of an offense under this act

Section 7 It shall be the duty of every guest of any such tourist camp immediately to report to the person in charge of such camp or the local or state health authorities every case of sickness in his or her tent tent-house hut cottage or sleeping room Any person who shall fail to make a report of such sickness as aforesaid shall be guilty of an offense under this act

Section 8 Any person or persons who shall obtain quarters or accommodations at any tourist camp with intent to defraud the owner or keeper thereof shall be guilty of an offense under this act

Section 9 Any person guilty of an offense under sections six seven or eight of this act shall upon summary conviction thereof be punished by a fine not to exceed twenty-five dollars ($25.00) and costs of prosecution or imprisonment not to exceed thirty days or both

Section 10 The owner or keeper of any tourist camp shall have an innkeeper's or hotel keeper's lien upon the property of his guest in the same manner for the same purposes and subject to the same restrictions as are or may be set forth in the law with reference to innkeeper's or hotel keeper's liens

Section 11 The owner or keeper of any tourist camp may eject any person from the premises for non-payment of charges or fees for accommodations for violation of law or disorderly conduct for violation of any regulations of the department or for violation of any rule of the camp which is publicly posted within the camp

Section 12 The owner or keeper of any tourist camp shall post a notice at any conspicuous place near the entrance to such camp in letters of sufficient size to be clearly visible to the occupants of automobiles entering such camp which notice shall set forth a schedule of the fees charged by such tourist camp for accommodations

Section 13 The owner or keeper of any tourist camp shall post in one or more conspicuous places in such camp a notice of the provisions of this act with reference to sanitation and health and of any and all rules and regulations with reference thereto promulgated by the department At least two copies of such notice shall be furnished to each tourist camp by the department

Section 14 All acts and parts of acts inconsistent herewith are hereby repealed

Section 15 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

Mr. JAMES. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 4, page 3, line 21, by striking out the words "one dollar ($1.00)" and insert in lieu thereof "fifty cents (50c)"

Amend sec. 4, page 3, line 22, by striking out the words "one dollar and fifty cents ($1.50)" and insert in lieu thereof "seventy-five cents (75c)"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS PASSED OVER

There being no objection House Bill No. 437, Printer's No. 221, was passed over at the request of Mr. WOODSIDE.

Mr. WOODSIDE. Mr. Speaker, I ask unanimous consent that House Bill No. 436, Printer's No. 193, be passed over it its order.

The SPEAKER. Will the House give its unanimous consent? Is there objection?

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Dauphin the reason for delaying action upon this bill and also the preceding bill, House Bill No. 437, Printer's No. 221.

Mr. WOODSIDE. Mr. Speaker, for the purpose of inserting possible amendments in the bill.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Dauphin whether those amendments are amendments to the bill or amendments to the Republican patronage system?

Mr. WOODSIDE. Mr. Speaker, I do not think that question needs any answer.

The SPEAKER. The Chair hears no objection and the bill is passed over.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 182, entitled:

An Act to amend section four hundred twenty-six of the act, approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended, by extending the provisions as to headstones, markers or concrete bases for graves of service men to deceased Pennsylvania War Veterans in certain cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Downey,	Leydic,	Scanlon,
Ackermann,	Eckels,	Lichtenwalter,	Schrock,
Allen,	Ely,	Long,	Schrope,

Allmond,	Ewing,	Lovett,	Schwab,
Alspach,	Falkenstein,	Lyons,	Seif,
Andrews,	Finnerty,	Madden,	Serrill,
Atkins,	Fisher,	Marr,	Shaw,
Auker,	Fiss,	Matthews,	Shearer,
Baker,	Flanagan,	McClester,	Simons,
Bailiet,	Fleming,	McGarrity,	Sloan,
Balthaser,	Foor,	McKinney,	Snyder,
Bardes,	Freed,	McLane,	Sollenberger,
Bennett,	Fullerton,	McNally,	Stambaugh,
Bohn,	Gates,	McVay,	Stank,
Boies,	Gillan,	Melchiorre,	Stockham,
Boney,	Gillette,	Mihm,	Tahl,
Boorse,	Goll,	Montgomery,	Tarr,
Boose,	Gorski,	Mooney,	Taylor
Bower,	Habbyshaw,	Moser, F. S.,	Terry,
Boyd,	Haines,	Moser, J. L.,	Thistle,
Brancato,	Hall,	Muir,	Thompson, E. F.,
Bretherick,	Hamilton,	Munley,	Thompson, G R.
Broad,	Harbeson,	O'Dare,	Tiemann,
Bronson,	Harkins,	O'Keefe,	Tronzo,
Brown, H. S.,	Haudenshield,	Ominsky,	Trout,
Brown, S. W.,	Henry,	O'Neill,	VanAllsburg,
Brunner,	Hess,	Peacock,	Van Belle,
Burns,	Hindman,	Peale,	Voorhees,
Burris,	Hocke,	Powers,	Wagner,
Cadwalader,	Hoffman, J. N.,	Preston,	Walsh,
Calvin,	Hoffman, S K.,	Readinger,	Watkins,
Carpenter,	Holland,	Reagan,	Webster,
Check,	Hoyt,	Reese, D. P.,	Weiss,
Chervenak,	Huntley,	Reese, R. E.	Welsh, E. B.,
Christler,	Imbrie,	Regan,	Welsh, M. J.,
Clark,	James,	Reynolds,	Westrick,
Clearwater,	Johnston,	Rhodes,	Wilkinson,
Cohen, H. B.,	Jones,	Rider,	Williams,
Cook,	Kane,	Riley	Wilson,
Cooper,	Keenan,	Robertson,	Winner,
Cordier,	Kenehan,	Rooney,	Wood, H. M.,
Corrigan,	Kline,	Rose,	Wood, L. H.,
Cortese,	Knoble,	Roseberry,	Wood, N.,
Curran,	Kowalski,	Rosenfeld,	Woodside,
Dalrymple,	Krise,	Rothenberger,	Yeakel,
Denman,	Lee,	Royer,	Turner,
Dix,	Leisey,	Sarge,	Speaker.
Donahue,	Levy,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 605, Printer's No. 224, was passed over at the request of Mr. ECKELS.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 423, entitled:

An Act to amend section five (a) as added to, and section nine as amended, of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 224), entitled "An act preventing the manufacture, sale, or transportation within the Commonwealth of adulterated or misbranded paris greens, lead arsenates, lime-sulphur compounds, and other insecticides and fungicides, and regulating traffic therein; providing for inspection of such materials, and imposing penalties;" by providing for the registration of insecticides and fungicides by manufacturers outside of the Commonwealth; and changing penalties.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to interrogate the sponsor of this bill, the gentleman from Allegheny, Mr. Cooper.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. COOPER. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Allegheny the exact purpose of the amendments.

Mr. COOPER. Mr. Speaker, the purpose of the amendments to this bill is to permit outside manufacturers of insecticides and fungicides to register their articles. Under the present law only manufacturers within the state and importers are allowed to register. This amendment will permit outside manufacturers to register their articles, and if they refuse or neglect to do so the importer may do so.

HERBERT B. COHEN. Mr. Speaker, do I understand that the present act requires registration by domestic manufacturers of these insecticides?

Mr. COOPER. That is right, sir.

Mr. HERBERT B. COHEN. Mr. Speaker, and this would extend the requirements of registration to manufacturers outside of the Commonwealth?

Mr. COOPER. That is correct, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	Eckels,	Lichtenwalter,	Scanlon,
Ackermann,	Ely,	Long,	Schrock,
Allen,	Ewing,	Lyons,	Schrope,
Allmond,	Falkenstein,	Lovett,	Schwab,
Alspach,	Finnerty,	Madden,	Seif,
Andrews,	Fisher,	Malloy,	Serrill,
Atkins,	Fiss,	Malone,	Shaw,
Auker,	Flanagan,	Marr,	Shearer,
Baker,	Fleming,	Matthews,	Simons,
Bailiet,	Foor,	McClester,	Skale,
Balthaser,	Freed,	McGarrity,	Sloan,
Bardes,	Fullerton,	McKinney,	Snyder,
Bennett,	Furman,	McLane,	Sollenberger,
Bohn,	Gates,	McNally,	Stambaugh,
Boies,	Gillan,	McVay	Stank,
Boney,	Gillette,	Melchiorre,	Stewart,
Boorse,	Goll,	Mihm,	Stockham,
Boose,	Gorski,	Montgomery,	Tahl,
Bower,	Habbyshaw,	Mooney,	Tarr,
Boyd,	Haines,	Moser, F. S.,	Taylor,
Brancato,	Hall,	Moser, J. L.	Terry,
Bretherick,	Hamilton,	Muir,	Thistle,
Broad	Harbeson,	Munley,	Thompson, E. F.,
Bronson,	Harkins,	O'Dare,	Thompson, G R.,
Brown, H. S.,	Haudenshield,	O'Keefe,	Tiemann,
Brown, S. W.,	Henry,	Ominsky,	Tronzo,
Brunner,	Hess,	O'Neill,	Trout,
Burns,	Hindman,	Peacock,	VanAllsburg,
Burris,	Hocke,	Peale,	Van Belle,
Cadwalader,	Hoffman, J. N.,	Powers,	Voorhees,
Calvin,	Hoffman, S. K.,	Preston,	Wagner,
Carpenter,	Holland,	Readinger,	Walsh,
Check,	Hoyt,	Reagan,	Watkins,
Chervenak,	Huntley,	Reese, D. P.,	Webster,
Christler,	Imbrie,	Reese, R. E.	Weiss,
Clark,	James,	Regan,	Welsh, E. B.,
Clearwater,	Johnston,	Reynolds,	Welsh, M. J.,
Cohen, H. B.,	Jones,	Rhodes,	Westrick,
Cook,	Kane,	Rider,	Wilkinson,
Cooper,	Keenan,	Riley	Williams,
Cordier,	Kenehan,	Robertson,	Wilson,
Corrigan,	Kilroy,	Rooney,	Winner,
Cortese,	Kline,	Rose,	Wood, H M.,
Curran,	Knoble,	Roseberry,	Wood, L. H.,
Dalrymple,	Kowalski,	Rosenfeld,	Wood, N.,
Denman,	Krise,	Rothenberger,	Woodside,
Dick,	Lee,	Royer,	Yeakel,
Dix,	Leisey,	Sarge,	Turner,
Donahue,	Levy,	Sarraf,	Speaker.
Downey,	Leydic,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 668, (Senate Bill No. 13), entitled:

An Act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

MOTION TO RECOMMIT

Mr. SEIF. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Health and Sanitation.

On the question,

Will the House agree to the motion?

Mr. SEIF. Mr. Speaker, there was read for the first time in the Senate on April 5th, Senate Bill No. 129. That bill was introduced by Senator Walker and codifies all of the laws which have been passed heretofore relating to marriage. The recent three-day notification act with the original acts pertaining to marriage, as well as the provisions contained in the bill now before us for discussion, are contained in that code.

In that codification also is included the following provision:

"Section 5 (d)—No application shall be filed and entered of record until there shall be in the custody of the clerk to whom application is made, a certificate for each applicant by a licensed physician finding:

"(1) That the applicant is free from any mental defect or mental derangement to a degree that he would be incapable of entering into a contract of marriage.

"(2) That the applicant is free from tuberculosis in a communicable form as determined by the absence of tubercule bacilli in the sputum.

"(3- That the applicant has submitted to a standard laboratory blood test made not more than ten days preceding the application for a marriage license, and is not infected with syphilis in a communicable form.

"(4) The physician's certification shall be accompanied by a record of the standard laboratory blood test, which shall contain the name of the person tested, signed by the laboratory director.

"Standard laboratory blood test" as defined by the Act means a laboratory test for syphilis approved by the Department of Health of the State of Pennsylvania and performed by said department or by a laboratory approved by it, on request of a licensed physician."

Mr. Speaker, I want to say and I want it thoroughly understood, that I am one hundred percent back of legislation of this kind. I know it is necessary. My only purpose in moving to recommit the bill at this time is to give this codification a chance to come out and be passed in the Senate and come over here. The Judges of the Orphans' Courts in the various counties of the State have worked on this marriage codification and among the members of the profession and the members of the bench it seems to be a necessary thing. For that reason I ask that it be recommitted.

Mr. WOODSIDE. Mr. Speaker and members of the House, in view of the debate that was had on this bill last week when it was on second reading, in which it was pointed out by numerous members of the House that this matter was thoroughly considered from all possible angles, and in view of the fact that this bill is a Senate bill on third reading, while the other bill is on first reading in the Senate, this motion should be voted down and the bill should be voted upon at this time.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Downey,	Leydic,	Scanlon,
Ackermann,	Eckels,	Lichtenwalter,	Schrock,
Allen,	Ely,	Long	Schropp,
Alspach,	Ewing,	Lovett,	Schwab,
Andrews,	Falkenstein,	Lyons,	Seif,
Atkins,	Finnerty,	Madden,	Serrill,
Auker,	Fisher,	Malloy,	Shaw,
Baker,	Fiss,	Malone,	Shearer,
Balliet,	Flanagan,	Marr,	Simons,
Balthaser	Fleming,	Matthews,	Skale,
Bardes,	Foor,	McClester,	Sloan,
Bennett,	Freed,	McGarrity,	Snyder,
Bohn,	Fullerton,	McKinney,	Sollenberger,
Boies,	Furman,	McLane,	Stambaugh,
Boney,	Gates,	McNally,	Stank,
Boorse,	Gillan,	McVay,	Stewart,
Boose,	Gillette,	Melchiorre,	Stockham,
Bower,	Goll,	Mihm,	Tahl,
Boyd,	Gorski,	Montgomery,	Tarr,
Brancato,	Habbyshaw,	Mooney,	Taylor,
Bretherick,	Haines,	Moser, F. S.,	Terry,
Broad,	Hall,	Moser, J. L.,	Thistle,
Bronson,	Hamilton,	Muir,	Thompson, E. F.,
Brown, H. S.,	Harbeson,	Munley,	Thompson, G. R.,
Brown, S. W.,	Harkins,	O'Dare,	Tiemann,
Brunner,	Haudenshield,	O'Keefe,	Tronzo,
Burns,	Henry,	Ominsky,	Trout,
Burris,	Hess,	O'Neill,	VanAllsburg,
Cadwalader,	Hindman,	Peacock,	Van Belle,
Calvin,	Hocke,	Peale,	Voorhees,
Carpenter,	Hoffman, J. N.,	Powers,	Wagner,
Check,	Hoffman, S. K.,	Preston,	Walsh,
Chervenak,	Holland,	Readinger,	Watkins,
Christley,	Hoyt,	Reagan,	Webster,
Clark,	Huntley,	Reese, D. P.,	Weiss,
Clearwater,	Imbrie,	Reese, R. E.	Welsh, E. B.,
Cohen, H. B.,	James,	Regan,	Welsh, M. J.,
Cook,	Johnston,	Reynolds,	Westrick,
Cooper,	Jones,	Rhodes,	Wilkinson,
Cordier,	Kane,	Rider,	Williams,
Corrigan,	Keenan,	Riley,	Wilson,
Cortese,	Kenehan	Robertson,	Winner,
Curran,	Kilroy,	Rooney,	Wood, H. M.,
Dalrymple,	Kline,	Rose,	Wood, L. H.,
Denman,	Knoble,	Roseberry,	Wood, N.,
DeNote,	Kowalski,	Rosenfeld,	Woodside,
Dick,	Krise,	Rothenberger,	Yeakel,
Dix,	Lee,	Royer,	Turner,
Donahue,	Leisey,	Sarge,	Speaker.
Donohoe,	Levy,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 667, (Senate Bill No. 12), entitled:

An Act for the prevention of congenital syphilis; providing for and regulating the taking of serological tests of women pregnant with child; and requiring notation thereof on the birth and stillbirth certificates of their children; imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ANDREWS. Mr. Speaker and members of the House, in passing this bill, I think the House should realize just the sort of twaddle in which it is indulging. You might as well bombard alligators with cream puffs as to attempt to fight syphilis with this kind of legislation. The penalties of the act have been, Mr. Speaker, very carefully taken out of it. Nobody is penalized if they don't comply with the provisions of this measure. I presume that this provision is the result of careful thought upon the part of the medical profession. Nobody is responsible for the enforcement of this act. This is a measure, Mr. Speaker, which this House is passing for the purpose of kidding somebody and making the public believe that something is actually being done to combat syphilis. If this House wants to indulge itself in this kind of make-believe, then that is the sort of thing the House wants to do.

Mr. STOCKHAM. Mr. Speaker and members of the House, this bill was debated at length the other day on second reading. I think the facts which were brought out were quite pertinent, and that the approach to this whole subject is that of a sympathic approach with the desire and purpose to secure cooperation on the part of those so afflicted. It is similar in effect to much of the legislation that led up to the tuberculosis effective legislation that is in force today. I think this measure of itself is a right and proper step, and I ask that we vote for this legislation this time.

Mr. ANDREWS. Mr. Speaker, I would like to interrogate the gentleman from Bucks, Mr. Stockham.

The SPEAKER. Will the gentleman from Bucks permit himself to be interrogated.

Mr. STOCKHAM. I will Mr. Speaker.

Mr. ANDREWS When was this measure debated on second reading? We debated Senate Bill 13, but I was not conscious of any debate on Senate Bill 12.

Mr. STOCKHAM. Mr. Speaker, I beg to be corrected. The debate was on the amendments to the other bill. Nevertheless, I feel that debate applies with equal force to the bill now under discussion.

Mr. ANDREWS. Mr. Speaker, will the gentleman from Bucks tell the House why he wants to be so sympathic with syphilis.

Mr. STOCKHAM. Mr. Speaker, I do not know that that question is at all pertinent to my position relative to these measures. I believe that this legislation is constructive and helpful in the eradication of this disease.

Mr. ANDREWS. Mr. Speaker, will the gentleman from Bucks inform this Housce why the penalty clause has been deleted from the bill.

Mr. STOCKHAM. Mr. Speaker, I cannot. It was taken out in the Senate and passed with those deletions, I believe, unanimously.

Mr. ANDREWS. Mr. Speaker, does the gentleman from Bucks believe that a law which makes no one responsible for enforcing it and that carries no penalty for disobeying it is likely to get very far.

Mr. STOCKHAM. I believe that it will, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker and members of the House, I had not intended to indulge in a general debate on this matter, but in view of the extremely novel theory of government that has just been expounded, I must say a word. When I hear such a leader, such a pillar, such a wise man as the gentleman from Bucks say that he is quite convinced that the way to legislate is to pass laws which contain no penalty clauses, which makes nobody responsible for their enforcement, I wonder whether all my conceptions of government have been wrong. I have been taught that a law to mean anything should carry a penalty clause and that some specific department of the state government should be responsible for enforcing it. Mr. Speaker, I have no objection if the House wants to pass this form of legislation. It won't do any good, it won't hurt anybody, it won't help anybody, and all that it has done has been to make a contribution to a printing company.

Mr. DENMAN. Mr. Speaker and members of the House, the gentleman from Cambria has said this legislation will not help anybody. On the basis of the 1938 figures of marriages in Pennsylvania we find approximately seventy-five thousand marriages. There would be approximately one hundred fifty thousand examinations. At this rate there would be discovered approximately two thousand two hundred fifty cases of syphilis every year. In Pennsylvania there are born approximately one hundred and forty thousand babies each year, and if we take the basis of one and one-half per cent, as given to us by the Medical profession, as the number of cases which we could save of the number of babies which are born, this legislation, instead of being of no benefit, would save two thousand one hundred babies from death or disease from syphilis each year. Certainly that alone is ample reason to pass this legislation.

Mr. Speaker and members of the House, these bills are medically and scientifically sound.

Following two years of educational work by speeches, newspapers, radio and public meetings, these bills were drafted after six months of research on syphilis legislation in other states. They were reviewed and approved by the Pennsylvania Legislative Reference Bureau, by the Hon. John H. Fertig and by the American Social Hygiene Association whose suggestions on model legislation were closely followed. They have been specifically endorsed by the Medical Society of the state of Pennsylvania and the State Department of Health as well as by various local and civic groups throughout the state of Pennsylvania, by the Pennsylvania Federation of Womens Clubs, an organization of over 80,000 women, by resolutions passed at county and district meetings in each of the sixty-seven counties of the state. The bills are based on the practical experience of the states which already have similar legislation, to wit, New Hampshire, Connecticut, Rhode Island,

New York, New Jersey, Kentucky, Illinois, Wisconsin, Michigan, Oregon. At this moment similar legislation is before the legislatures of thirty-three other states and the District of Columbia. This year West Virginia passed such legislation and it is well on its way to passage in Ohio and is before the legislature of Maryland. Unless this legislation is also adopted in Pennsylvania our state will be surrounded in such a way as to become the Gretna Green for the unfit of all neighbors. These bills go as far as is advisable at this time.

Based on the practical experience resulting from such legislation in other states, these bills can be safely adopted by Pennsylvania. Compulsory treatment, although commendable, would provide a feature as yet untried. Such drastic provisions would forfeit the cooperation of the general public which is necessary for the success of all public health efforts. These bills are definitely a big step in the right direction and the millenium must be achieved by degrees. These bills will become effective one year after enactment.

2. The effective date has been postponed for a year to permit the Department of Health, physicians, laboratories, and all individuals concerned, time to prepare so that the maximum in efficiency will prevail when the bills go into effect.

Mr. Speaker and members of the House, something has been said about these bills being approved by the medical profession, and since these bills refer to the very worst disease known to man, I don't know of any group more qualified to prepare them or to discuss them than the medical profession. Something has been said also about the fact that there is no way of enforcing this legislation. I believe that we can rely upon the integrity of the medical authorities to enforce it. Mr. Speaker, I doubt whether any of us desire to question the integrity of the medical profession. There certainly is no ulterior motive in their desire to have such a bill passed. They are for the protection of mankind yet unborn.

Mr. Speaker. I ask the members of this House to vote "yes" on this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Downey,	Leydic,	Scanlon,
Ackermann,	Eckels,	Lichtenwalter,	Schrock,
Allen,	Ely,	Long,	Schrope,
Alspach,	Ewing,	Lovett,	Schwab,
Andrews,	Falkenstein,	Lyons,	Seif,
Atkins,	Finnerty,	Madden,	Serrill,
Auker,	Fisher,	Malloy,	Shaw,
Baker,	Fiss,	Malone,	Shearer,
Balliet,	Flanagan,	Marr,	Simons,
Balthaser,	Fleming,	Matthews,	Skale,
Bardes,	Foor,	McClester,	Sloan,
Bennett,	Freed,	McGarrity,	Snyder,
Bohn,	Fullerton,	McKinney,	Sollenberger,
Boles,	Furman,	McLane,	Stambaugh,
Boney,	Gates,	McNally,	Stank,
Boorse,	Gillan,	McVay,	Stewart,
Boose,	Gillette,	Melchiorre,	Stockham,
Bower,	Goll,	Mihm,	Tahl,
Boyd,	Gorski,	Montgomery,	Tarr,
Brancato,	Habbyshaw,	Mooney,	Taylor,
Bretherick,	Haines,	Moser, F. S.,	Terry,
Broad,	Hall,	Moser, J. L.,	Thistle,
Bronson,	Hamilton,	Muir,	Thompson, E. F.,
Brown, H. S.,	Harbeson,	Munley,	Thompson, G. R.,
Brown, S. W.,	Harkins,	O'Dare,	Tiemann,
Brunner,	Haudenshield,	O'Keefe,	Tronzo,
Burns,	Henry,	Ominsky,	Trout,
Burris,	Hess,	O'Neill,	VanAllsburg,
Cadwalader,	Hindman,	Peacock,	Van Belle,
Calvin,	Hocke,	Peale,	Voorhees,
Carpenter,	Hoffman, J. N.,	Powers,	Wagner,
Check,	Hoffman, S. K.,	Preston,	Walsh,
Chervenak,	Holland,	Readinger,	Watkins,
Christler,	Hoyt,	Reagan,	Webster,
Clark,	Huntley,	Reese, D. P.,	Weiss,
Clearwater,	Imbrie,	Reese, R. E.,	Welsh, E. B.,
Cohen, H. B.,	James,	Regan,	Welsh, M. J.,
Cook,	Johnston,	Reynolds,	Westrick,
Cooper,	Jones,	Rhodes,	Wilkinson,
Cordier,	Kane,	Rider,	Williams,
Corrigan,	Keenan,	Riley,	Wilson,
Cortese,	Kenehan,	Robertson,	Winner,
Curran,	Kilroy,	Rooney,	Wood, H. M.,
Dalrymple,	Kline,	Rose,	Wood, L. H.,
Denman,	Knoble,	Roseberry,	Wood, N.,
DeNote,	Kowalski,	Rosenfeld,	Woodside,
Dick,	Krise,	Rothenberger,	Yeakel,
Dix,	Lee,	Royer,	Turner,
Donahue,	Leisey,	Sarge,	Speaker.
Donohoe,	Levy,	Sarraf,	

NAYS—0

The majority required by the constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. READINGER.

The House resumed the consideration on third reading of House Bill No. 404, entitled:

An Act to amend sections three and five of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (P. L. 644) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" as amended by requiring the corporations copartnerships and associations affected by the provisions of this act to publish certain facts relative to their organization once a year and to file proof of such publication with the Department of Welfare.

On the question,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1, page 2, line 28, by inserting after the word "section" the following: "Provided, however, That if any such corporation, copartnership or association applying for such certificate of registration solicits or intends to solicit funds throughout the Commonwealth that it shall only publish such statement in a newspaper of general circulation in the community where its main office within the Commonwealth is located"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON SECOND READING

Mr. LONG asked and obtained unanimous consent to call up out of order House Bill No. 48, Printer's No. 48, on page 8 of today's calendar, bill on second reading postponed.

Agreeably to order,

The House resumed the consideration on second reading of House Bill No. 48, as follows:

An Act to reenact the act approved the second day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1182) entitled "An act authorizing courts of common pleas to stay writs of execution against and tax sales of certain real property in certain cases providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs and exempting mortgages issued under the National Housing Act"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the second day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1182) entitled "An act authorizing courts of common pleas to stay writs of execution against and tax sales of certain real property in certain cases providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs and exempting mortgages issued under the National Housing Act" as hereby reenacted to read as follows

Section 1 Definitions That when used in this act the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context clearly requires a different meaning

"Writ of execution" shall mean any writ of fieri facias venditoni exponas levari facias or any other writ or form of execution for the sale of any dwelling and the land appurtenant thereto or any farm where such dwelling or farm shall be occupied by an owner thereof as his or her residence or any proceeding for the sale of real property as herein defined for failure to pay taxes

"Real Property" shall mean any dwelling together with the land appurtenant thereto and any farm occupied by an owner of such dwelling or farm as a residence

Section 2 Every court of common pleas of this Commonwealth shall have authority under the conditions hereinafter set forth to stay any writ of execution from time to time and for such periods as the court in its discretion may deem proper Such stays shall be allowed only upon application of an owner lienholder or any other person in interest and unless the plaintiff consent thereto only upon the applicant's showing to the court such facts as the court may deem sufficient to warrant such relief In granting any such stay or continuance the court may impose such condition as it deems proper as to payment of costs taxes accruing interest repairs advertising and notice of sale insurance and any other pertinent matters

Section 3 In exercising the powers conferred by this act a court shall have the discretion of a chancellor sitting in equity It shall be a sufficient reason for the grant of a stay hereunder that immediate execution sale against the real property would work serious inequity

Section 4 The stay of any execution under this act shall continue the return day of the writ of execution to the first regular return day for such writs which shall occur after a sale held under such writ In the meantime the writ shall remain in full force and effect and sale may be made thereunder without the issuance of an alias or any other writ

Section 5 The powers herein conferred on courts of common pleas shall be in addition to all powers now possessed by such courts to stay and otherwise control writs of execution against real property as herein defined

Section 6 This act shall become effective immediately upon final passage by the Legislature and approval by the Governor and shall continue in force only until the thirty-first day of March one thousand nine hundred [thirty-nine] and forty-one Provided That the provisions of this act shall not apply to the foreclosure of mortgages insured under Title II of an Act of Congress of the United States entitled the "National Housing Act" approved the twenty-seventh day of June one thousand nine hundred thirty-four or to the foreclosure of mortgages issued to and/or held by any corporation organized and existing under the laws of the United States of America if at the time of such foreclosure the United States of America owns a majority of the capital stock of such corporation

Section 7 All acts and parts of acts inconsistent herewith are suspended while this act is in effect

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

RESOLUTION NO. 27.

Mr. REAGAN. Mr. Speaker, I desire to call up at this time Resolution No. 27, Printer's No. 227, on page 11, of today's calendar.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 7, 1939.

The American farmer, upon whose prosperity depends the prosperity of the Nation, is being deprived of his opportunity to earn a living by means of not being able to compete with the cheap imports from other countries.

Crops can be grown and cattle raised abroad at much lower cost than can be done here where the standard of living to which the American farmer is accustomed demands a larger compensation for labor.

The importation of cheaply grown grains, foodstuffs, cattle and meat products from abroad has done much to deny to our farmers the prosperity their efforts deserve, therefore be it

Resolved, That it is the opinion of this House of Representatives of the General Asembly of the Commonwealth of Pennsylvania that action should be taken by the Federal Government to prevent the importation of such grains and foodstuffs, cattle and meat products, the sale of which in the American markets contributes so largely to the economic plight of the American farmer, either by the imposition of a high tariff on such importation or the closing of our ports of entry to such articles, and be it further

Resolved, That a copy of this resolution be immediately transmitted by the Chief Clerk of this House to the officers of the Congress of the United States and to the members of the Senate and House of Representatives in that Congress from the Commonwealth of Pennsylvania.

On the question,

Will the House adopt the resolution?

Mr. ANDREWS. Mr. Speaker I desire to interrogate the sponsor of this resolution?

The SPEAKER. Will the gentleman from Union permit himself to be interrogated?

Mr. REAGAN. I shall, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, I would like to know from the sponsor of this resolution the annual production of corn in the United States.

Mr. REAGAN. Mr. Speaker, if the gentleman would ask me something that I know, I would answer him. I cannot answer that question.

Mr. ANDREWS. Mr. Speaker, can the sponsor of this resolution give me the value of the corn imported?

Mr. REAGAN. Mr. Speaker, I can give him the total importation for the year 1937, which was some eighty-six billion bushels.

Mr. ANDREWS. Mr. Speaker, can the gentleman give us the production of wheat?

Mr. REAGAN. Mr. Speaker, I cannot.

Mr. ANDREWS. Mr. Speaker, can the gentleman furnish us with the importation of wheat?

Mr. REAGAN. I cannot at this time.

Mr. ANDREWS. Mr. Speaker, can the gentleman give us the value of the annual production of hogs.

Mr. REAGAN. I cannot, Mr. Speaker, but I can give the gentleman the information for 1937 if he so desires.

Mr. ANDREWS. Mr. Speaker, that might be helpful.

Mr. REAGAN. Mr. Speaker, 16,586,218 pounds in 1937. That does not include meat products.

Mr. ANDREWS. I thank the gentleman.

Mr. Speaker and members of the House, it is a poor corn crop in the United States that does not reach one and a half billion bushels, and if you happen to have a bumper crop you can run it up to two billion bushels. The gentleman who sponsored this resolution is greatly excited because while we are raising corn in the billion bushels we are importing a few million bushels.

He does not call your attention to the fact that when they bring a cargo of corn from the Argentine, all vessels returning to the Argentine are loaded with machinery manufactured in this country. He does not call your attention to the fact that wheat comes into the United States only as ballast cargo in ships that come here for the purpose of taking away the products of our factories. He talks about sixteen or seventeen or twenty-seven million pounds of meat imported in the course of a year, when we are producing meat products in this country in terms of billions of pounds. The principle upon which the gentleman is operating is unsound economically. Such a penny-wise and pound-foolish policy is one of the steps that if carried to its logical conclusion would absolutely and eventually preclude this country from having any exports. The way we sell our machinery is to make it profitable for foreign ships to come to our ports, and I repeat, a country like the Argentine cannot send a vessel up here empty, they must have something for ballast. The small amount of corn, wheat and grain that comes into this country is consumed in the seaboard cities of the nation, and does not come in in sufficient quantities to affect the price of grain in the world market. This is a highly reprehensible resolution economically.

Mr. REAGAN. Mr. Speaker and members of the House, I am sorry to present a very reprehensible resolution to this House. Nevertheless, Mr. Speaker, the gentleman from Cambria says in return for every cargo of corn that comes into this country from Argentine, we ship a corresponding amount of machinery. Well, that does not help the farming situation that I can see, because the prices are so low for our farm products that even if we do get rid of a little machinery it does not assist the farmers at all.

The tariff would be of great assistance. The other year I had a considerable amount of corn to sell. The price was rising and I thought I was going to get a good price for it. All of a sudden the price started to go down, and I inquired of the man who was buying it what had caused this drop in price. He said Argentine corn was coming in. It does not require a great quantity of imports to break the price here in the United States. Just the fact that a small amount of a certain commodity is sold under price is sufficient to affect the price here in this country. We certainly want to assist in getting a better price for our farm crops, and I think this resolution should be passed. Whether or not it will have any affect upon the government in Washington, I cannot say. They have tried so many fantastic things that perhaps if this were suggested to them they might be willing to try something that has some truth and sense to it.

Mr. SCHROPE. Mr. Speaker, I would like to interrogate the gentleman from Union, Mr. Reagan.

The SPEAKER. Will the gentleman from Union permit himself to be interrogated?

Mr. REAGAN. I will, Mr. Speaker.

Mr. SCHROPE. Mr. Speaker, I would like to inquire of the gentleman from Union again the amount of importation of corn for 1937 or for any other year.

Mr. REAGAN. Mr. Speaker, eighty-six million bushels. I cannot give the gentleman the exact figures.

Mr. SCHROPE. Mr. Speaker, that is close enough; that is all right.

I would like to inquire of the gentleman from Union whether he has figures on the exportation of corn from the United States to foreign countries.

Mr. REAGAN. Mr. Speaker, I do not have the figure at the present time, but I understand that they are misleading because of the fact that we are subsidizing exports of both wheat and corn. I saw in the papers only the other day that we were selling a shipload of wheat to Germany at thirty cents a bushel, which costs seventy cents here in America.

Mr. SCHROPE. I am not concerned about the price, but I am concerned about the quantity.

Does the gentleman from Union have the figures on any other farm product that is exported in comparison to that which is imported?

Mr. REAGAN. Mr. Speaker, I do not.

Mr. SCHROPE. I would like to inquire of the gentleman from Union if it is not a fact that we export many times more in amount than we import.

Mr. REAGAN. Mr. Speaker, we do, I believe. I cannot give you the figures but what we import was the effect of lowering the price.

Mr. SCHROPE. Mr. Speaker, I would like to inquire of the gentleman from Union what in his opinion would be the effect if all of the nations would take the same stand as this resolution intends us to take, in other words, boycott American farm products? What would be the effect on the price of farm products in this country?

Mr. REAGAN. Mr. Speaker, in the past a high tariff had the tendency to improve business in this country to a remarkable degree. I would say that such would be the case again if we were to continue that tariff.

Mr. SCHROPE. Mr. Speaker and members of the House, I am possibly as much interested in the price of farm products as is the gentleman from Union. However, personally I think that this resolution is ridiculous in view of the fact that it is admitted that this country exports many times more farm products than we import. If other nations would take the same attitude, which means a boycott, it would spell complete disaster to the American farmer. So I do not think that we should do anything different from what we expect other countries to do and I ask the members of the House to vote "no" on this resolution.

Mr. MATTHEW J. WELSH. Mr. Speaker, I would like to interrogate the gentleman from Union, Mr. Reagan.

The SPEAKER. Will the gentleman from Union permit himself to be interrogated?

Mr. REAGAN. I will, Mr. Speaker.

Mr. MATTHEW J. WELSH. Mr. Speaker, I would like to ask the gentleman from Union what he means by fantastic ideas at Washington.

Mr. REAGAN. Mr. Speaker, for one thing, limiting the production of wheat, corn and oats, and while I do not like to say anything against the principle that the government is now putting into effect, I have the same opinion as to reciprocal trade agreements.

Mr. MATTHEW J. WELSH. Mr. Speaker, the gentleman has not answered my question. I simply asked him what he means by fantastic ideas.

Mr. REAGAN. Mr. Speaker, I think I answered that when I spoke of the attempt upon the part of the national government to limit the production of our natural crops, a thing that has never been attempted before in this country. That should be sufficient for one.

Mr. MATTHEW J. WELSH. Mr. Speaker, then do I understand that the gentleman favors the Hoover tariff?

Mr. REAGAN. Mr. Speaker, we were prosperous under the tariff for so many years that I think it would be worth while to try it gain.

Mr. MATTHEW J. WELSH. Mr. Speaker, in what way were we prosperous?

Mr. REAGAN. Mr. Speaker, everybody had money at that time, everybody had work, there were few failures, everybody paid their bills.

Mr. MATTHEW J. WELSH. Mr. Speaker, young as I am I remmber that same Hoover talking about two chickens in every pot and two cars in every garage, but it did not happen to be.

The SPEAKER. The gentleman from Fayette has perhaps forgotten that he is interrogating the gentleman from Union

Mr. MATTHEW J. WELSH. Mr. Speaker, I would like to say there is so much time taken up here with formality that it would be better to shorten the time by just going ahead and talking. There is too much time lost here on what we call "formalities."

On the question recurring,

Will the House adopt the resolution?

The yeas and nays were required by Mr. Ominsky and Mr. Harkins and were as follows:

YEAS—119

Ackermann,	Fleming,	Lichtenwalter,	Simons,
Alspach,	Foor,	Madden,	Sloan,
Balliet,	Freed,	Marr,	Snyder,
Bardes,	Fullerton,	Matthews,	Sollenberger
Bennett,	Gates,	McClester,	Stambaugh,
Boorse,	Gillan,	McGarrity,	Stewart,
Bower,	Gillette,	McKinney	Stockham
Bretherick,	Goll,	McNally,	Tahl,
Bronson,	Habbyshaw,	McVay,	Taylor
Brown, S. W	Haines,	Montgomery,	Terry,
Brunner,	Hamilton,	Moser, F. S.,	Thistle,
Calvin,	Harbeson,	Moser, J. L.,	Thompson, G. R.,
Carpenter,	Haudenshield,	Muir,	Tiemann,
Check,	Henry,	O'Dare,	Trout,
Christler,	Hoffman, J. N.,	Peacock,	VanAllsburg,
Clark,	Hoffman, S. K.,	Peale,	Van Belle,
Clearwater,	Hoyt,	Preston,	Voorhees,
Cooper,	Huntley,	Reagan,	Wagner,
Cordier,	Imbrie,	Reese, D. P.	Watkins,
Cortese,	James,	Rhodes,	Webster,
Dalrymple,	Johnston,	Riley	Wilkinson,
Denman,	Jones,	Robertson,	Wilson,
Dick,	Kane,	Rose,	Winner,
Dix,	Kline,	Roseberry,	Wood, H. M.,
Donahue,	Knoble,	Royer,	Wood, L. H.,
Eckels,	Kowalski,	Sarge,	Wood, N.,
Ely,	Krise,	Schrock,	Woodside,
Ewing,	Lee,	Seif,	Yeakel,
Fisher,	Leisey,	Serrill,	Turner,
Fiss,	Leydic,	Shearer,	Speaker.

NAYS—57

Achterman,	Finnerty,	McLane,	Scanlon,
Baker,	Flanagan,	Melchiorre,	Schrope,
Balthaser,	Furman,	Mihm,	Schwab,
Bohn,	Gorski,	O'Keefe,	Shaw,
Boles,	Harkins,	Ominsky,	Skale,
Boney,	Hess,	O'Neill,	Stank,
Brancato,	Hindman,	Powers,	Thompson, E. F.,
Broad,	Keenan,	Readinger,	Tronzo,
Burns,	Kenehan	Reese, R. E.	Walsh,
Chervenak,	Levy,	Rider,	Weiss,
Cohen, H. B.	Long,	Rooney,	Welsh, E. B.,
DeNote,	Lovett,	Rosenfeld,	Welsh, M. J.,
Donohoe,	Malloy,	Rothenberger	Westrick,
Downey,	Malone,	Sarraf,	Williams,
Falkenstein,			

So the question was determined in the affirmative and the resolution was adopted.

ADDRESS BY MR. HOYT

Mr. HOYT asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, last week I offered this House a resolution charging that the Pennsylvania Interscholastic Athletic Association which was organized to safeguard the health of our school athletes and keep athletics on an ethical and amateur basis, has veered to such gross commercialism itself as to no longer deserve the respect of our boys or our school authorities.

I also charged that the Secretary of the P. I. A. A. has shown gross arrogance and a disposition to punish any who oppose his high-handed decrees.

But the lowest offense I did not mention—an offense of which my home town of Berwick has recently been the victim. I mean nothing more nor less than the crime of making my town a scape goat to cover up their own questionable methods.

I here disclaim any purpose to press for this investigation, however much the condition cries for it. For the present, I simply want to focus public attention on this cancer, then leave it to the P. I. A. A. Board of Controls to apply the necessary radium.

Since the introduction of this Resolution, it has been both interesting and illuminating for me to sit back and watch the reaction. Much speculation has been rampant as to whether I realized that the course I suggested would sink sports knee-deep in politics, as to who I was that I should question the management of the P. I. A. A., as to who was behind me and as to what low motive impelled my action.

Now to all these critics, I feel that I owe this explanation: I am simply the elected Representative of the people of Columbia County; I am speaking and acting entirely in that capacity; I do not speak for the school authorities of Berwick nor are they responsible in the least for what I have done or what I am saying; I am simply voicing the protest of the people of my home town against whom a grievous wrong has been committed by the P. I. A. A. I am sory to have to say this, but I am forced to the conclusion that the school authorities of Berwick have been pinioned on the cross of public opinion, there to hang suspended till May 26th, not because they have done any wrong, but because they have been made the scape-goat to cover up the questionable actions of the P. I. A. A. management in the recent basketball play-off. To those sports writers, who have pictured Berwick as "just one more disgruntled town," let me say that we are an outraged town—not a disgruntled one, as I think I can prove

by the record. But since Berwick has been pictured as typical of the disgruntled towns, let us examine her case to see how such towns get disgruntled. Here are the facts, as I have ascertained them after careful study:

The Berwick basketball team, coached by the always gentlemanly Mr. C. C. Bream, Jr., came to the end of their season in the Wyoming Valley League in a tie with Nanticoke, necessitating a play-off, which Berwick won. Then began a series of play-off games leading up to the semi-finals. In this play-off, counting the last two games in their league, the Berwick team was obliged to play 6 games within a period of 12 days. The last 4 of these games were regional play-offs scheduled by the secretary of the P. I. A. A. to be played within 7 days—from Saturday evening to Saturday evening inclusive. At the conclusion of the last of these games—the Williamsport-Berwick game, Coach Bream found his team so spent and injured that four out of the first five men, were under the care of a physician, and—a semi-final game scheduled against Lower Merion for Tuesday evening. As for playing the game with such a team, the Berwick School Authorities decided, and I think wisely so, that it constituted too great a risk to the health of the boys and they were mindful of the fact that one of the most laudable planks in the by-laws of the P. I. A. A. calls for the safeguarding of the health of the athletes involved. As for playing the game with their substitutes, Berwick well knew that that would not be a contest, but an execution with the splendid Lower Merion team in the role of the executioners. Furthermore, they felt that it would be panning off a colossal fraud on the loyal Berwick fans, who were already badly enough hit by being obliged to travel all the way to Philadelphia at a per capita cost of around four dollars each, as against one dollar for the Lower Merion fans, to witness the playing of the game in Lower Merion's back yard. The only other alternative was to ask for an extension of time for our boys to recuperate. This they decided to do, so they formally asked for a transfer of the game from Tuesday to Wednesday evening.

Right here, let me interject an explanation; Berwick believed the game was scheduled for Tuesday night. However, in a conversation with the secretary of Mr. Wicht over the phone, our principal, Mr. Shuman, understood her to say it was to be played on Wednesday; being dubious of that he asked her to repeat and again heard her the same way. As if to confirm this, two Philadelphia papers had carried the news that the game would be played Wednesday. Thereupon, Dr. R. S. Wear proceeded to administer a boil serum to one of the boys, the bad effect of which lingers for a couple days. Notwithstanding all this, the Berwick officials felt dubious and tried repeatedly all day Sunday and during Monday afternoon to contact Mr. Wicht's office, but without avail. Finally they got him and made their request. It is fair here to say that he evinced a disposition to make the change, if the Lower Merion officials would consent, and he arranged for a three way telephone conversation between himself, Coach Bream and Coach Anderson of Lower Merion; Mr. Anderson refused to accede to the change, so Mr. Wicht scheduled a substitute for Berwick in the form of Williamsport. It is not clear to us whether the arrangement to substitute Williamsport was made known to Mr. Anderson before or after he had refused Berwick's request. If he was aware that Williamsport would be substituted, you can readily see how his decision to refuse might have been strengthened by the knowledge that his team would suffer no financial loss and would be pitted against a weaker team, making it easier to reach the finals.

In all this, we want it to be known that the people of Berwick have no word of censure for the citizens, or the School officials, of either Lower Merion or Williamsport, Furthermore, they have filed no formal complaint against the P.I.A.A. nor any of it's actions, although almost to a man, they felt that Mr. Wicht showed a mercenary spirit in substituting Williamsport, instead of forfeiting the game to Lower Merion.

But right here is where Berwick's patience was shattered and where I came into the picture; Along with the announcement of the substitution in the papers of Tuesday March 21st, came the hint that Berwick was liable to expulsion for a time for her part in the matter; I don't mind telling you that that incensed me and I immediately called Mr. Wicht from the House phone booth. He denied having given out any interview that could have been so construed by the newsmen and he promised to send to me one of them, who would confirm his word. He has not yet put in an appearance. My last words to him were to the effect that when I got home, I would investigate Berwick's side of the case and that I would report back to him. The conversation lead me to believe that he planned to relieve my town from the unfavorable light, in which she had been placed. I did come home and investigated the facts in the case; Finding them as I have just outlined, and seeing in all this no valid grounds at all for punishing Berwick, I wrote Mr. Wicht and requested that he take immediate steps to clear up our good name in the sports world.

Instead of receiving any such assurance, I was astounded to pick up the Bloomsburg Morning Press on the Monday following the playing of the Lower Merion-Williamsport game, which was on Sat., and these headlines met my eyes: "Berwick High Called to Explain Game Forfeiture." The article said, "The board of controls made public a Resolution adopted at a meeting here yesterday commending Wicht for making the substitution and summoning the Berwick Principal to a meeting at State College May 26th for the purpose of explaining his action." Now, what do you think of that Mr. Speaker? Here was evidence that in the midst of this game, Mr. Wicht had gotten his Board of Controls, or at least part of them, together with just one piece of business to transact. And that piece of business was not one of merely approving the action of their Secretary in substituting Williamsport; It went to the extreme of "commending" it. Mr. Wicht had kept the money rolling in and that, in the eyes of his Board of Control, was sufficient to gain their commendation; And then, as if to forestall any comeback, they decided to apply an additional coat of tar to Berwick. Examine these facts a little more carefully, if you will; Here in solemn conclave assembled, with no one accusing them, or no representative of the opposition present, this Board had gone to the ludicrous extreme of commending their Secretary; and as for Berwick, without even according them the benefit of counsel, they had seen fit to crucify her Principal on the cross of public opinion for two months with the dagger of suspension poised over his head. And at the end of that time, he was to submit to trial before this same biased tribunal that already found his oppressor lily white. This tragical farce I don't mind telling

you, we object to. We somehow can't escape the suspicion that the cards are stacked against us.

Personally, I am doubtful whether the Board of Controls have been apprised of all the facts in the case or that they have here-to-fore realized the significance of their action. I note that they are all, or nearly all school men and I know that practically all school men are eminently fair. I wonder whether they realize the injustice of their action as it applies to the Berwick school system. It is to call attention to this travesty on justice, and to suggest if I may, some way to correct the abuses that have cropped up, within the P.I.A.A., that I speak. I am hopeful that it need not be torn down; I feel it is fully capable of doing the work for which it was formed, true to the spirit of service and in a commendably ethical way. If there is a solitary thing that Berwick is punishable for, it is the forfeiting of a game. This they did only after their request for an additional day of rest for their boys had been denied; Their only other alternative was to play disabled boys or fake their fans to a game to see their substitutes murdered. If that be criminal, I suppose someone in Berwick should hang after the formality of leaving the whole community under a cloud till May 26th, has run it's course.

But instead of leaving judgment rest there, let us examine the Penna. Interscholastic Athletic Association's side of the case. I think I can best illustrate the change that has come over the Association by contrasting the way matters were handled in 1935, when Berwick entered the semi-final against Allentown, with the way they were handled this spring when they were qualified to meet Lower Merion.

In 1935, the Berwick-Allentown game was played on the Pottsville floor, which was neutral and was midway between the two cities; And, although there were no disputes or difficulties involved, Mr. Wicht was right on the job and came to Berwick to make all arrangements.

This spring, the Lower Merion-Berwick game was scheduled to be played on the Penn Palestra floor in Lower Merion's back yard, where her team had played three previous games and Berwick had played none. And, although four of Berwick's first string men were under the care of a physician, Mr. Wicht never came near the town. It was the Berwick officials, not the P.I.A.A. Secretary, who took all the initiative to adjust matters.

We might mention here, the unfairness of scheduling Homestead on the same Palestra floor, where Lower Merion had then played four games, and compelling Homestead fans to bear all the cost of travel. Why should that game not have been played at State College or at Hershey?

If Berwick is to be censured for not playing boys, who were not in condition, what is to be said for the official or officials who will schedule boys to play four hard contests within seven days? I have noted that a news release eminating from somewhere, attempts to justify this hurried schedule, and the selection of the play-off locations on the specious argument that both are set nearly a year in advance and that Berwick had her chance to object to one or both of them. Let us examine this, as a feasible and workable plan for doing things. If it is true, it must mean that a location selected, when not objected to a year in advance, must remain so even though it turns out to be the home floor of one of the contestants; and it assumes that some 850 schools are all going to be so cocky that they will figure themselves in the play-off to the extent that they will file objections to the plans a year in advance. Such calculations are absolutely absurd and the plan itself is absurd, if that is the way it is worked.

It would appear that the three destructive termites—laziness, indifference and commercialism, have pretty well ruined the P.I.A.A. and that their board of controls, becoming panic stricken, fell into the grievous mistake of smearing an innocent town in order to create a scape goat and went to the ridiculous extreme of commending their Secretary, when the less ostentatious course of merely approving it, would have aroused far less suspicion.

From a casual observation of the matter, it would appear that the main trouble with this organization is that it has veered too far to the extreme of commercialism. The system just naturally leads that way and it is possible that the greater number of us humans would be induced to follow the path that leads to the rich pay dirt, if we were in Mr. Wicht's shoes. But I warn the P.I.A.A. that the rich vein, on which their eyes are riveted, will eventually be worked out, if they aren't wise enough to continue to prospect in the field of public confidence and good-will.

The cure would seem to be to remove the temptation to commercialize—from the Secretary and from his organization. Why could this not be done by assessing an additional charge of, say five or ten dollars against each school that is served, to carry the administrative costs of the set-up? Then the eliminations could be played off with an eye to sports and clean service, and any profit made could be charged back on a pro rata basis against this additional charge. It looks to me as though this might constitute a starting point, at least, in an attempt to save the organization against self destruction.

In conclusion, I want to repeat that I do not propose to press my Resolution at this time simply because I believe that the P.I.A.A. setup appears to be the best one in sight to do the job. I have focused attention on the faults in that organization and am giving them an opportunity to clean house. If they don't do so, I shall press such a resolution in two years from now, if my people see fit to send me back to this House.

And now, since Mr. Wicht has made known his perfect willingness to cooperate in any investigation, and since some may take that to mean that his skirts are clean, I invite him to take the public into his confidence to this extent:

That he tell us:

I. With what offense against the P.I.A.A the town of Berwick charged?

11. Is the fault all Berwick's or does the Secretary of the P.I.A.A. feel partly at fault?

III. What extenuating circumstances, if any, has Berwick to off-set this offense?

IV. Why was Berwick held in suspense till May 26th? Why was her case not passed on at the meeting in Philadelphia, which brought out a verdict of "Commendation" for the secretary's part in the affair?

V. Why did your Board call a special meeting for the sole purpose of approving your action in substituting Williamsport?

VI. Why was your Board not satisfied with merely approving your action? Why did they go to the extreme of commending it?

VII. What good excuse do you have Mr. Wicht, for scheduling Berwick to play in the semi-finals on a floor where Lower Merion had previously played three games, and Homestead to play in the final game on a floor where Lower Merion had played four previous games?

VIII. Do you consider it was fair to run Homestead all the way to Philadelphia? Why was that game not scheduled for State College or Hershey?

IX. Since you scheduled Berwick's team to play four elimination games within a space of but one hour over seven days, do you not feel some responsibility for their physical breakdown?

X. Why did you not go to Berwick to help iron out their difficulties, as you did do in 1935, when there were no serious difficulties to adjust?

XI. Are you willing, and will you make public a financial statement to show that necessity drove you to the money grabbing exhibition we have just witnessed?

XII. Why did you depart from your former policy of scheduling elimination games on neutral floors midway between the competing towns?

XIII. In view of the fact that your Board of Control has already found your side of the case worthy of commendation, do you consider that they are now justified or qualified to sit in judgment on Principal David Shuman of Berwick on next May 26th?

APPOINTMENT OF COMMITTEE

The SPEAKER. In accordance with the provisions of Senate Concurrent Resolution No. 3, Printer's No. 24, the Chair appoints as a committee on the part of the House Messrs. Snyder, Alspach, Peacock and Hess.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 10, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, April 17, 1939, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, April 17, 1939, at eight o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

ANNOUNCEMENT

The SPEAKER. The Chair would request Messrs. Dick, Leydic, Riley, Roseberry, Royer, Thistle, and Wagner to come to the Speaker's office immediately after this session.

INTERROGATION

Mr. HARKINS asked and obtained unanimous consent to interrogate the gentleman from Columbia, Mr. Hoyt.

Mr. Speaker, I would like to know from the gentleman from Columbia if he agrees with me in reaching the conclusion that the Homestead High School Basketball team won the State Championship title fairly and squarely?

Mr. HOYT. Mr. Speaker, I agree with the gentleman from Allegheny, Mr. Harkins.

COMMITTEE MEETINGS

There will be meetings of the Committees on

Agriculture, Wednesday, April 12, at 10 a. m. in Room 325.

Cities—First Class, Tuesday, April 11, at 11:45 a. m. in Room 546.

Education, Tuesday, April 11, at 11 a. m. in Room 323.

Insurance, Tuesday, April 11, at 10:30 a. m. in Room 323.

Judiciary General, Tuesday, April 11, at 11 a. m. in Room A.

Judiciary Special, Tuesday, April 11, at 12 noon, in Room 333.

Liquor Control, Tuesday, April 11, at 11 a. m. in Room 147.

Mines and Mining (Joint Committee Meeting), Wednesday, April 12, at 11 a. m. in the Senate Caucus Room.

Municipal Corporations, Tuesday, April 11, at 10 a. m. in Room 546.

Professional Licensure, Tuesday, April 11, at 10 a. m. in Room 541.

ADJOURNMENT

Mr. DeNOTE. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1 p. m.

The motion was agreed to, and (at 10:18 p. m.) the House adjourned until Tuesday, April 11, 1939, at 1 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1939. 133d of the General Assembly.

Vol. 23 HARRISBURG, PA., TUESDAY, APRIL 11, 1939. No. 36.

SENATE

TUESDAY, APRIL 11, 1939

The Senate met at 2:00 o'clock p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

O God, this is Thy world. In it Thou hast placed Thine own handiwork. It is for our own using yet how often we sadly mar and misuse it even to the point of not recognizing our Creator.

Thy silver and gold we prostitute so often to our own selfish ends and manipulate the products of the soil for our own aggrandizement, yet is Thy purpose that we share these things with our fellow-man.

Thou art pleased to cause the earth to yield her increase so that every living thing may be satisfied. The evidences of an awakening nature from its long sleep of the winter months reminds us again of the immortality of the soul. How thankful we are for all these blessings wisely provided from Thy bounty.

And, Dear Father, may we see Thy strengthening hand in all things. For Thy glory through the Master's name we pray. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. GELDER, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public, which were laid on the table.

HOUSE MESSAGES

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, April 10, 1939.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Monday evening, April 17, 1939 at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, April 17, 1939, at eight o'clock.

HOUSE CONCURS IN SENATE BILL NO. 12

He also returned to the Senate, Senate Bill No. 12, entitled:

An Act for the prevention of congenital syphilis; providing for and regulating the taking of serological tests of women pregnant with child; and requiring notation thereof on the birth and stillbirth certificates of their children; imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL NO. 13

He also returned to the Senate, Senate Bill No. 13, entitled:

An Act regulating the issuance of marriage licenses; prohibiting the issuance thereof of persons infected with syphilis in certain stages; requiring each applicant to produce certain evidence of freedom from such disease; imposing duties upon the Deparment of Health and the clerk of the orphans' court of the various counties; and imposing penalties.

with the information that the House has passed the same without amendments.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 182, (Senate Bill No. 479), entitled:

An Act to amend section four hundred twenty-six of the act, approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "General County Law" as amended, by extending the provisions as to headstones, markers or concerte bases for graves of service men to deceased Pennsylvania War Veterans in certain cases.

Which was committed to the Committee on Military Affairs.

House Bill No. 423, (Senate Bill No. 480), entitled:

An Act to amend section five (a) as added to, and section nine as amended, of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen

(P. L. 224) entitled "Insecticides and Fungicides Law," by providing for the registration of insecticides and fungicides by manufacturers outside of the Commonwealth; and changing penalties.

Which was committed to the Committee on Agriculture.

House Bill No. 533, (Senate Bill No. 481), entitled:

An Act authorizing political subdivisions of counties of the seventh class to defray the costs of the premiums upon bonds to be filed by tax collectors.

Which was committed to the Committee on County Government.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 12, entitled:

An Act for the prevention of congenital syphilis; providing for and regulating the taking of serological tests of women pregnant with child; and requiring notation thereof on the birth and stillbirth certificates of their children; imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child.

Senate Bill No. 13, entitled:

An Act regulating the issuance of marriage licenses; prohibiting the issuance thereof to persons infected with syphilis in certain stages; requiring each applicant to produce certain evidence of freedom such disease; imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties; and imposing penalties

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. CROWE, from the Committee on Military Affairs, reported as amended, Senate Bill No. 397, (House Bill No. 546), entitled:

An Act to further amend section six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," by eliminating certain provisions relating to retirement age of a major general in command of the National Guard.

Mr. WOLFENDEN, from the Committee on Military Affairs, reported as committed, Senate Bill No. 117, entitled:

An Act to amend the title and section two of the act approved the twenty-sixth day of May one thousand eight hundred and ninety-seven (P. L. 106) entitled "An act prohibiting the discharge from public positions of Union soldiers without a reasonable cause and prohibiting the abolishment of or changing the emoluments of public offices occupied by Union Soldiers except for good reason" by extending the provisions thereof to veterans and nurses of any war in which the United States has engaged.

Mr. BARTLETT, from the Committee on Military Affairs, reported as committed, Senate Bill No. 433, entitled:

An Act to amend section seven of the act approved the eleventh day of May, one thousand nine hundred and five, (P. L. 442), entitled "An act for the appointment and maintenance of a board, to be known as the Armory Board of the State of Pennsylvannia, and for the payment of its expenses, and for providing, managing and caring for armories for the use of the National Guard of Pennsylvania, throughout the Commonwealth of Pennsylvania, and making an appropriation for the same; authorizing the State Armory Board to receive from counties, cities, municipalities and other sources donations or contributions for the purpose of this act," authorizing the Armory Board to accept donations and contributions from boroughs and townships, and authorizing boroughs and townships to make such donations and contributions.

Mr. MILLER, from the Committee on Military Affairs, reported as amended, Senate Bill No. 429, (House Bill No. 549), entitled:

An Act to amend section nine of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one, (P. L. 869), entitled, "An act providing for the organization, government, discipline, maintenance and regulation of the armed land forces of this Commonwealth," as amended, by increasing clothing allowances and requiring a report by commanding officers.

Mr. TALLMAN, from the Committee on Judiciary Special, reported as committed, Senate Bill No. 392, (House Bill No. 291), entitled:

An Act to amend section one of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2681) entitled "An act relating to and regulating the manufacture storing and possession of explosives requiring permits for magazines and prescribing permit fees and providing penalties" by excluding from the provisions of said act explosives used in clay mining or in rock or stone quarries

Mr. JASPAN, from the Committee on Military Affairs, reported as committed, Senate Bill No. 402, (House Bill No. 639), entitled:

An Act to repeal certain obsolete acts relating to military history records and historical works.

Mr. McCREESH, from the Committee on Judiciary Special, reported as amended, Senate Bill No. 22, entitled:

An Act to prohibit the sale, offering or exposing for sale of fire-works; defining fireworks and authorizing cities, boroughs, towns and townships to regulate the manner of using fireworks therein and providing penalties.

Mr. PRESIDENT, this bill is known as the Fire-Works Bill.

Mr. REED. Mr. President, this bill is being reported out from the Committee on Judiciary Special, with the understanding that after a Public Hearing it will be re-referred to that committee.

Mr. KUNKEL, from the Committee on Military Affairs, reported as committed, Senate Bill No. 399, (House Bill No. 576), entitled:

An Act to further amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-three (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines

or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," as amended, extending the time during which application may be filed for veterans' compensation.

BILL RE-REFERRED

Mr. STEVENSON, from the Committee on Municipal Government, reports Senate Bill No. 442, (House Bill No. No. 479), entitled:

An Act to amend sections twenty-seven and twenty-eight of the act, approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 849), entitled "The Permanent Registration Act in Cities of the Second Class," by providing for the transfer of the registration of electors without personal appearance, upon change of residence from a borough, town or township to a city of the third class in the same county; and authorizing the registration commission to amend the registers for such boroughs, towns, townships and cities accordingly.

and requests that it be re-referred to the Committee on Elections.

REPORTS FROM COMMITTEES

Mr. PIERSON, from the Committee on Judiciary Special, reported as committed, Senate Bill No. 473, entitled:

An Act to regulate the sale, storage, offering or exposing for sale of fireworks, defining commercial and display fireworks and providing for licensing and regulation of the manner of using fireworks; and providing license fees and penalties.

for the purpose of a Public Hearing.

Mr. MILLER from the Committee on Mines and Mining reported as amended, Senate Bill No. 269, entitled:

An Act to add section one thousand nine hundred and four to the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers' Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," providing for the expenditure of moneys by Pennsylvania State College under the supervision of the Department of Mines to conduct researches to discover a byproduct for the use of anthracite and bituminous coal, and to develop new scientific, chemical and other uses, and new and extended markets for anthracite and bituminous coal and its products; and granting the right to the Commonwealth to accept and receive gifts, contributions, bequests and devises of real or personal property for such purposes, designated for the use of Pennsylvania State College.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, I have listened very attentively and I did not hear the Committee on State Government make any reports. They have held Senate Resolution, Serial Number 25 for over two months now without any action on it. That resolution was a resolution that asked the Governor of this Commonwealth to have Mr. Hamilton take his oath of office and assume the duties of Secretary of Revenue or else this Senate would resolve to reconsider the confirmation, since that Committee will not act and has not acted up to this time.

MOTION TO DISCHARGE COMMITTEE OF STATE GOVERNMENT FROM FURTHER CONSIDERATION OF RESOLUTION

Mr. CAVALCANTE. Mr. President, I move you that the Committee on State Government of this Senate be now discharged from further consideration of Senate Resolution Serial Number 25, and that the same be returned to this Senate for immediate consideration.

Mr. DENT. Mr. President, I second the motion.

The PRESIDENT. The Clerk will read the resolution as follows:

In the Senate, March 29, 1939.

Whereas, On the 6th day of February, 1939, this Senate confirmed the appointment of one certain William J. Hamilton, Jr., to the office of Secretary of the Department of Revenue of this Commonwealth, and

Whereas, The Senate Journal definitely indicates that said confirmation was given by this Senate as a mark of courtesy to his Excellency the Governor and also on the theory that failure to give the same would interfere with the orderly administration of the Department of Revenue to the great embarrassment of His Excellency the Governor, and

Whereas, One month and upwards has elapsed since the confirmation and the said Hamilton has failed to assume the oath and duties of said office, and

Whereas, The failure of said Hamilton to assume the oath and duties of said office within a reasonable time is a mark of discourtesy both to his Excellency the Governor and to this Senate, and

Whereas, Senate Bill No. 192 introduced by the gentleman from Montgomery, Mr. Edmonds, and the economy policy of his Excellency the Governor, and the administration of said Department without the said Hamilton all indicate that the office of Secretary of the Department of Revenue is surplusage and unnecessary, and

Whereas, The said Hamilton has shown no disposition to assume the oath and duties of said office

Now be it Resolved, That his Excellency the Governor be immediately advised that if it pleases his Excellency it is the resolve of this Senate to recall said confirmation unless the said Hamilton assumes the oath and duties of said office on or before the first day of April, 1939.

The PRESIDENT. The motion is that the Senate Committee on State Government be now discharged from consideration of above resolution.

On the question,

Will the Senate agree to the motion?

Mr. OWLETT. Mr. President, I move that the resolution just presented be laid upon the table.

Mr. MALLERY. Mr. President, I second the motion.

The roll call was required by Mr. CAVALCANTE and Mr. SHAPIRO.

YEAS—24

Bartlett,	Farrell,	Letzler,	Stevenson,
Chapman,	Gelder,	Mallery,	Tallman,
Crowe,	Geltz,	Miller,	Thomas,
Deitrick,	Heyburn,	Owlett,	Walker,
Ealy,	Homsher,	Pierson,	Wolfenden,
Edmonds,	James,	Snowden,	Woodward,

NAYS—20

Cavalcante,	Frey,	Kunkel,	Reed,
Coleman,	Gilson,	Lanius,	Ruth,
Dent,	Haluska,	McCreesh,	Shapiro,
DiSilvestro,	Jaspan,	McGinnis,	Sipe,
Eroe,	Kilgallen,	Mundy,	Stiefel,

So the question was determined in the affirmative.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I rise to a question of personal privilege, for a few moments.

The PRESIDENT. The Senator from Armstrong, Mr. Sipe, will state his question of personal privilege.

Mr. SIPE. Mr. President, after the discussion on the floor of this Senate last week relative to the Butler Tuberculosis Sanatorium, the newspapers reported that the Governor told a press conference that the Sanatorium would be opened, if it is needed.

Mr. President, the Governor of Pennsylvania well knows that this Sanatorium is needed. He well knows that if it were opened immediately upon its completion it would be needed; that if we had half a dozen more they would still be needed. So, the Governor chooses to give dodging and evasive answers, to make dodging and evasive statements. He relies on the figures of Arthur Sweeney, Secretary of Welfare, and on the figures of Dr. John J. Shaw, Secretary of Public Health.

Well, Arthur Sweeney is blindly partisan. He runs a little political newspaper back in Westmoreland County. What does Arthur Sweeney know about the tuberculosis situation in Pennsylvania? What study has he made of it? Even if Pennsylvania, Mr. President, needed fifty sanatoria like the Butler Sanatorium, and Arthur Sweeney knew it, he would not admit it if he thought that the Governor did not want him to admit it.

Dr. Shaw, who runs the State Department of Health, well knows—if he is an alert medical man—that this institution is badly needed and will continue to be badly needed even after the so-called additions are made to the present tubercular sanatoria in Pennsylvania.

He well knows that; but he does not have the courage to state it. I say to Dr. Shaw that the people of Pennsylvania, especially the people of Western Pennsylvania, know that he knows that the institution is needed and will be needed after all additions are made to the present sanatoria.

Well does he know; and the people of the State know that he knows it; and that he, too, does not have the courage to say it.

I say to Dr. Shaw that the people of Pennsylvania want the State Department of Health to remain the Department of Health and not become a Department of Death.

I repeat, the Governor knows that institution is needed. Therefore, I call upon him to cease hiding behind the figures of a political doctor and a political editor. I call upon him to be specific and courageously and manfully say that he will open this institution as soon as it is completed.

Last week the editor of the Oil City Derrick published an editorial, which reaches almost an all-time low on this sanatorium, in which the statement was made that I would likely keep on chewing the "sanatorium rag," and Brother Owlett, with a great deal of gusto and zeal, read this editorial for your edification.

I say to the editor of the Oil City Derrick and Senator Owlett, who read the editorial with so much zeal, that I would rather keep chewing the "sanatorium rag" for the rest of my natural life than to march for ten minutes in the ranks of the battalion of death, under the banner of the white plague.

I say to them, Mr. President, that Pennsylvania is taking much better care of convicts in our penitentiaries than she is of the tubercular sufferers in the old, dilapidated, wooden shacks at Mont Alto and elsewhere. I say she has provided convicts in her penitentaries with modern conveniences, while the tuberculosis sufferers in the State, the needy tuberculosis sufferers, keep pleading in vain for months to get into a tuberculosis sanatorium.

I say, behold the shame of the situation.

QUESTION OF PERSONAL PRIVILEGE

Mr. WALKER. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Allegheny, Mr. Walker, will state his question of personal privilege.

Mr. WALKER. Mr. President, coming from that section of Pennsylvania that lies west of the Alleghenies, commonly known as the Tomahawk Territory, I also am deeply interested in this sanatorium at Butler.

I read with a great deal of interest the figures given in this case by the Senator from Somerset, Senator Ealy, as coming from the head of the Department of Health, Dr. Shaw.

When I returned to Pittsburgh, I took the liberty of calling upon Dr. Marcy, who has been cited by the gentleman from Armstrong, Senator Sipe, as an authority on tuberculosis.

Quoting Dr. Marcy's theory, Dr. Shaw figures that the number of beds which should be available should be predicated upon the number of those who are on the waiting list and that number, as I recall the figures on it, was something like 611.

Dr. Marcy predicates his conclusion of the number of beds needed by taking the number of deaths from tuberculosis and multiplying that figures by two, and that figure, according to Dr. Marcy, is the figure of the number of beds that should be available.

Dr. Marcy told me Dr. Shaw's conclusions were entirely correct if they were predicated upon that type of figuring. Dr. Marcy told me that if they used the measuring rod used by Dr. Shaw those figures were correct.

Dr. Marcy told me that many people figured it that way. He further told me that the United States Department of Health used this method of figuring, by multiplying the number of deaths by two, in order to determine the number of beds needed; and he said, if Dr. Shaw's figures were correct, there would be enough available beds, as suggested by the Senator from Somerset, Mr. Ealy.

I have listened with a great deal of interest to the state-

ments made by the Senator from Armstrong, Mr. Sipe, as defining the tuberculosis situation in Western Pennsylvania; and I agree with him entirely that tuberculosis people or sufferers should be taken care of.

I think that the Senator from Armstrong should realize that the Governor of Pennsylvania is just as deeply interested in those unfortunate people as any man in this Senate; and those people who have come in contact with him cannot deny he lacks courage, and has the courage of his convictions. He is entitled to respect for the courage of his convictions, just as is the Senator from Armstrong.

I have heard the Governor referred to as the number one shovel-leaner of Pennsylvania. I recall during the campaign that there were quite a number of other employees in this Commonwealth campaigning at that time; and I do not recall any of those gentlemen resigning their offices while they were conducting their campaign.

I sympathize with the Senator from Armstrong, Mr. Sipe, in his desire to see the sufferers taken care of; but I say to you, Mr. President, that Governor James as Governor of the Commonwealth of Pennsylvania, never said and never will say that he will turn his back on those sufferers. If this hospital is needed, and it is completed, he will open and operate it; but, according to the figures given by a reliable physician at the head of the Department of Health, we do not need this hospital and it would be a waste of money to operate it. This is an economy administration.

Mr. President, just in conclusion I wish to take the liberty of reading a quotation from Albert Hubbard's Scrap Book, which I think would be of value to the members of this Senate, in relation to the number of speeches which we have heard in this Senate. The quotation from Albert Hubbard's is as follows:

"Nothing is easier than fault finding; no talent, no self-denial, no brain, no character are required to set up in the grumbling business."

Mr. MUNDY. Mr. President I would like to interrogate the Senator from Allegheny, Mr. Walker.

The PRESIDENT. Will the Senator from Allegheny, Mr. Walker, permit himself to be interrogated?

Mr. WALKER. Mr. President, certainly.

Mr. MUNDY. Mr. President, I would like to know how the Senator from Allegheny County, Mr. Walker, would feel if he had someboy seriously ill in his home and called a physician and the physician said that he would be around to see him in about two years from now.

Mr. WALKER. Mr. President, I can very easily answer that by saying I would feel the doctor was either very busy and needed additional assistants or he was derelict in his responsibilities to the people.

Mr. MUNDY. Mr. President, may I say in this situation that I feel that the Governor of Pennsylvania is placed in the position of the physician, that these patients are calling upon him for help; and if the Senator from Allegheny makes the interpretation in one case, I cannot see, by any sense of logical reasoning, why it should not apply in this particular case.

Might I say to you this, that this quotation truly is, and probably means that it does not take very much brains to criticize; that is, destructive criticism. I take it the Senator referred to destructive criticism; but certainly our elective prerogatives, [the prerogatives] handed us by election, at the mandate of our people, who sent us here to the Senate, is that we shall stand upon the floor of this Senate and voice our opinion, our honest opinion, on things which we do not believe are based on sound and sane reasoning. When the Senate loses those prerogatives, then I say to you, Mr. President, it would be far better for us to remain home and allow some of those who have not the courage and mental stability to stand on the floor and voice their opinions, to run the affairs of the state.

Mr. GELDER. Mr. President, I would like to interrogate the Senator from Luzerne, Dr. Mundy.

The PRESIDENT. Will the Senator from Luzerne permit himself to be interrogated?

Mr. MUNDY. Mr. President, I will.

Mr. GELDER. Mr. President, I would like to ask the Senator from Luzerne if he had somebody in his house sick, and he had asked the doctor to come, and the doctor said he would come around in two years, and he had then gone out and gotten another doctor, what would he do with the doctor who came around two years after?

Mr. MUNDY. Why, Mr. President, I would probably do as I am doing on the floor now. I would, at least, voice the powers of an individual American citizen and offer him, at least, a mild protest against his action.

Mr. GELDER. Mr. President, I would further like to interrogate the Senator from Luzerne.

The PRESIDENT. Will the Senator from Luzerne permit himself to be further interrogated?

Mr. MUNDY. I will. Mr. President.

Mr. GELDER. Mr. President, I would further like to ask the Senator just how the Sanatorium in Butler county can help the situation at the present time, for the present sufferers, if it is not yet finished; and if, before it is finished, there will be ample resources in the other institutions, whether or not in his judgment then it will be necessary to have it—whether or not it will be needed?

Mr. MUNDY. Mr. President, I shall answer the Senator from Susquehanna by saying I have taken a stand and I believe on good, sound reasoning.

I have practiced medicine for some thirty years, and know upon what basis these statistical facts are drawn, that the inference, as I stated in previous speeches, is that any man at the head of any department who wants statistics produced can certainly go to an assistant who will produce those figures.

When the Senator from Allegheny speaks about the waiting list for sanatoria I do not believe—and I want to be fair about this thing—I do not believe he really understands the problem as it presents itself.

The listing of tubercular cases is simply the listing of the desire upon the part of the patient for treatment; but that does not comprehend or take into consideraion the tremendous number of individuals who are tuberculous and who, if they had the proper advantages offered to them for treatment in sanatoria, would be on that list.

You have heard Senators on the floor here—and I believe there are many members on the Republican side, who have said they have taken an unselfish stand and no longer will they ask the State of Pennsylvania to place any individual's name on the sanatoria waiting list, because those Senators believe and know from past experience that they would not presume to take one individual and put him on the list and take advantage of some other sufferer

who was waiting. There are thousands and thousands applying to all of you men in Pennsylvania for sanatoria treatment. The Senators of Pennsylvania and the members of the House of Representatives, knowing the situation as it is, have long since ceased to interest themselves in trying to get patients into those institutions which do not exist; and I want to say this too, Senator, that I have visited the institutions in the past, have gone all through them, and have had probably a better advantage to visit them than some of the other Senators; and I am sorry to say that under existing conditions, in the past, if I were treating a poor person with the lack of facilities for treatment I would rather treat the patient in the home surroundings and environment where they could at least be given air space and proper treatment. But with additional space and additional care these patients can be given in a sanatorium a standard of proper treatment for the disease from which they suffer.

Mr. GELDER. Mr. President, I should like to further interrogate the Senator from Luzerne, Mr. Mundy.

The PRESIDENT. Will the Senator from Luzerne permit himself to be interrogated?

Mr. MUNDY. Mr. President, I will.

Mr. GELDER. Mr. President, we have been assured that these institutions are being increased in their capacity. I would like to ask the Senator from Luzerne whether or not he knows for a fact that is not true and whether or not he has endeavored to find out?

Mr. MUNDY. Mr. President, I have taken the trouble and I have endeavored to find out and have found out that in some cases they are using crisis extension tents to provide those additional facilities.

Mr. GELDER. Mr. President, I would ask the Senator from Luzerne whether he knows they are building permanent quarters?

Mr. MUNDY. Mr. President, I know, and from the fact that several of the institutions—I went up and saw at Mont Alto that they did dedicate that new part; and they are putting on at Hamburg an additional part. But what the Senator wants to know is that at several of those institutions new parts are built and devoted entirely to the new development of the surgical end of tuberculosis.

For instance, they are developing out the lung inflation and lung deflation system and the resertion of ribs and things of that type; and they are, further, putting in up to date surgical units, which are very badly needed; and a great deal of this additional space will be devoted not to the medical end but to the surgical end of the treatment of tuberculosis, which is a fact which I think is very, very fine.

Mr. GELDER. Mr. President, I would like to suggest that the Senator from Armstrong and the Senator from Luzerne consult with the Departments of Health and Welfare; and, if they have information that the Secretaries of those departments do not know, that they give them that information so that we can get from those department heads an intelligent answer to what the solution is. It will be far more effective for the afflicted of Pennsylvania to do that than it will be to simply try the case in the newspapers and on the floor of this Senate.

Mr. MUNDY. Mr. President, may I answer that my experience is this: when a subject is opened frankly to discussion that that subject should be presented at its incipiency and its beginning. But to discuss it now as a Senator—and I would be happy to discuss it with anybody—but to discuss it now with somebody who has already definitely, in writing, told us that their minds are absolutely closed on this subject, and they have given to us, the members of the Senate, and in writing, what they feel about it, I cannot understand why in the beginning, Mr. President, some of us, who may know a little something about the subject, were not called upon then to give some ideas on the subject before the matter was a closed issue and presented to the Senate on the floor.

The only place we have to discuss these things, after they come to the Senate as a fixed principle, is on the floor of the Senate; and if the Senator from Susquehanna thinks I am making an appeal to the newspapers, I want to say he is badly informed or that he has his ideas a little befogged. I am making no appeal to the newspapers or any periodical. I am up here making appeals for those individuals in Pennsylvania who are suffering from tuberculosis. I am making an appeal to try to cut the death rate from tuberculosis in the State of Pennsylvania; and I think, too, Mr. President, that all of us, including the Governor of Pennsylvania, should be just as vitally interested in this subject as I am.

Mr. SIPE. Mr. President, I am not in the least deterred by the remarks of the Senator from Allegheny, Mr. Walker. I will not follow his lead in lining up under the banner of the White Plague. If he wants to do that, that is his business.

I know that the people of my district overwhelmingly, I know that the people of Western Pennsylvania overwhelmingly want the institution opened as soon as it is built, so that there may be another manned fortress—not an unmanned fortress—in Pennsylvania's line of defense against the onward march of the White Plague.

So I intend to keep on pleading for the opening of the sanatorium until this session ends; and I already have scores of engagements to address groups in Western Pennsylvania, after the session ends, if my pleas here are of no avail. I say that you do not need to be a medical doctor in order to know that the facilities for taking care of tuberculosis patients in Pennsylvania—that is the needy ones, who have no money to pay for treatment—that the facilities are woefully inadequate.

I spent an hour on Saturday with a decent American citizen of Armstrong County, whom two doctors pronounced to be afflicted with tuberculosis some months ago. He has been pleading ever since to get into a tuberculosis sanatorium and cannot—the reply coming back that they cannot take care of him and cannot even tell him when the day will arrive when they can take care of him. So the chances are that that decent American citizen will have to go down to the darkness of the grave rather than into a sanatorium which would cure him and which would keep him from spreading the deadly germ to others.

I have seen the shacks at Mont Alto; I have seen the thirty-two year old shacks in which they house tuberculosis patients; shacks that have no toilets; and if that were a penal institution I feel that a number of Senators on this floor would be out on the floor saying "For God's sake, let us not be so raw with our convicts."

I say to the gentlemen on the other side, that there are a lot of you that do not have the courage of your convictions; that there are a lot of you that are simply

rubber stamps for the Governor of Pennsylvania, afraid to express your honest convictions on this question.

I say that at least one of you, a medical doctor, came to me more than two weeks ago and said to me that you were one hundred per cent for me in my pleas for the opening of the sanatorium; yet such a rubber stamp is he for the Governor of Pennsylvania that he is afraid to come out on the floor of this Senate and say that he favors the opening of this institution as soon as it is completed, and I am informed that, notwithstanding this statement, the statement that he made to me as a medical doctor, that he is in hearty sympathy with the opening of the institution, that he is one hundred per cent for me in the pleas I have made and the others have made—notwithstanding that fact, I say I am informed he is the Senator who brought down to this Senate that editorial of the "Oil City Derrick" which reached a new low in its raw expressions as to my interest in this institution. So I say, "Cease to be rubber stamps; come out and express your honest convictions. The Governor of Pennsylvania is not a demagogue—or should not be one—before whom you bow and scrape; you are still free men; why don't you come out and express your honest opinions? You used to ride us Democrats for being rubber stamps—I say you are all rubber stamps!"

Mr. WOODWARD. Mr. President, as one of the "rubber stamps" I wish to point out that there are certain assets in being rubber stamps, and one is that the operation is soon over. That compares favorably with the Democratic process of iteration and reiteration.

Mr. McGINNIS. Mr. President, I know that all political parties make mistakes; and I want to announce here on this floor that the worst mistake that this Administration has made is its attitude toward the Butler Sanatorium, toward Polk and toward the mental hospitals of Pennsylvania.

That is in such contrast with the past Administration, and with our National Administration. Criticise us as you will; criticise the Democratic party—nationally or in State government or locally—there is one thing that we have done: we have been concerned about every unfortunate soul. You know a party that will neglect or not to do its duty to the unfortunate, to the weak-minded, to the consumptives—yes, let us say the unlucky, the feeble-minded children—as I get the story this Administration is laying down on the opening of Polk. They did lie down on Butler but I am glad to know that they are changing their minds. By the way, that is one of the things about this Administration, or at least about our Governor—that he can change his mind.

He changed his mind on the Earle Tax Program, on Flood Control, on the Turnpike commission, and, apparently, on Civil Service; and so, if he is changing his mind on the Butler Hospital I am sure he will change his mind and take over the mental hospitals of Pennsylvania and in finishing the work at Polk.

If our Administration, with all its worries, with all its troubles, taking hold of a State and Nation when she was down in the dumps, when values had disappeared and hope gone—if with all those troubles we built the Butler Hospital, we enlarged Polk, we took over Byberry, we provided for the taking over of all the mental hospitals of Pennsylvania—there were forty States in this Union who have done that—and after we have done this, after we have built those buildings, then to have an Administration come in and say that they cannot run them, that they cannot take care of these unfortunates, of these unlucky souls, I think that is the worst blunder, the most frightful blunder that any party ever made, and it will come back, unless corrected, to plague and haunt you.

Mr. HALUSKA. Mr. President, up to the present time I have refrained from speaking on this most important subject. However, this afternoon, I wish briefly to give my colleagues some important information pertaining to sanatoria. I don't know whether my colleagues to the right or even my colleagues here know that at the present time we are having some trouble with the Cresson Sanatorium, which is located in the County of Cambria, where I come from. Several months ago it had been proposed that possibly you might make a new addition to the Cresson Sanatorium. After going through the procedure we found out that the coal has been so undermined now under the Cresson Sanatorium that the place has been condemned for any further structures; and I would not be surprised, Mr. President, to find any day that that Sanatorium has been closed.

I do not know whether our Governor has knowledge of this information or not. I should be very glad to give it to him; I should be very glad to give it to my colleagues on the right—to give them the benefit of my experience. I have made a survey and certainly I think you should know this.

Unless steps are taken immediately to stop further mining of coal the present sanatorium at Cresson must close.

Mr. SHAPIRO. Mr. President, I am amused—if it were not for the fact that the situation is so tragic I would say I am amused at the statistical figures that are used in the face of the experience that we have had in Philadelphia, where every private, semi-private, sanatorium is overcrowded and has a waiting list. In Philadelphia we cannot get any patients into Eaglesville without at least ten or twelve weeks' wait. They have ward beds. Some patients are sent to Brownville, and they have a waiting list, and some go out to Denver because we have a waiting list here; yet I hear we have plenty of room.

I should like to cite a concrete instance which indicates that the necessity is here. I go into a certain store in Philadelphia occasionally, and I went in last week, and somebody said, "Did you hear what happened to George?" I said, "No." Well, George, five years ago, had a hemorrhage from the lungs; he tried to get into institutions known as tuberculosis hospitals but he has been living at home for five years because he could not afford to pay and he could not get in. Last week George had another hemorrhage and he wrote a note in which he testified that since there was nothing he could do about it, nothing he could do, he did not see why he should suffer for five years more, and he committed suicide.

It seems to me that those figures do not mean anything, as the Senator from Luzerne says. You can get a lot of figures. I have often heard it said that figures do not lie but liars will figure. I have heard quotations today; and I know you can give quotations on almost anything. I know that in the same Dr. Hubbard's books—I have, I think, every one of the books Dr. Hubbard wrote—in every one of them he refers to some quotation, and I remember of seeing one which reads "He who hestitates is

lost"; and then, when you turn the page, you find another quotation which says "Look before you leap."

Now, I can give a quotation: I think it is said, "The Devil quotes scripture to suit his own purposes."

I think it is time we stopped talking about these fanciful figures and get down to facts.

I recall a conversation I had with a gentleman on the other side last week, when he told me he proposed to introduce a resolution, right before I made the suggestion that such a resolution should be introduced, and I have been waiting patiently for that resolution which that gentleman was going to introduce, which I think would stop some of this talk; and that is on the appointment of a committee to obtain, for the benefit of this Senate, information and statistics. Let us find out. That is the only thing to do.

It certainly is not fair for the Administration to send us a report on the twenty-fifth or twenty-sixth of January, or the first of February, I don't recall which, in which we are told without any question, or consideration for us, first, that Butler is going to be closed; and, secondly, that the Act of 1938, which provided for the taking over by the State of the insane, was to be repealed; and, in doing the one—the former—he said the State will probably save three or four hundred thousand dollars (and lost many lives), and in doing the latter the State will receive six million dollars; but what will it do to the rest of the citizens of the State, to those potentially insane, and to those communities which have passed their budget on the fact that we passed a law in which we told them that after May 31—not later than May 31—we would take over those institutions?

I am sure that many of the communities have already arranged their budgets to meet that situation, and I think it is not fair, and I certainly do not think it is business-like, to first decide a problem and then ask the Senators to put it through without consideration of the facts.

I suggest to a gentleman on the other side—who knows very well to whom I am referring—that he carry out his good intentions. I am sure the resolution coming from the other side will not be considered as political, and I am sure it will not be considered for the purpose of plaguing the Governor of adding to his already overburdened problems.

I am sure if the gentleman introduces that resolution a lot of speeches you do not like to listen to will be stopped.

Mr. WOODWARD. Mr. President, I hold in my hand a resolution which is entirely non-partisan, and which I would like to have the privilege of offering; and I ask for its immediate consideration. Also, I would like to say to the Senator from Armstrong that I am not aiming at him—I really admire him for his persistence in a good cause, because he reminds me of the "noblest Roman of them all," Cato, who said the same thing so often that Carthage fell; so I hope that you will believe me when I say I admire him in this matter and therefore I am sure he will not object to this resolution.

RESOLUTION LIMITING USE OF PERSONAL PRIVILEGE

Mr. WOODWARD offered the following resolution which was twice read,

In the Senate, April 11, 1939.

Whereas, Consideration of the calendar is of first importance,

Resolved, That it is the sense of the Senate that members desiring to use the Question of Personal Privilege, shall defer such request until consideration of 3rd reading bills on the calendar has been completed.

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Philadelphia, Mr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia, Dr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I would be delighted.

Mr. SHAPIRO. Will the Senator from Philadelphia point to what third reading bills on the calendar are of importance today?

Mr. WOODWARD. Oh, yes, Mr. President.

Mr. SHAPIRO. Mr. President, I suggest that the Senator from Philadelphia, Dr. Woodward, refer to them by number. I have looked them over and I have not found any that means anything to the Commonwealth of Pennsylvania.

Mr. WOODWARD. Mr. President, may I say that I discussed this with one of the Democratic Senators and he said he would vote for this resolution if I put in third reading bills.

Mr. SHAPIRO. Mr. President, I agree with the gentleman that it might be well to have such a resolution, but I do not think that the time has arrived. In other words, I am getting bored here, and if it were not for Butler and mental patients I would not know what to do. When the time arrives when we have some important legislation I think it would be a good thing to eliminate questions of personal privilege, but most of us will go crazy if we do not have anything to do, and then we will not have any sanatorium to go to. I think this is silly at this time—there is not a single bill on the calendar that could not be passed up for fourteen days and nobody would suffer.

There is not a piece of constructive legislation on the calendar—I have looked the bills over. One of them is to change the Registration Commission in Philadelphia from five members to three; another gives the Orphans Court the right to issue some kind of subpoena during interims, and the third gives the Common Pleas Judges the right to issue subpoenas in divorce. I am not interested in divorce; I expect to live with my wife for a long time. The only divorces I am interested in is in getting divorces for clients who come to my office, and if it is more difficult for them to get a divorce I will get a higher fee.

Why all the excitement about the calendar? I have looked it over and I do not see a single bill on it that is important; I see a ripper bill that provides that now, instead of as the constitution—which the gentlemen on the other side have been complaining so much about—that we have been interfering with—the constitution provides for appointments with the consent of two-thirds of the Senate and that is being changed to a majority of the Senate. Another bill provides that the Public Utility Commissioners cannot be engaged in politics; so they will have to stop sending over these appointments—because that is politics—and yet they cannot get anybody appointed in the Public Utility Commission without getting the approval of the Personnel Department. You certainly do not want to pass those bills in a hurry. What is important about the calendar?

Mr. OWLETT. Mr. President, the only difference between this session and the 1935 session is that during this session we have had continuous committee meetings

and the members of this Senate—at least I know I can speak for the members on this side of the Senate—have seriously worked on the major problems before this State. Committee meetings have been held almost constantly since this Senate convened.

Two years ago when we were here we had but very few committee meetings and only such bills were passed as David Lawrence put his O. K. on. Bills were all drawn, and it is a matter of common knowledge in the departments, that the Senators and Representatives never had an opportunity to exercise the functions of their office and pass on the bills.

We went to committee meetings and we were told this was "must" legislation, "the C. I. O. has prepared this and this has got to go through." David Lawrence went up and down the floor of this Senate giving his cohorts instructions as to what to do.

I, for one, am getting tired of hearing this talk about inconsequential legislation on this calendar. We have got mighty problems before this State, problems involving taxes, problems involving the welfare of our people, and we are all conscientiously and seriously working on those problems.

We came into this session and found that we had a deficit of $45,000,000 facing us, left by the last Administration. We now just learned that they passed another unconstitutional bill that has taken away some $21,000,000 of funds that were collected by the last Administration, and we have got to find the money to pay that back if that decision is sustained by the Courts. They passed, under that method, two years ago in this Senate and House, two great big volumes of legislation and now almost half of this has been declared unconstitutional.

Now, I say to you, Mr. President, that if this Legislature is to function as a Legislative body should, and as it is now really pursuing exact, proper, legal procedure, we must study legislation so that we do not also pass a lot of unconstitutional bills.

We are trying to assure, when our tax legislation goes through, that it will stand up in the courts, and I resent, and resent seriously and strenuously, the charge that this session has not done anything. I say, Mr. President, it has—and when the question is raised by the Senator from Philadelphia, it is a facetious interrogation when he asks the Senator from Philadelphia where the important legislation today is.

We have had committee meetings here all this morning and we have had them every day we have been here, and we have been here, for the first time in my memory—and this is the seventh year I have served in this Senate of Pennsylvania—for the first time in my memory we have worked on Thursdays the first three months of the session—and I resent that statement and I think it comes with very poor grace from the Senator from Philadelphia, Mr. Shapiro, who knows, as I do, that what I am saying is true.

Mr. SHAPIRO. Mr. President, these last remarks from the Senator from Tioga convince me the Republicans must have been negligent too, because if this is the first time since he has been here that we have held meetings on Thursdays—I was here in 1933 when the Republicans controlled the Legislature—why maybe this is an improvement. I am not going to answer the speech about the deficit of $50,000,000—that is not incurred yet, we have not spent the $50,000,000. A deficit is something that is left, when bills have been contracted for, but this has not been contracted.

I remember David Lawrence running around on the floor and talking to us about legislation, but I see very little difference between that and Grundy and Pew meeting with important Republicans in the Penn-Harris Hotel and telling them what to do. I saw that happen many times. I also was a member of the Republican caucus and I also say we did not pass any legislation except what certain people wanted, and whenever I spoke up I was told the organization wanted it. I wanted to know who Mr. Organization was, I did not know Mr. Organization, but Mr. Organization did not show up—I did not see Mr. Organization, whoever he was—so what is the use of fooling ourselves?

I am not talking about politics in the picture—I am admitting politics are played in the Republican departments and in the Democratic departments—but I still say that I attended those meetings that the gentleman from Tioga speaks of, I have attended most of the meetings of J. G., and there has not been a single bill come out of J. G. that is of any importance—that is not the fault of the chairman—there is nothing on the calendar in J. G. to come out.

I have been in the Municipal Government Committee today and we have had some very important legislation, but that has been postponed for two weeks. In a few more weeks we will not have to pass that bill because it will be too late.

I am not at all disturbed about the gentleman's charge that I am not serious or that he resents what I said. There are a lot of things he said that I resent, but I do not say anything about it when I get up on the floor—my conscience is clear—but when he gets up on the floor he says he resents it. The difference between the Senator from Tioga and myself is that he knows it is true and resents it publicly and tries to hide it from his own conscience.

I know some of the things are true and I admit them and I am not afraid to admit them but I am not interested in the hard work that is going on, because maybe it is not hard work; maybe they are just going around in circles, and I am not interested in his statement we passed unconstitutional law—a law which has just been declared unconsitutional—when the Governor and the Attorney General rush to the Supreme Court to try to get them to declare that law constitutional. That is a strange thing, and if that is not hypocrisy I do not know what is.

Mr. KUNKEL. Mr. President, in order to get back to the only matter that is now before the Senate, I desire to make a non-partisan objection to immediate consideration of the non-partisan resolution offered by Mr. Woodward, and in view of the fact that the subject matter of that resolution is within the particular province of the Rules Commitee, I shall move that it be referred to that commitee.

MOTION TO REFER TO COMMITTEE ON RULES

Mr. KUNKEL. Mr. President, I move that the resolution offered by the Senator from Philadelphia, Dr. Woodward, be referred to the Commitee on Rules.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his question of personal privilege.

Mr. DENT. Mr. President, I differ with the Senator from Tioga in what he calls the difference between the 1935 session and this session. The only difference that I can see between the 1935 session and this session is that in 1935 I was in the House and in the minority. In 1939 I am here in the Senate and you are in the majority.

The only difference is this: you now have to listen to the same speeches that we had to listen to in 1935. I also want to call attention to the fact that when you castigize the Democratic party for having decided things in committee meetings that he wants to look into his own committee meetings.

I attended a committee meeting this morning on Mines and Mining and the man most influential in that meeting, and the man who did the most to outline legislation in that committee was the Secretary of Mines and Mining. There is no difference between your secretary and ours—you are passing the legislation the department heads want.

I introduced a piece of legislation that went to the Judiciary General Committee, and a sub-committee was named, and the sub-committee was given specific instructions to see the Commissioner of Insurance and see how he felt about this legislation. Why don't you call a spade a spade? You are working for the same thing we worked for—your administration.

Mr. GELDER. Mr. President, I desire to interrogate the Senator from Westmoreland, Mr. Dent.

The PRESIDENT. Will the Senator from Westmoreland permit himself to be interrogated?

Mr. DENT. Mr. President, with pleasure.

Mr. GELDER. Mr. President, I happened to be in the committee meeting to which the Senator refers and I would like to ask him what Senator it was that amended the bill in committee.

Mr. DENT. I did, Mr. President. I struck a blow for the good of the people of Pennsylvania.

Mr. GELDER. Mr. President, I would like to ask the Senator from Westmoreland whether or not he did not get exactly the same consideration in that committee that he would have gotten two years ago.

Mr. DENT. Mr. President, I think that is right. I did not call attention except to the fact that the Secretary of Mines was in there, the same as when the Democrats were in control.

Mr. GELDER. Mr. President, I would like to call the attention of members of this Senate to the fact that this Senate is again to be operated as it always did operate—except for the past four years—so that every member of the Senate got equal consideration in committee—at least in discussing bills and in making motions on them. I attended several meetings this morning in which almost all of the activities came from gentlemen who represented the minority, and I want to say that while I was in the particular committee to which the Senator is referring that that department head had very little to say, but the gentleman from Westmoreland was certainly dominating the committee.

Mr. DENT. Mr. President, I think that calls for an answer. I was Chairman of the Labor and Industry Committee for two years in this Senate.

I don't think any person in Pennsylvania ever asked for any consideration that they did not get; and to exclude the past four years from those years of giving consideration to the Senators is particularly unfair. At no time while I was Chairman was any member of the minority gagged, nor was he told he could not say anything.

If you do not think the Secretary of Mines had anything to say this morning, I might say to you it was his bill we were discussing in this Committee. I raised an objection and I was overruled by his arguments, which I thought were sound. There is nothing wrong with that—with him coming into committee meetings. The only thing that is wrong is for the floor leader—the Republican floor leader—to get up and say we passed legislation that our party leaders wanted when you are doing the same thing.

I have introduced a raft of bills here and I don't think any of them have even been considered. I have asked some of the chairmen to consider them and I have not seen any of them on the calendar yet. They cannot all be bad, some of them may be good.

I still represent three hundred and some odd thousand people in Westmoreland County and I am the only voice they have here. When I introduced legislation to take care of conditions pertaining to that community I think those bills should be considered.

One particular bill that I introduced takes over the streets in a city that was once a borough; and by going to a third-class form of government they lost maintenance of their streets. That bill has not been considered. That borough—city—is not Republican or Democratic. They are tax-payers and deserve the consideration of this Senate; and just because they have Democratic labels on them does not mean the bills are bad. They deserve consideration. They deserve consideration and I want to say to the members of this Senate that we put out of my committee as many Republican bills as we did Democratic bills. The only difference is the Democrats are still offering bills and two years ago you laid down and did not introduce any bills.

Mr. WOODWARD. Mr. President, I should like to interrogate the Lieutenant-Governor.

The PRESIDENT. The Senator from Philadelphia will proceed.

Mr. WOODWARD. Mr. President, I am most anxious to have a meeting of the Committee on Appropriations to study constructive legislation. Can you not arrange a meeting in the little room to the left for a committee meeting and not take a recess, so that the other members of the Senate and yourself can remain to hear the speeches?

The PRESIDENT. The Chair cannot do that, as it is against the rules of the Senate.

Mr. WOODWARD. Mr. President, I move that we take a recess.

The PRESIDENT. There is a motion before the Senate to refer the resolution of the Senator from Dauphin, Mr. Kunkel, to the Committee on Rules.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I should like to rise to a point of Parliamentary Inquiry.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of Parliamentary Inquiry.

Mr. SHAPIRO. Since there is a change in the rules, Mr. President, would it require a two-thirds vote to pass?

The PRESIDENT. This is just to refer the resolution to the Committee on Rules.

The Senator from Philadelphia, Dr. Woodward, introduced a resolution and the Senator from Dauphin, Mr. Kunkel, moved that it be referred to the Committee on Rules.

And the question recurring.

Will the Senate agree to the motion.

The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette, will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, I desire at this time to definitely establish how serious the gentleman from Tioga, the gentleman from Susquehanna and the gentleman from Philadelphia, Dr. Woodward, might be in their statement that they are interested in things that are serious to this state-serious matters.

CONSIDERATION OF RESOLUTION TO DISCHARGE COMMITTEE ON STATE GOVERNMENT

Mr. CAVALCANTE. Mr. President, I now call up for consideration at this time the motion I made to discharge the Committee on State Government, so that something of seriousness may be considered.

Mr. SHAPIRO. Mr. President, I second the motion.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, calls up his motion to discharge the Committee on State Government.

Mr. CAVALCANTE. Mr. President, the resolution mentioned in this motion is the resolution I introduced asking the Governor of this Commonwealth to call—in effect—to call on Mr. Hamilton to take his oath of office as Secretary of Revenue of this Commonwealth, or else have his confirmation come back to this Senate for further consideration.

Now, I think this is a very serious matter. The people of this State have a right to know who their Secretary of Revenue might be or whether we can continue to run the affairs of this state, in the Revenue Department, by a man who is also the Sheriff of Philadelphia County; and who is up in the Department of Revenue occupying the office—the room there provided for the Secretary of Revenue—and takes part in the discussion of the financial affairs of this Commonwealth, but yet will not, like a decent citizen, take his oath of office; and collects his salary from the County of Philadelphia as the Sheriff of Philadelphia County.

Mr. OWLETT. Mr. President, I ask that the Senate vote "no" on this motion.

The PRESIDENT. The question before the Senate is the motion of the Senator from Fayette, Mr. Cavalcante.

Mr. DENT. Mr. President, I would like to interrogate the Senator from Tioga.

The PRESIDENT. Will the Senator from Tioga permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. DENT. Will the Senator from Tioga state his reasons for voting "no" on this particular resolution?

Mr. OWLETT. Mr. President, I would be very glad to. I have not voted as yet on the resolution, but I intend to vote "no" on the resolution to discharge the Committee, because I think the Committee on State Government is thoroughly competent to consider the resolution and pass on it.

I don't know whether it has been brought up before the Committee. This Senate is not in the habit of discharging Committees from consideration of Legislation.

And the question recurring,

Will the Senate agree to the motion.

The Clerk proceeded to call the roll.

Mr. CROWE. Mr. President, I desire to change my vote from "aye" to "no."

The PRESIDENT. It will be so recorded.

Mr. KUNKEL. Mr. President, I desire to be recorded as voting "aye."

The PRESIDENT. It will be so recorded.

The yeas and nays were required by Mr. SHAPIRO and Mr. CAVALCANTE.

YEAS—20

Cavalcante,	Frey,	Kunkel,	Reed,
Coleman,	Gilson,	Lanius,	Ruth,
Dent,	Haluska,	McCreesh,	Shapiro,
DiSilvestro,	Jaspan,	McGinnis,	Sipe,
Eroe,	Kilgallen,	Mundy,	Stiefel,

NAYS—26

Bartlett,	Farrell,	Mallery,	Stevenson,
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Heyburn,	Pierson,	Walker,
Deitrick,	Homsher,	Scarlett,	Wolfenden,
Ealy,	James,	Snowden,	Woodward,
Edmonds,	Letzler,		

So the question was determined in the negative.

BILLS INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 482, entitled:

A Joint Resolution proposing an amendment to article nine, section eight of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Judiciary General.

Mr. SHAPIRO read in his place and presented to the Chair Senate Bill No. 483, entitled:

An Act making an appropriation to The Trustees of the University of Pennsylvania, surviving corporation in the matter of the Merger of Philadelphia Orthopaedic Hospital and Infirmary for Nervous Diseases into said The Trustees of the University of Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. HOMSHER, by request, read in his place and presented to the Chair Senate Bill No. 484, entitled:

An Act directing the State Council of Education to study and report to the General Assembly and to the Governor what funds are required for the proper support of the public schools of the Comomnwealth how the cost of such support should be divided between the Commonwealth and the school districts and the proper distribution of state funds to the several school districts, and making an appro-

priation to the Department of Public Instruction to pay the expenses of such study and report.

Which was committed to the Committee on Education.

Mr. FARRELL read in his place and presented to the Chair Senate Bill No. 485, entitled:

An Act to amend and re-enact section five hundred and twenty-four of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such reveue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended by limiting the total annual school tax for any one year in school districts of the first class and prescribing the method of fixing the levy of school taxes in such districts.

Which was committed to the Committee on Education.

He also, by request, read in his place and presented to the Chair Senate Bill No. 486, entitled:

An Act authorizing certain existing beneficial or protective societies, heretofore incorporated, to reincorporate as limited life insurance companies for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death; regulating such corporations and limiting the amount for which such corporations may issue policies.

Which was committed to the Committee on Insurance.

Mr. WOLFENDEN, by request, read in his place and presented to the Chair Senate Bill No. 487, entitled:

An Act to amend section one of the act, approved the twenty-fifth day of June, one thousand eight hundred ninety-five (P. L. 282), entitled "An act to exempt sewing machines and type writing machines, leased or hired, from levy or sale on execution or distress for rent," by extending the provisions thereof to include addressograph, multigraphing machines, and bookkeeping machines.

Which was committed to the Committee on Judiciary General.

Mr. GILSON read in his place and presented to the Chair Senate Bill No. 488, entitled:

An Act authorizing boards of trustees of State institutions within the Department of Public Instruction, with the approval of the Superintendent of Public Instruction, to contract with municipalities and townships for fire protection, and to pay therefor out of their appropriations for support and maintenance.

Which was committed to the Committee on State Government.

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 489, entitled:

An Act making an appropriation to the Philadelphia Orthopaedic Hospital and Infirmary, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 490, entitled:

An Act making an appropriation to the Hahnemann Medical College and Hospital, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. DENT read in his place and presented to the Chair Senate Bill No. 491, entitled:

An Act permitting and regulating fishing in certain reservoirs used for public water supply purposes in accordance with rules and regulations adopted by the Board of Fish Commissions, modifying the laws with respect to trespass and imposing penalties.

Which was committed to the Committe on Forestry, Game and Fish.

Mr. CROWE read in his place and presented to the Chair Senate Bill No. 492, entitled:

An Act designating certain life insurance companies as limited life insurance companies and further describing the powers thereof.

Which was committed to the Committee on Insurance.

He also read in his place and presented to the Chair Senate Bill No. 493, entitled:

An Act for the protection of the public health and safety by making an appropriation to the Department of Health to defray the cost of pumping water from certain anthracite coal mines which have been flooded.

Which was committed to the Committee on Appropriations.

Mr. BARTLETT, by request, read in his place and presented to the Chair Senate Bill No. 494, entitled:

An Act to further amend section one thousand two hundred one of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by extending the term "professional employe" to include other persons.

Which was committed to the Committee on Education.

He also, by request, read in his place and presented to the Chair Senate Bill No. 495, entitled:

An Act to amend sections three and four of the act, approved the first day of December, one thousand nine hundred and thirty-eight (P. L. 111), entitled "An act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires, except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for, or intended to be used for, the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties, making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal," by providing that contracts shall not be required

for private wires used for radio broadcasting by certain protective services or in interstate commerce.

Which was committed to the Committee on Public Utilities.

Mr. COLEMAN read in his place and presented to the Chair Senate Bill No. 496, entitled:

An Act authorizing the Department of Forests and Waters to acquire by purchase, gift or lease or condemnation on behalf of the Commonwealth of Pennsylvania, the Bald Mount in Lackawanna County, to be used as a forest reserve and to be equipped as a camping site; and providing an appropriation.

Which was committed to the Committee on Appropriations.

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. LETZLER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LETZLER, from the Committee on Mines and Mining, re-reported as committed, Senate Bill No. 168, entitled:

An Act to amend paragraph six of section two, and paragraph four of section five of the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 551), entitled "An act prohibiting the employment of miners, as herein defined, in the bituminous coal mines, unless certificated by a miners' examining board; providing for the appointment of such boards, and defining their powers and duties; providing penalties; and making an appropriation," by providing for the suspension of examinations and certifications by the Secretary of Mines and for the issuance of new certificates to replace lost certificates.

Mr. HALUSKA. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA, from the Committee on Appropriations, reported as committed, Senate Bill No. 389, (House Bill No. 574), entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations for fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine and providing for the payment of certain of the deficiency appropriations out of revenues of the fiscal biennial period beginning June first one thousand nine hundred thirty-nine.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 34, entitled:

An Act to further amend section five hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue, and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the incurring of temporary indebtedness and the repayment thereof.

Which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

Mr. OWLETT. Mr. President, I move that the Senate do now concur in the amendments made by the House.

Mr. MALLERY. Mr. President, I second the motion.

And the question recurring,

Will the Senate concur in the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Ruth,	Woodward,
Eroe,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 135, entitled:

An Act to define the manner of making affidavit to appeals from awards by Boards of Viewers to common pleas courts in all counties of this Commonwealth and affecting all present and future appeals.

And said bill having been read at length the third time.

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to amend title by striking out at the end thereof the following words: "and affecting all present and future appeals."

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. CAVALCANTE. Mr. President, when this bill was in committee I was delegated the duty of amending it so as to take out of the bill the retroactive feature of it, but I overlooked amending of the title to conform to the change in the body of the bill.

In order to do that I ask unanimous consent at this time to offer a special strike-out amendment to the title by striking out the words "and affecting all present and future appeals."

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Geider,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Sipe,
Crowe,	Gilson,	McCreesh,	Snowden,
Deitrich,	Haluska,	McGinnis,	Stevenson,
Dent,	Heyburn,	Miller,	Tallman,
DiSilvestro,	Homsher,	Mundy,	Thomas,
Ealy,	James,	Owlett,	Walker,
Edmonds,	Jaspan,	Pierson,	Wolfenden,
Eroe,	Kilgallen,	Reed,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

BILL POSTPONED

Mr. OWLETT. Mr. President, I move that further consideration of Senate Bill No. 216, (House Bill No. 115), on third reading, entitled:

An Act to amend section ten of the act approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "An act to consolidate, revise and amend the laws of the Commonwealth relating to penal proceedings and pleadings" by providing further for the administration of oaths and affirmations to witnesses appearing before grand juries.

be postponed for the present.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 260, on third reading, entitled:

An Act to further amend section four hundred four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one, (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth.

go over in its order.

The PRESIDENT. Is there objection. The Chair hears none.

BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 264, (House Bill No. 343), on third reading, entitled:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 851) entitled "An act fixing the pay and mileage of jurors and witnesses" by authorizing the court to direct additional compensation for jurors in certain cases.

be recommitted to the Committee on Judiciary General for the purpose of further consideration.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

BILL POSTPONED

Mr. OWLETT. Mr. President, I move that further consideration of Senate Bill No. 288, (House No. 474), on third reading entitled:

An Act to further amend section three of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," fixing terms for the appointed members of the General State Authority, and terminating the terms of present members.

be postponed for the present.

Mr. MALLERY. Mr. President, I second the motion

The motion was agreed to.

BILL OVER IN ORDER

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 309, (House Bill No. 483), on third reading, entitled:

An Act regulating the appointing or election of deputy controllers in cities of the second class A and prescribing their powers and duties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 314, entitled:

An Act to amend clause (b) of section three of the act, approved the thirtieth day of March, one thousand nine hundred and thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors, and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers county treasurers county controllers registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," by reducing the number of members of the registration commission.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Philadelphia, Mr. Farrell.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Farrell, permit himself to be interrogated.

Mr. FARRELL. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I have some difficulty in understanding the purpose of this bill, which, as I read it, is to reduce the present registration commissioners from five to three at the expiration of their present terms; is that the purpose?

Mr. FARRELL. Mr. President, that is correct.

Mr. SHAPIRO. Mr. President, I understand that the present terms of these commissioners do not expire until 1941; is that correct?

Mr. FARRELL. Mr. President, that is correct.

Mr. SHAPIRO. Then, Mr. President, what is the purpose of introducing this bill now?

Mr. FARRELL. Mr. President, the purpose is in order to reduce the number of the board from five members to three.

Mr. SHAPIRO. For what purpose, Mr. President?

Mr. FARRELL. Mr. President, at the last election there were forty thousand people deprived of their vote, and with a commission of five it was difficult to put the blame on anybody. It was thought that by having a smaller commission it would be possible to put the blame on somebody if that ever happened again; and, in addition, Philadelphia would save ten thousand dollars in salaries.

Mr. SHAPIRO. Mr. President, there are some places where economy should stop. What happened in Philadelphia last year was that we decreased the commission from seven members to five—when this commission was created—and then those five commissioners attempted to hear strike-off petitions and take care of registration commission matters—and where there are close to a million people registered—eight or nine hundred thousand people registered—they could not attend to those matters within the time allotted.

As a matter of fact, on election day the courts found it necessary, because there was not sufficient time or sufficient members, to use the police stations and send Judges of the Common Pleas Courts to police stations in every district for the purpose of doing the work the registration commissioners did not do. It was true that there was a great deal of confusion, and I think the confusion was due not because there was not enough responsibility but because there were not enough people in responsible positions to take care of that work.

Now, you are going to reduce that commission to three people, and you are not going to reduce that number until 1941, and it seems to me a strange kind of economy to talk about at the present time; I think it will cost more and cause more confusion than before. I ask my colleagues to vote this bill down.

Mr. EDMONDS. Mr. President, I call attention to the fact that their terms expire on the first Monday of January, 1941.

Mr. SHAPIRO. That is correct, Mr. President.

Mr. EDMONDS. I think if any change is to take place it should be done now.

Mr. SHAPIRO. I think, Mr. President, we are going to be back long before the first Monday of January, 1941; if not we will be here long enough—we are here from now on, and it would seem to me that there is no present demand or any necessity for this proposition. We are not going to adjourn so quickly. We have got to wait until we find out how the Supreme Court decides the foreign corporation tax case before we can adjourn.

I see no way to save money this year—I see no point in this bill. The budget is not made up in Philadelphia; it will not save any money this year and not in 1940. We have all agreed, even if we went home now, we will have to come back and handle the relief problem in a special session, because we only have allocated enough money for relief to carry relief for ten or eleven months.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Bartlett,	Eroe,	Letzler,	Stevenson
Chapman,	Farrell,	Mallery,	Tallman,
Crowe,	Gelder	Miller,	Thomas,
Dando,	Geltz,	Owlett,	Walker,
Deitrick,	Heyburn,	Pierson,	Wolfender,
Ealy,	Homsher,	Scarlett,	Woodward,
Edmonds,	James,	Snowden,	

NAYS—19

Cavalcante,	Gilson,	Lanius,	Ruth,
Coleman,	Haluska,	McCreesh,	Shapiro,
Dent,	Jaspan,	McGinnis,	Sipe,
DiSilvestro,	Kilgallen,	Mundy,	Stiefel,
Frey,	Kunkel,	Reed,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Mr. SHAPIRO. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The Clerk will call the roll. The roll was verified and stands as follows:

The Senators voting "aye" are Messrs. Bartlett, Chap-

man, Crowe, Dando, Ealy, Edmonds, Eroe, Farrell, Gelder, Geltz, Heyburn, Homsher, James, Letzler, Mallery, Miller, Owlett, Pierson, Scarlett, Snowden, Stevenson, Tallman, Thomas, Walker, Wolfenden, and Woodward.

Mr. DIETRICK. Mr. President, I would like to be recorded as voting "aye".

The PRESIDENT. You will be so recorded.

The affirmative vote stands as verified.

The Senators voting "no" are Messrs. Cavalcante, Coleman, Dent, DiSilvestro, Frey, Gilson, Haluska, Jaspan, Kilgallen, Kunkel, Lanius, McCresh, McGinnis, Mundy, Reed, Ruth, Shapiro, Sipe and Stiefel.

The negative vote stands as verified.

The "ayes" were 27 and the "nay" 19.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 343, (House Bill No. 486), entitled:

An Act authorizing the appointment of a deputy mayor in cities of the second class A and limiting and prescribing his powers and duties

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Farrell	Lanius,	Scarlett,
Cavalcante,	Frey.	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson.
Dando,	Haluska.	Miller,	Stiefel.
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson.	Walker.
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Ruth,	Woodward,
Eroe,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 380, (House Bill No. 209), entitled:

An Act to amend section two thousand eight hundred forty-two of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932), entitled "An Act relating to cities of the third class and amending revising and consolidating the law relating thereto" by authorizing the city to appeal from reports of viewers and demand a trial by jury and making such provisions retroactive so as to apply to cases now pending.

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando.	Haluska,	Miller,	Stiefel.
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent.	Homsher,	Owlett,	Thomas,
DiSilvestro	James.	Pierson.	Walker.
Ealy,	Jaspan.	Reed,	Wolfenden,
Edmonds,	Kilgallen.	Ruth,	Woodward,
Eroe,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Mr. HOMSHER. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 138, on third reading postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and conderation of Senate Bill No. 138, entitled:

An Act authorizing counties cities boroughs townships of the first and second class and school districts to issue and sell bonds for certain purposes and for a certain period of time providing for a trust fund and a sinking fund for the payment thereof and defining the duties of the officers and governing bodies of the said municipalities or quasi municipalities in relation to said funds and fixing a penalty for the violation thereof.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. HOMSHER. Mr. President, I ask unanimous consent to amend Section 3, page 3, line 15 by inserting after the word "to" the following "twenty-five per cent in excess of"

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole, being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 129, entitled:

An Act regulating marriages and the issuance of licenses to marry imposing duties upon the clerks of the orphans' courts and persons who perform marraige ceremonies providing for the annulment of marriage for certain violations of this act and fixing other penalties

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I should like to call the attention of the members of the Senate to this bill for certain reasons. This bill as I read it, regulates marriages, marriage licenses—the issuance of them, fixes the period of waiting, the waiting period, regulates the health of certain applicants and limits the age to eighteen years.

In the first place the questsion of health—which includes venereal diseases—in my opinion conflicts with Senate Bills Nos. 12 and 13, the waiting period, I think, is covered by the Brancato Act; and the question whether we should limit this to eighteen years or not is a very serious question. I would like to suggest to the sponsors of the bill that this bill be allowed to go over so that we may give it some further consideration.

Mr. WALKER. Mr. President, for the information of the Senator from Philadelphia—I know the Senator from Philadelphia is very busy reading the bill—the bill has already been amended and the health features stricken from the bill, so that there is no absolutely no pre-marital examination necessary in the bill.

Mr. SHAPIRO. Mr. President, I think the question of the age is another matter which, in my opinion, is very serious. I can imagine that there would be even more desire, on the part of the people, from what we have been reading in the newspapers, to limit the so-called child marriages; but I think, according to this bill, there would be situations arising which might make it very inadvisable that the marrage should not take place. However, if the amendment has taken care of the age limit, then my argument falls of its own weight.

Mr. WALKER. Mr. President, I trust I am not violating any of the rules of the Senate in discussing a bill on second reading. The question of the age being raised to eighteen years was in order to permit the Orphans Court to have the right to issue licenses between the ages of 16 and 18. Under the present Act, as explained to me by the Court, the marriage age is 16, and the Court has the right to issue licenses, on special petition, in certain cases. The age limit has been raised to 18 at the suggestion of the Orphans Courts of the various counties. I have been advised by the present judge of the Orphans Court of Allegheny County that this bill, with the age limit of 18, was approved by the Orphans Court of Philadelphia County.

I have at this time, Mr. President, some amendments that I would like to present. However I would like to say to the Senator from Philadelphia that the question of the age limit of 18 is not involved in the bill. The age limit was set at 18 years in order to give the Orphans Court the right to supervise licenses between the ages of 16 and 18, which would be the group encompassed by this present increase in the age to 18 years of age. Between 18 and 21 the applicant would only be required to have his or her parents' permission. The purpose of that, as the Senator from Philadelphia suggests, is to control in some degree the so-called child marriages. Personally, I think it is an excellent provision, and it has the approval of the Judges of the Orphans Court of Allegheny County, who are deeply interested in this bill and who are, by the way, responsible for the modification of this Act.

This is not a new law, it is merely clarification of the law existing on the statute books at the present time. There is nothing new or startling with the exception of two changes, which I might point out to the Senate at this time. One change is the change brought to our attention by the Senator from Philadelphia, Mr. Shapiro, and that increases the age limit from 16 to 18 years. The other change is in regard to the prevention of the marriage of divorcees who are divorced on the ground of adultery. And I am advised by lawyers that under the present law a respondent cannot marry a co-respondent in an adultery divorce proceeding. Under the proposed Act they will be permitted to marry after a year has elapsed after the time of the divorce. That suggestion comes from the members of the Court of Common Pleas as well as the Orphans Court in Allegheny County.

I would like at this time to offer the amendments to the bill.

The first, second and third sections of the bill were read as follows and agreed to:

Section 1 Short Title This act shall be known and may be cited as the "Marriage License Act"

Section 2 Effective Date This act shall be effective as of the first day of January one thousand nine hundred and forty

Section 3 Definitions The following words and phrases when used in this act shall have the meanings ascribed to them in this section

"Clerk" means clerk of the orphans' court

"Day" means one full day

The fourth section of the bill was read as follows:

Section 4 Applicants Applicants resident within or without the State of Pennsylvania except those provided for in clauses (a) (b) (c) (d) and (e) of this section may obtain a license to marry from the clerk of any county within the State of Pennsylvania upon complying with all the requirements herein or in any amendment hereafter enacted and may be lawfully married in any county of the State

(a) In Consanguinity A man may not marry his mother his father's sister his mother's sister his sister his daughter the daughter of a son or daguhter or his first cousin A woman may not marry her father her father's brother her mother's brother her brother her son the son of her son or daughter or her first cousin

(b) Bigamy An applicant who is married and not divorced may not marry during the life of the husband or wife

(c) Adultery An applicant who has been married and has been divorced on the ground of adultery may not marry the person who was the cause of the divorce within less than a period of one year after his or her divorce is granted

(d) Incompentents No applicant shall obtain a license to marry (1) who is under the influence of intoxicating liquors or narcotic drugs (2) who has been an inmate of any asylum or home for feeble-minded or insane until such applicant presents a certificate from a physician of the asylum or home for feeble-minded or insane or if such is unavailable from a physician certifying said applicant was discharged as cured or that no additional institutional care is necessary and that in his opinion he is mentally capable of entering into the contract of marriage without detriment to himself his wife or his off-

spring and is unlikely to become a public charge (3) who has been under guardianship of the person as a person of unsound mind until he has obtained a certificate from the guardian certifying that in his opinion said applicant has sufficiently recovered from his mental disability and is mentally capable of entering into the contract of marriage together with a certificate of a physician certifying that said applicant does not need medical care and that in his opinion he is mentally capable of entering into the contract of marriage without detriment to himself his wife or his offspring and is unlikely to become a public charge

(e) All applicants except as prohibited in clauses (a) (b) (c) and (d) of this section who are under the age of eighteen (18) years shall marry only when permission is granted by a judge of the orphans' court or by the clerk or any assistant clerk or any minute clerk thereof when duly authorized so to do by special or general order of court or any of the judges thereof

(f) All applicants except as prohibited in clauses (a) (b) (c) and (d) of this section who are under the age of twenty-one (21) years shall have the consent of a parent if available or the guardian of such applicants appointed by will or by the orphans' court or by the clerk or any assistant clerk or any minute clerk thereof when duly authorized so to do by special or general order of court or any of the judges thereof or by order of the appropriate court of any other jurisdiction duly exemplified The guardian of the applicant shall be related by consanguinity to the applicant or upon proof presented to the clerk that such a person is not available the next friend Such consent shall be properly acknowledged before the clerk or other officer competent under the law to receive acknowledgments

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I move to amend Sec. 4, page 3, line 7, by inserting after the word "enacted" the following: "and any law enacted by the General Assembly at the regular session of one thousand nine hundred and thirty-nine;" Amend Sec. 4, page 3, line 9, by striking out the word: "In".

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifth and sixth sections of the bill were read as folllows and agreed to:

Section 5 Applications (a) Applicants shall be uniform throughout the State and shall be made in writing and signed together with the written consents herein provided for upon forms obtained from the clerk or from officers hereinafter designated to take the acknowledgments thereto

(b) When inconvenient to applicants to appear before the clerk they may apply for a license before any commissioned magistrate alderman or justice of the peace of the State of Pennsylvania or before any officer having a similar commission in any other state who is hereby authorized to inquire of the applicants concerning all matters required in the form of application herein provided for When such officer is satisfied of the identification of the applicants that their answers to the inquiries are true and correct and that the signatures thereto are genuine the application when duly acknowledged by the applicants and certified by the officer shall be delivered to the clerk of the county from which it issued whereupon it shall be filed in his office and entered of record as of the day received

(c) No application shall be filed and entered of record for any applicant under thirty (30) years of age unless a certification of the date of birth from the Bureau of Vital Statistics or other credible evidence acknowledged by oath or affirmation is presented

Section 6 Three-day Period All applications together with physician's and laboratory certificates shall remain in the office of the clerk for three (3) days before any license is granted except as follows

When the parties desire to be married after their application and certificates have been filed and approved and before the expiration of the above prescribed three-day period they or either of them may present a petition upon a form obtained from the clerk alleging an emergency or extraordinary circumstances to the orphans' court or to the clerk or any assistant clerk or any minute clerk thereof when duly authorized by any special or general order of court to hear such peitions After hearing if an immediate marriage is unobjectionable the clerk upon notice thereof shall issue the license forthwith

The seventh section of the bill was read as follows:

Section 7 Form of Application (a) Forms shall be furnished by the clerk of the county in which application is made at the cost of the said county

(b) The application shall be by questionnaire which shall set forth the dates of birth birth certificates or credible evidence of birth of all applicants under thirty (30) years of age the dates of all qualifying certificates of health and competency required by this act the occupations residences and race of applicants and of parents if available the consents family relationships previous marriages date of death of either spouse divorces and such other matters as may appear in the forms of application now used or which may be hereafter altered or deemed necessary

(c) When there is no legal impediment to the issue of the license the certificates required in section four (d) (2) and (3) and section five (d) and a certified copy of any decree of divorce previously granted except when the applicant's list marriage was dissolved by death shall be attached to the application

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I move to amend Sec. 7, page 7, line 23, by striking out the words "health and"; Amend Sec. 7, page 8, line 3, by striking out the words "and section five (d)."

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The eighth section of the bill was read as follows and agreed to:

Section 8 Certification and Appeal When the clerk shall refuse to grant a license or when a parent objects in writing to the granting of the license upon request the clerk shall certify the application to the orphans' court of which he is clerk without expense to the applicants or upon refusal to certify the applicants may appeal to the orphans' court The certification or appeal shall be heard by a judge of the orphans' court in court or in chambers at the earliest practicable time and the decree of the judge to grant or refuse a license shall be final and entered of record

The ninth section of the bill was read as follows:

Section 9 Issue of License When all the provisions of this law or any amendment thereto have been complied with the clerk shall issue a license to marry to the applicants

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I move to amend Sec. 9, page 8, line 19, by striking out the word: "this"; amend Sec. 9, page 8, line 19, by striking out the words: "or any amendment thereto."

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The tenth, eleventh, twelfth and thirteenth sections of the bill were read as follows and agreed to.

Section 10 Officiant When a license has been issued under the provisions of this act the officiant of the marriage may be any clergyman judge mayor burgess magistrate justice of the peace or alderman No officiant shall perform a marriage ceremony when either of the licensees is under the influence of intoxicating liquors

Section 11 Authority to Marry Certificate and Return (a) Authority to Marry

STATE OF PENNSYLVANIA } SS
COUNTY OF }

To any Clergyman Judge Mayor Burgess Magistrate Justice of the Peace or Alderman

You are hereby authorized by the law of Pennsylvania to join together in matrimony ..... and .....

Given under my hand and the seal of the Orphans' Court of the County of ..... at ..... this ..... day of ..... A D one thousand nine hundred and .....

SPECIAL ORDER OF COURT

.....
Clerk

.....

(b) Certificate of Marriage

I ....., hereby certify that on the ..... day of ..... one thousand nine hundred and ..... at ..... and .... were by me united in marriage in accordance with license issued by the clerk of the Orphans' Court of ..... County Pennsylvania numbered .....

(Signed) .....
Clergyman Judge Mayor Burgess
Magistrate Judge of the Peace

Address of Person officiating .....

(c) The return shall be a duplicate of the certificate of marriage

(d) The authority to marry shall be given to the officiant the certificate of marriage marked "original" to the persons married and the certificate marked "return" shall be delivered to the clerk within thirty (30) days after the performance of the marriage

Section 12 Marriage by Declaration When applicants desire to solemnize their marriage without any officiant they may do so by a declaration in the following form

(a) Authority to Marry

To ..... and .....

You are hereby authorized by the law of Pennsylvania to join yourselves together in marriage

Given under my hand and the seal of the Orphans' Court of the County of ..... at ..... this ..... day of ..... A D one thousand nine hundred and .....

.....
Clerk

(b) Certificate of Marriage

We hereby certify that on the ..... day of ..... one thousand nine hundred and .... we united ourselves in marriage at ..... in the county of .....

.....

.....

We the undersigned were present at the solemnization of the marriage of ..... and ..... as set forth in the foregoing certificate

.....

.....

(c) The return shall be a duplicate of the certificate of marriage

(d) The authority to marry shall be retained by the persons married The certificate of marriage marked "original" after being signed by the applicants and attested by two witnesses shall be retained by the persons married and the certificate of marriage marked "return" after being signed and attested shall be returned to the clerk within thirty (30) days after the performance of the marriage

Section 13 Duration of License No license when issued shall be valid for a longer period than thirty (30) days from the date of issue

The fourteenth section of the bill was read as follows:

Section 14 Duties of the Clerk and Docket Entries (a) Duties The clerk shall maintain a separate marriage license office and separate marriage license dockets The application when indexed and all other proceedings shall be entered of record except when a license is refused after the application has been filed all certificates required by this act when in the custody of the clerk shall be returned to the applicants upon request or if no request is made after thirty (30) days the clerk shall return said certificates to the applicants at the addresses given in the application

(b) Docket Entries The docket entries shall set forth the following The name residence age occupation race and qualifying certificates of health and competency of the applicants with the names and addresses of the physician and laboratory director any previous marriage or marriages with their respective manner and dates of dissolution the consent of the father mother or guardian when the applicant is a minor the dates of the filing of the application the issuance of the license the marriage the return and the name and title of the officiant if any

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I move to amend Sec. 14, page 12, line 3, by striking out the words: "health and"; amend Sec. 14, page 12, line 4, by striking out the words: "names and addresses" and inserting in lieu thereof: "name and address"; amend Sec. 14, page 12, line 5, by striking out the words: "laboratory director".

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifteenth section of the bill was read as follows:

Section 15 Revocation of License and Void Marriage When any person has obtained a license to marry and no ceremony has been performed or when a return of a marriage has been entered of record in violation of section four (d) (2) and (3) and section five (d) it shall be lawful for the clerk either spouse or when either spouse is under the age of majority the parent guardian next friend or any other person standing in the place of the parent and in all cases the institution or person charged with the care of the applicant for license to petition the orphans' court of the county or district where the license to marry was issued at any time within six months from the date of the filing of the application of the license to marry setting forth the facts Upon the filing of such petition the court may order a citation to be issued to the parties interested to appear on a day certain to show cause why the license to marry should not be revoked or the marriage made null and void Upon the return of such citation and due notice of service thereof the court shall have the power if the facts be sufficient

to decree a revocation of the marriage license or to make void the marriage

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I move to amend Sec. 15, page 12, line 15, by striking out the words: "and section five (d)".

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixteenth section of the bill was read as follows:

Section 16 Penalties (a) Any clerk who shall issue any license contrary to the provisions of this act or who shall fraudulently alter or mutilate any part of the record made of any marriage license or any of the proceedings therein shall be liable and pay the sum of five hundred dollars ($500)

(b) Any clerk who shall neglect or refuse to make any record herein required shall be liable and pay the sum of fifty dollars ($50)

(c) Any officiant who shall perform a marriage ceremony without said persons having first obtained a license and any witness attesting thereto with knowledge of such fact shall be liable and pay the sum of fifty dollars ($50)

(d) Any officiant who shall fail to make the proper return of a marriage license within thirty days after he has performed the ceremony shall be liable and pay the sum of fifty dollars ($50)

(e) Any physician or laboratory director who shall knowingly execute and deliver any certificate containing false information contrary to the provisions of this act shall be liable and pay a sum not to exceed one hundred dollars ($100)

(f) Any clergyman judge mayor burgess magistrate justice of the peace or alderman who shall perform the ceremony of marriage between persons when either of said parties is under the influence of intoxicating liquors shall be liable and pay the sum of five hundred dollars ($500)

(g) Any applicant who has solemnized the marriage without an officiant and fails to make the proper return or makes an improper return shall be liable and pay the sum of fifty dollars ($50)

(h) All recoveries effected by the provisions of this act shall be for the use of the county in which the application for the marriage license was made and shall be recovered by an action in assumpsit in a suit brought at the instance of the aggrieved party in the name of the county as plaintiff in the appropriate court in the same manner as other debts are recovered by law with costs

(i) Any applicant who shall make any false statement in an application for a marriage license shall be guilty of perjury and on conviction in the proper court shall be subject to the penalties for that offense

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I move to amend Sec. 16, page 13, line 21, by striking out the words: "or laboratory director"; amend sec. 16, page 13, lines 27 and 28, by striking out SC all of the words in line 27 after the letter "(h)" and all the words in line 28; amend sec. 16, page 14, lines 1 to 5, by striking out SC all the words in said lines, and insert in lieu thereof "All the foregoing penalties shall be recoverable for the use of the county in which the application for marriage license was made, and shall be imposed by conviction in summary proceedings before a magistrate, alderman or justice of the peace of said county, and in default of the payment of any fine or of the costs imposed, the party convicted may be committed to the county jail for one day for each dollar of fine imposed."

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventeenth section of the bill was read as follows and agreed to:

Section 17 Fees The fee of a commissioner magistrate alderman or justice of the peace of the State of Pennsylvania for obtaining a marriage license shall be fifty cents (50c) The fee to be charged by the clerks of the various counties of the State for the issuing of the marriage license shall be two dollars and fifty cents ($2.50) two dollars ($2.00) of which shall be for the use of the clerk of the county wherein such license is issued and fifty cents (50c) for the use of the State and all moneys collected by the said clerk for the use of the State shall at the end of each month be transmitted to the State Treasurer to be placed in the General Fund for the use of the State The orphans' court of each county shall establish a bill of costs for entering and recording the proceedings provided for by this act In counties where there is no separate orphans' court the costs of the proceeding shall remain as heretofore or as may be hereafter established

The eighteenth section of the bill was read as follows:

Section 18 Repeals This act is a revision of all laws upon the subject of marriage and sets up a system covering the entire subject matter of all former laws and is intended as a substitute for such former laws and shall operate as a repeal of every other law relating to the subject matter without revival of any repealed law

On the question,

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend Sec. 18, page 15, line 11, by inserting after the word "law" the following: "Provided, however, That this act shall not be construed to repeal any law enacted by the General Assembly of one thousand nine hundred and thirty-nine."

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An act regulating marriages and the issuance of licenses to marry imposing duties upon the clerks of the orphans' courts and persons who perform marriage ceremonies providing for the annulment of marriage for certain violations of this act and fixing other penalties.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 248, entitled:

An Act to amend section fifteen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by further clarifying the provisions of said act as to the powers of the judges of orphans' court to administer the business of the court and to issue process in vacation

The first section of the bill was read as follows:

Section 1 Section fifteen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" is hereby amended to read as follows

Section 15 The several orphans' courts of this Commonwealth shall have full power in vacation to administer the business of the court and to issue process [Provided That said process shall be made returnable only in the county where the proceeding is pending] as has the court while in session

Mr. GELDER. Mr. President, I move to amend sec. 1 (Sec. 15), page 2, line 3, by inserting after the word "several" the following: S "presdient judges of the"; amend sec. 1 (Sec. 15), page 2, line 5, by striking out with light-faced brackets the word S "issue" and insert in lieu thereof "order"; amend sec. 1 (Sec. 15), page 2, line 5, by inserting after the word "process" the following: S "to issue"; amend sec. 1 (Sec. 15), page 2, line 5, by striking out with heavy-faced brackets S the light-faced brackets before the word "Provided"; amend sec. 1 (Sec. 15), page 2, line 6, by inserting after the word "returnable" the following: S 'to said court when it shall be in session"; amend sec. 1 (Sec. 15), page 2, line 6, by inserting a light-faced bracket before the word "only" thus: S "["; amend sec. 1 (Sec. 15), page 2, lines 7 and 8, by striking out with heavy-faced brackets the words S "as has the court while in session".

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to.

An Act to amend section fifteen of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by further clarifying the provisions of said act as to the powers of the judges of orphans' court to administer the business of the court and to issue process in vacation.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transc bed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 249, as follows:

An Act to amend section twenty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1237) entitled "An act affecting martial relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" further clarifying the provisions of said act as to the issuance of subpoenas by a judge at chambers during vacation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twenty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1237) entitled "An act affecting martial relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 26 Awarding Subpoena When Returnable Upon the presentation of the petition or libel a subpoena may be awarded by the said court or a judge thereof in vacation signed by the prothonotary and directed to the party so complained against commanding him or her to appear which subpoena shall be returnable not less than thirty days after the award thereof either to the next or subsequent term or to such next or subsequent term or to such next or subsequent monthly or intermediate return day as shall have been or may be established for such court of common pleas either by statute or rule of court or both

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 267, on second reading, entitled:

An Act to amend clause (a) of section one and section four of the act approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160), entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission defining in part the powers and duties of such commission abolishing The Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof and transferring to the Pennsylvania Public Utility Commission the records employes property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending procedings legal or otherwise instituted before by or against The Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulations of the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania" by changing method of appointing and removing members of the Commission and making political activity a grounds for their removal.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 268, as follows:

An Act to amend paragraph (c) of section four hundred nine and paragraphs (a) and (c) of section four hundred eleven of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the

regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by providing a more equitable method for the apportionment of damages and expenses occasioned by or resulting from the construction relocation alteration protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways limiting in certain cases the amount to be borne by the public utilities concerned and providing for the recovery by the commission on behalf of the Commonwealth of the amount of expenses occasioned by or resulting from such crossing improvement as well as the amount of damages or compensation awarded to the owners of adjacent property

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph (c) of section four hundred nine and paragraphs (a) and (c) of section four hundred eleven of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" are hereby amended to read as follows

Section 409 Construction Improvement Protection and Abolition of Crossings Recording

(c) Upon its own motion or upon complaint the commission shall have exclusive power after hearing upon notice to all parties in interest including the owners of adjacent property to order any such crossing heretofore or hereafter constructed to be relocated or altered or to be abolished upon such reasonable terms and conditions as shall be prescribed by the commission subject to the provisions of section four hundred eleven (a) herein In determining the plans and specifications for any such crossing the commission may lay out establish and open such new highways as in its opinion may be necessary to connect such crossing with any existing highway or make such crossing more available to public use and may abandon or vacate such highways or portions of highways as in the opinion of the commission may be rendered unnecessary for public use by the construction relocation or abandonment of any of such crossings The commission may order the work of construction relocation alteration protection or abolition of any crossing aforesaid to be performed in whole or in part by any public utility or municipal corporation concerned or by the Commonwealth

Section 411 Compensation for Damages and Apportionment of Expenses Occasioned by Construction Relocation Protection Alteration or Abolition of Crossings (a) The compensation for damages which the owners of adjacent property taken injured or destroyed may sustain [in] together with all expenses occasioned by or resulting from the construction relocation alteration protection or abolition of any crossing under the provisions of this act shall after due notice and hearing be ascertained and determined by the commission Such compensation as well as the expense of such construction relocation alteration protection or abolition of any crossing shall be borne and paid as hereinafter provided by the public utilities or municipal corporations concerned or by the Commonwealth in such [proper] equitable proportions as the commission may after due notice and hearing determine unless such proportions are mutually agreed upon and in accordance with such agreement paid by the interested parties Provided That the Commission in determining the proper

proportions of such compensation and expenses of any construction relocation protection alteration or abolition to be borne by the interested parties may require the public utility or utilities concerned to pay (1) the entire amount of any improvement for the sole benefit of any such public utility or utilities not an essential part of such construction relocation protection alteration or abolition and (2) the amount of the net benefit to the utility or utilities concerned In no event however shall the public utility or utilities concerned be required to pay in addition to the expenses of any improvement for the sole benefit of such public utility or utilities not an essential part of such construction relocation protection alteration or abolition an amount in excess of fifteen (15) per centum of the compensation for damages and expense of such construction relocation protection alteration or abolition Any party to the proceeding dissatisfied with the determination of the commission may appeal therefrom as provided in section one thousand one hundred one of this act and for this purpose is hereby authorized to sue the Commonwealth Provided however That the commission may of its own motion or upon application of any party in interest submit to the court of common pleas of the county wherein the property affected is located the determination of the amount of damages to any property owner due to such condemnation for which purpose such court shall appoint viewers from whose award of damages an appeal to said court shall lie on the part of any person or party aggrieved thereby under the general law applicable to the appointment of viewers for the ascertainment of damages due to the condemnation of private property for public use

(c) The commission shall have the right to recover for and on behalf of the Commonwealth by due process of law as debts of like amount are now by law recoverable from the public utility or municipal corporation concerned in such amounts or proportions against each as may be determined by the commission as hereinbefore provided in this section the amount of expenses occasioned by or resulting from such crossing improvement together with the amount of the damages or compensation awarded to the owners of adjacent property by the commission or by the court of the proper county on appeal and the amounts so received shall be paid into the State Treasury through the Department of Revenue to the credit of the Motor License Fund

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 278, (House Bill No. 38), on second reading, entitled:

An Act to amend sections Three, Four, Five, Nine and Eleven of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 463), entitled (as amended) "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships defining the same prescribing the rights, powers and duties of such Authorities, authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" as amended by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation regulating the publication of such resolutions and ordinances by including waterworks, water distribution systems, low head dams and parts of sewer systems as projects by authorizing the municipalities to limit the projects to be undertaken by an Authority by authorizing a longer term for the bonds issued by an Authority avoiding competition with existing enterprises and by including waterworks water supply works water distribution systems and parts of sewer systems as facilities which may be transferred to an Authority by any owner in addition to the Commonwealth and the political subdivision thereof

be recommitted to the Committee on Military Affairs.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 310, (House Bill No. 610), entitled:

A Supplement to the act, approved the twenty-first day of July, one thousand nine hundred and thirty-seven (Appropriation Acts page 74), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," by lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation, and reappropriating such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 320, as follows:

An Act to amend section seven of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" by changing the provisions thereof as to the contents of record to be furnished wardens by clerks of the courts of quarter sessions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" is hereby amended to read as follows

Section 7 The clerks of the several courts of quarter sessions and oyer and terminer of this Commonwealth shall not later than the twentieth day of each month

forward to the wardens of the State penitentiaries a list of all convicts whom the court has committed to those institutions on the indeterminate plan the previous month stating maximum and minimum sentence of each The following information shall also be added The full name of the convict together with any alias which such convict may be known to have the name of the county where the conviction was had a brief description of the crime of which the convict was convicted the name of the court in which the conviction was had the name of the trial judge the date of commitment and the name of the penitentiary to which committed the number of times if any that the convict has been in prison the location of the said prison and for what offenses Provided That in every case in which stenographic notes of testimony were taken at the time of the trial and for any reason transcribed a copy of such [notes of testimony] transcript shall likewise accompany such record

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 375, as follows:

An Act authorizing the Commonwealth political subdivisions and certain institutions to purchase blind-made commodities and services from organizations for the blind without contracts or advertisement providing for the fixing of fair market prices for such commodities and services by a committee composed of heads of certain departments and representatives of institutions where blind-made commodities are manufactured and imposing certain duties upon the Department of Property and Supplies and the State Council for the Blind

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The word "blind-made commodities" as used in this act shall mean brooms mops piano tuning and other suitable commodities and services which comply with standards and specifications for commodities purchased by the Commonwealth seventy-five per centum of the work upon which shall have been done by blind people

Section 2 The Department of Property and Supplies on behalf of the Commonwealth and its agencies any county city borough town township school district and institution district and any institution maintained by or receiving aid from the Commonwealth are hereby authorized to purchase blind-made commodities manufactured and services furnished by organizations for the blind endorsed by the State Department of Welfare

All orders for blind-made commodities and services to be purchased by the Department of Property and Supplies for the Commonwealth and its agencies under the provisions of this act shall be transmitted by the purchaser to the State Council for the Blind of the Department of Welfare and shall be allocated by said council to the several agencies for the blind manufacturing such blind-made commodities or furnishing such services on the basis of geographical location number of blind employees involved and the ability to meet standard requirements

Section 3 No law heretofore or hereafter enacted requiring purchases to be made by contract or requiring such contracts to be advertised and let to the lowest responsible bidder shall be deemed to apply to purchases made under and in accordance with the provisions of this act

Section 4 All purchases made under this act shall be at the fair market price for the particular commodities or services The fair market price of commodities and services shall be fixed by a committee composed of the Secretary of Property and Supplies The Secretary of Labor and Industry the Auditor General and two representatives of participating agencies for the blind to be appointed by the State Council for the Blind Such price fixing committee shall meet from time to time at the call of the State Council for the Blind and at a time and place at the State Capitol fixed by said Council

The prices so fixed by the said committee and any change therein from time to time to meet changing market conditions shall be furnished to the various agencies authorized to make purchases under the provisions of this act No change in price shall become effective prior to the expiration of fifteen days from the date on which such change is made by the committee

Section 5 The Department of Property and Supplies shall annually transmit to the State Council for the Blind copies of its standards and specifications with respect to commodities which come within the term blind-made commodities as defined by this act for the use of the participating organizations for the blind endorsed by the State Department of Welfare

Section 6 All acts and parts of acts inconsistent with this act are hereby repealed

Section 7 This act shall become effective on the first day of June one thousand nine hundred and thirty-nine

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REPORT FROM COMMITTEE

Mr. WOODWARD. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD, from the Committee on Appropriations, reported as amended, Senate Bill No. 77, entitled:

An Act providing for a Legislative Controller and for his election and removal by the General Assembly; defining his powers and duties; authorizing the employment of assistants by the Legislative Reference Bureau for the use of the Legislative Controller; imposing certain duties and responsibilities upon the executive and administrative departments and agencies of the State government and upon agencies receiving State appropriations; and making an appropriation.

BILL ON THIRD READING

Mr. CAVALCANTE. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 169, on third reading postponed for the present.

Mr. THOMAS. Mr. President, I second the motion.

It was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 169, entitled:

An Act relating to parks, farms, glens, or picnic grounds, owned and operated by charitable associations for the use of the public without charge; authorizing the adoption of rules and regulations pertaining to such property; providing for the appointment of park policemen for their enforcement; imposing penalties for violations thereof; and extending the jurisdiction of aldermen and justices of the peace thereto.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL RECOMMITTED

Mr. CAVALCANTE. Mr. President, I move that Sen-

ate Bill No. 169, the bill just read, be recommitted to the Committee on Forestry, Game and Fish, for the purpose of further consideration and amendment.

Mr. THOMAS. Mr. President, I second the motion.

The motion was agreed to.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS MEMBER TO LIQUOR CONTROL BOARD

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 11, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of Walter Harrison Hitchler, Esq., Carlisle, Cumberland County, as a member of the Pennsylvania Liquor Control Board, until November 29, 1943, and until his successor shall have been appointed and qualified, to fill a vacancy.

ARTHUR H. JAMES.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 34, entitled:

An Act to further amend section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further regulating the incurring of temporary indebtedness and the repayment thereof

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 22, entitled:

An Act to prohibit the sale, offering or exposing for sale of fire-works; defining fireworks and authorizing cities, boroughs, towns and townships to regulate the manner of using fireworks therein and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 77, entitled:

An Act providing for a Legislative Controller and for his election and removal by the General Assembly; defining his powers and duties; authorizing the employment of assistants by the Legislative Reference Bureau for the use of the Legislative Controller; imposing certain duties and responsibilities upon the executive and administrative departments and agencies of the State government and upon agencies receiving State appropriations; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 117, entitled:

An Act to amend the title and section two of the act approved the twenty-sixth day of May, one thousand eight hundred and ninety-seven (P. L. 106), entitled "An act prohibiting the discharge from the public positions of Union soldiers without a reasonable cause, and prohibiting the abolishment of or changing the emoluments of public offices occupied by Union soldiers, except for good reason" by extending the provisions thereof to veterans and nurses of any war in which the United States has engaged.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill, No. 269, entitled:

An Act to add section one thousand nine hundred and four to the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," providing for the expenditure of moneys by Pennsylvania State College under the supervision of the Department of Mines to conduct researches to discover a by-product for the use of anthracite and bituminous coal, and to develop new scientific, chemical and other uses, and new and extended markets for anthracite and bituminous coal and its products; and granting the right to the Commonwealth to accept and receive gifts, contributions, bequests and devises of real or personal property for such purposes, designated for the use of Pennsylvania State College.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 389, (House Bill No. 574), entitled:

A Supplement to the act, approved the second day of July, one thousand nine hundred thirty-seven, (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," providing for deficiencies in certain appropriations for fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine and providing for the payment of certain of the deficiency appropriations out of revenues of the fiscal biennial period beginning June first, one thousand nine hundred thirty-nine.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 392, (House Bill No. 291), entitled:

An Act to amend section one of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2681), entitled "An act relating to, and regulating the manufacture, storing, and possession of explosives; requiring permits for magazines, and prescribing permit fees; and providing penalties," by excluding from the provisions of said act explosives used in clay mining or in rock or stone quarries.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 397, (House Bill No. 546), entitled:

An Act to further amend section six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," by eliminating certain provisions relating to retirement age of a major general in command of the National Guard.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 399, (House Bill No. 576), entitled:

An Act to further amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-three (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," as amended, extending the time during which application may be filed for veterans' compensation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 402, (House Bill No. 639), entitled:

An Act to repeal certain obsolete acts relating to military history records and historical works.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 429, (House Bill No. 549), entitled:

An Act to amend section nine of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," as amended, by increasing clothing allowances and requiring a report by commanding officers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 433, entitled:

An Act to amend section seven of the act approved the eleventh day of May, one thousand nine hundred and five (P. L. 442), entitled "An act for the appointment and maintenance of a board, to be known as the Armory Board of the State of Pennsylvania, and for the payment of its expenses, and for providing, managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same; authorizing the State Armory Board to receive from counties, cities, municipalities and other sources donations or contributions for the purpose of this act," authorizing the Armory Board to accept donations and contributions from boroughs and townships, and authorizing boroughs and townships to make such donations and contributions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 473, entitled:

An Act to regulate the sale, storage, offering or exposing for sale of fireworks, defining commercial and display fireworks and providing for licensing and regulation of the manner of using fireworks; and providing license fees and penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Wednesday, April 12, 1939, at 1:00 o'clock, p. m.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:15 o'clock, p. m., until Wednesday, April 12, 1939, at 1:00 o'clock, p. m.

HOUSE OF REPRESENTATIVES

TUESDAY, April 11, 1939.

The House met at 1 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

O Jehovah, the Shepherd of Israel and the Father of all mankind, we turn to Thee as our God and give to Thee the grateful praises of our hearts. Grant us the conviction that we are in Thy holy presence; and that the chief end of man is to so glorify God as to enjoy Him throughout eternity. To us may life have a definite purpose and always be full of meaning.

May we abide so near Thee as to make us calm in the presence of difficulty, patient in the face of opposition, and possessed with a compelling strength when honor is at stake.

O God! revisit with the plagues of Egypt those that persecute Thy people. Call from some Midian desert some stammering Moses why by the hand of the Lord, shall bring all Thy people up out of the house of bondage of oppressive taxation; out of the wilderness of doubt and despair; across the insurmountable Red Sea of difficulty, into the promised land of liberty, equality, justice, and equal opportunity for all.

Be unto us a pillar of cloud by day and a pillar of fire by night to lead us in Thy way of righteousness.

In all things help us to yield to Jehovah the right of sovereignty and to accept the Divine law as the norm of our conduct.

In the name of the only perfect One, we make our prayer. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion by Mr. COOK, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. STOCKHAM and YEAKEL.

HOUSE BILL No. 1185.

An Act to further amend paragraph six of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes; defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by further defining State employe.

Referred to the Committee on State Government.

By Mr. FALKENSTEIN. HOUSE BILL No. 1186.

An Act prohibiting the dissemination of sketches concerning crime or of anything morally derogatory; and providing penalties.

Referred to the Committee on Judiciary Special.

By Mr. CHERVENAK. HOUSE BILL No. 1187.

An Act to further amend section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by providing for a State annuity for employes having thirty years of service and reaching the age of fifty-five years.

Referred to the Committee on Education.

By Mr. McNALLY. HOUSE BILL No. 1188.

An Act to further amend section two hundred three of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by further enlarging the powers of the board to make regulations concerning the sale and distribution of malt and brewed beverages.

Referred to the Committee on Liquor Control.

By Mr. GATES. HOUSE BILL No. 1189.

An Act to amend section six hundred and ten of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by authorizing the board of supervisors to pay dues assessed by the State association of township supervisors.

Referred to the Committee on Townships.

By Mrs. FAUSET. HOUSE BILL No. 1190.

A Joint Resolution proposing an amendment to section four, article nine of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mrs. FAUSET. HOUSE BILL No. 1191.

A Joint Resolution proposing an amendment to section six, article nine of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mrs. FAUSET. HOUSE BILL No. 1192.

An Act for promoting public health by requiring public toilets to be constructed so that the same may be operated by foot.

Referred to the Committee on Public Health and Sanitation.

By Messrs. HABBYSHAW and SARGE.
HOUSE BILL No. 1193.

An Act authorizing the Department of Property and Supplies with the approval of the Governor, to sell seven lots of ground with the messuages thereon, if any, and providing for the disposition of the proceeds derived as a result of sale of such lots.

Referred to the Committee on State Government.

By Mr. WESTRICK. HOUSE BILL No. 1194.

An Act to prohibit deductions from wages of employes for the payment of store bills for goods, wares and merchandise; declaring with certain exceptions, certain contracts, agreements and understandings, against public policy, and void; and providing penalties.

Referred to the Committee on Judiciary General.

By Mr. O'DARE. HOUSE BILL No. 1195.

An Act to amend section two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirteen (P. L. 965), entitled "An act defining commodities; regulating the sale thereof; and providing penalties for violation hereof", by changing certain requirements as to sales.

Referred to the Committee on Agriculture.

By Mr. TIEMANN. HOUSE BILL No. 1196.

An Act to fix the number of Representatives in the General Assembly of the state; and to apportion the State into representative districts, as provided by the Constitution.

Referred to the Committee on Apportionment.

By Mr. SNYDER. HOUSE BILL No. 1197.

An Act to amend section one thousand two hundred two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, by providing that any operator of a motor vehicle charged with violating certain provisions of the said act may post his operators license in lieu of bail and imposing additional duties upon the Department of Revenue.

Referred to the Committee on Motor Vehicles.

By Messrs. WAGNER and WEBSTER.
HOUSE BILL No. 1198.

An Act making an appropriation to aid certain school districts.

Referred to the Committee on Appropriations.

By Mr. TAHL. HOUSE BILL No. 1199.

An Act for the protection of the public's safety; further regulating the registration of motor vehicles and licensing the operators thereof; relating to the financial responsibility of owners and operators of motor vehicles and requiring operators and owners of motor vehicles to furnish proof of financial responsibility, as herein defined; regulating proof of financial responsibility; relating to rating bureaus and establishment of rates for owners and operators of motor vehicles; imposing duties upon the Insurance Commissioner, the Secretary of Revenue, and Rating Bureaus; and prescribing penalties.

Referred to the Committee on Motor Vehicles.

By Mr. FLEMING. HOUSE BILL No. 1200.

An Act authorizing all counties, cities, boroughs, incorporated towns, townships and institutions districts, to place their respective officers and employes in the State Employes' Retirement Association; prescribing the procedure to be followed and authorizing a special tax to pay the expenses incident thereto; placing certain duties upon the State Treasurer and the fiscal officers of the said municipal units; prohibiting the future establishment of local pension or retirement systems and providing in certain cases for the discontinuance of existing ones.

Referred to the Committee on Municipal Corporations.

By Mr. MUIR. HOUSE BILL No. 1201.

An Act to amend section one of the act approved the fifteenth day of May, one thousand nine hundred and thirty-three, (P. L. 796), entitled "An act providing for the preservation of the records of banks, bank and trust companies, trust companies, savings banks, and private banks; and imposing penalties for violations," to permit the preservation of photographs or photostatic copies.

Referred to the Committee on Banking.

By Mr. SNYDER. HOUSE BILL No. 1202.

An Act to amend the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor,

and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations;" by authorizing injonctions against persons operating without license; exempting certain dealers from the requirement to file bond; making certain reports mandatory; enlarging the powers and duties of the commission; encouraging and providing for certain contracts between producers and dealers under prescribed conditions and subject to the approval of the commission: eliminating the requirement for the approval by the Governor of certain orders; authorizing and providing for the equalization of the return or prices to be paid to producers in markets where producers' prices are based on utilization; and changing procedure and practice on, and the right to appeal.

Referred to the Committee on Dairy Industries.

By Messrs. HABBYSHAW and DAVID P. REESE.
HOUSE BILL No. 1203.

An Act making an appropriation to the Department of Justice for the purpose of defraying expenses heretofore or hereafter incurred by any county, or department, in connection with, or incidental to, any grand jury investigation or trial of State officers, or former State officers, and others.

Referred to the Committee on Judiciary Special.

By Mr. HALL. HOUSE BILL No. 1204.

An Act to amend sections two, three, four, five and six of the act, approved the eighth day of April, one thousand nine hundred thirty-seven (P. L. 258), entitled "An act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof; declaring void certain condemnations and appropriations of waters by municipalities, corporations, copartnerships or persons; providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities, corporations, copartnerships or persons, and appeals therefrom; conferring jurisdiction on the court of common pleas of Dauphin County in relation thereto; providing for future condemnations and appropriations of waters by and allocation of waters to municipalities, corporations, copartnerships or persons, and for compensation for waters hereafter to be taken for public water supply purposes; and conferring powers and imposing duties upon the Water and Power Resources Board," exempting riparian owners in certain cases from the provisions of said act; changing the provisions of said act which declare void certain condemnations and appropriations of waters; and further regulating the condemnation appropriation and acquisition of streams and waters by municipalities, corporations, quasi municipal corporations, districts, authorities, partnerships and persons.

Referred to the Committee on Forestry.

By Mr. FALKENSTEIN. HOUSE BILL No. 1205.

An Act to compel hospitals, colleges, homes, and other institutions receiving State-aid, to use coal mined in this Commonwealth.

Referred to the Committee on Mines and Mining.

By Mr. LEE. HOUSE BILL No. 1206.

An Act to further amend section one of the act approved the twenty-fourth day of June, one thousand nine hundred and nineteen, (P. L. 579), entitled "An act to fix the salary and mileage of the members of the General Assembly, and to provide for the furnishing of such postage, stationery, and supplies, as may be necessary for the conduct of their offices; and repealing all acts or parts of acts inconsistent therewith," by increasing the compensation of members of the General Assembly.

Referred to the Committee on State Governmnet.

By Mr. HAINES. HOUSE BILL No. 1207.

An Act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority, for the use and occupancy by such college of the various projects, structures, buildings and facilities of the Authority, or for the services rendered by the Authority or its projects.

Referred to the Committee on Appropriations.

By Mr. McNALLY. HOUSE BILL No. 1208.

An Act to amend and re-enact section five hundred and twenty-four of an act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistant therewith," as amended, by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class.

Referred to the Committee on Education.

By Messrs. KOWALSKI and KANE.
HOUSE BILL No. 1209.

An Act requiring the registration and licensing of anthracite coal mines; requiring the filing of a bond for the compliance with the laws regulating such industry, and the filing of proof of title or lawful authority from the owners of such property for the operation thereof, and the filing of plans of operation, and providing penalties.

Referred to the Committee on Mines and Mining.

By Messrs. HERFERD M. WOOD and KANE.
HOUSE BILL No. 1210.

An Act requiring the registration and licensing of bituminous coal mines; requiring the filing of a bond for the compliance with the laws regulating such industry, and the filing of proof of title or lawful authority from the owners of such property for the operation thereof, and the filing of plans of operation, and providing penalties.

Referred to the Committee on Mines and Mining.

By Mr. KANE. HOUSE BILL No. 1211.

An Act to amend section two of the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2772), entitled "An act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein, and to make copies of such records available upon payment of prescribed fees; and providing fees and penalties." creating a special fund in the State Treasury to be known as the Topographic and Geologic Survey Fund; providing for the transfer of certain moneys into said fund, by the State Treasurer, and for the payment of moneys to, and the requisition of moneys from said fund by the Bureau of Topographic and Geologic Survey in the Department of Internal Affairs.

Referred to the Committee on Mines and Mining.

By Mr. KANE. HOUSE BILL No. 1212.

An Act providing for the refund of certain moneys by the Pennsylvania Turnpike Commission to the Department of Internal Affairs for the payment of salaries of employes heretofore or hereafter loaned to the said commission.

Referred to the Committee on State Government.

By Mr. KANE. HOUSE BILL No. 1213.

An Act providing that certain moneys heretofore appropriated to the Department of Internal Affairs, for the completion of certain geologic and topographic surveys and studies, and the publication of the results thereof, and the republication of certain surveys and studies shall not lapse at the end of the present biennium, but shall be available for such purposes for the biennium commencing June first, one thousand nine hundred and thirty-five.

Referred to the Committee on Appropriations.

By Mr. HAINES. HOUSE BILL No. 1214.

An Act making an appropriation to the Trustees of the Pennsylvania State College, for the use of the School of Mineral Industries.

Referred to the Committee on Appropriations.

By Messrs. SCHROCK and KLINE.
HOUSE BILL No. 1215.

An Act making an appropriation to the Department of Welfare, to pay for the care, treatment, removal, and maintenance of the indigent insane in county and institution district hospitals.

Referred to the Committee on Appropriations.

By Mr. FALKENSTEIN. HOUSE BILL No. 1216.

An Act to amend clauses (a) and (d) and to add clause (f) to section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by changing the qualifications of children and others for assistance.

Referred to the Committee on Welfare.

By Mr. HESS. HOUSE BILL No. 1217.

An Act to amend section two thousand seven hundred twenty-two, of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by giving school districts power to acquire and maintain property jointly with other school districts, boroughs, cities or counties for certain purposes.

Referred to the Committee on Boroughs.

By Mr. FALKENSTEIN. HOUSE BILL No. 1218.

An Act to promote the welfare of the people of the Commonwealth, creating the Pennsylvania Mining Authority as a public body corporate and politic with power to buy, sell, and store surplus coal, and to promote the by-products of coal; authorizing and regulating the issuance of bonds by said authority; and providing for the payment of such bonds and the rights of the holders thereof; granting the right of eminent domain; and providing that no debt of the Commnowealth shall be incurred in the exercise of any of the powers granted by this act.

Referred to the Committee on Mines and Mining.

By Mr. ROSENFELD. (By request).
HOUSE BILL No. 1219.

An Act to further amend section four hundred one of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15-1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," allowing club licensees to sell malt or brewed beverages off the premises at certain picnics and banquets; requiring permits therefor; and providing a fee.

Referred to the Committee on Liquor Control.

By Messrs. SETH W. BROWN and KANE.
HOUSE BILL No. 1220.

An Act making an appropriation to the Department of Mines, to be used at the discretion of the Secretary of Mines, for the purpose of conducting or procuring research work leading to the development of new, increased and more convenient use of anthracite coal, requiring the approval of such appropriation in certain cases, and requiring an accounting of the expenditure of said fund to the General Assembly the State Treasurer, and the Governor of the Commonwealth.

Referred to the Committee on Appropriations.

By Mr. KANE. (By request). HOUSE BILL No. 1221.

An Act relating to the Anthracite Industry; creating the Pennsylvania Anthracite Commission; establishing its jurisdiction, powers and duties; providing for an Anthracite Producers' Advisory Board; regulating the production and marketing of anthracite within the Commonwealth; assigning production quotas to producers of anthracite; fixing minimum prices for the sale of anthracite by producers; prescribing standards of sizing, purity and grading for anthracite; levying a tax on anthracite for administration expenses of such Commission and for the promotion of the sale of anthracite, and the development of anthracite burning devices and additional uses for anthracite; eliminating unfair discrimination in wage and hour standards in anthracite mining operations; authorizing and permitting producers to organize and operate cooperative marketing organizations and corporations within the Commonwealth for the collective marketing of anthracite; providing for the licensing of anthracite producers and for the granting, refusal, suspension and revocation of such licenses; providing for appeals to the courts of the Commonwealth from the orders of said Commission; creating a special fund in the State Treasury into which the taxes, fees, fines and penalties arising under the Act are to be

paid; appropriating the monies in said fund and making a temporary appropriation to said fund; and providing penalties and remedies for violations of the provisions of the Act and the rules, regulations and orders of the Commission.

Referred to the Committee on Mines and Mining.

By Mr. ROSENFELD. HOUSE BILL No. 1222.

An Act prohibiting life insurance companies from entering into certain agreements with brokers, agents, and solicitors; providing certain exceptions; and conferring powers and imposing duties upon the Insurance Commissioner.

Referred to the Committee on Insurance.

By Mr. ROSENFELD. HOUSE BILL No. 1223.

An Act prohibiting unlicensed persons from doing certain acts and giving certain advice relative to insurance; and providing certain exceptions.

Referred to the Committee on Insurance.

By Mr. ROSENFELD. HOUSE BILL No. 1224.

An Act providing for the licensing of life insurance brokers, agents and solicitors; prohibiting operation without license; and conferring powers and imposing duties upon the Insurance Commissioner.

Referred to the Committee on Insurance.

By Mr. REUBEN E. COHEN. HOUSE BILL No. 1225.

An Act to further amend clause (f) of section twelve of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge, and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by extending provisions to all estates under five hundred dollars whether or not letters have been issued or a will probated.

Referred to the Committee on Judiciary General.

By Mr. BOHN. HOUSE BILL No. 1226.

An Act to amend sections four thousand three hundred four and four thousand three hundred twenty-three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revisng, and consolidating the law relating thereto," removing causes for forfeiture of rights in fund; and providing for payment of balance in fund in case of death.

Referred to the Committee on Cities—Third Class.

By Mr. BOHN. HOUSE BILL No. 1227.

An Act authorizing the courts of common pleas to appoint standing masters in divorce within their respective jurisdictions; fixing the salaries of such masters, and providing for the payment thereof.

Referred to the Committee on Judiciary General.

By Mr. KEENAN. HOUSE BILL No. 1228.

An Act to repeal the act, approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1513), entitled "An act regulating the construction, equipment, maintenance, operation and inspection of boilers; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," and the amendments thereto, in so far as they are applicable to cities of the second class.

Referred to the Committee on State Government.

By Mr. HOLLAND. HOUSE BILL No. 1229.

An Act to amend section three of Article nineteen of the act approved the seventh day of March, one thousand nine hundred and one, (P. L. 20), entitled "An act for the government of cities of the second class," providing for the establishment of building lines along streets and alleys; and postponing the time for the payment of damages on account thereof.

Referred to the Committee on Cities—Second Class.

By Mr. SEIF. (By request) HOUSE BILL No. 1230.

An Act to further amend section twenty of the act, approved the seventh day of June, one thousand nine hundred and fifteen, (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five and providing penalties for violations of this act," requiring expense of birth and death registration to be paid by the Commonwealth, and relieving counties from such expense.

Referred to the Committee on State Government.

By Mr. FLEMING. HOUSE BILL No. 1231.

An Act to amend clause (b) of section seventeen of, and to add section thirty-five and one-tenth to the act,

approved the twenty-fifth day of May, one thousand nine hundred thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing their powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," requiring the commission to provide for registrars to sit in each ward on a certain day prior to election in every even numbered year, and to post daily outside of their office certain changes made on the registers.

Referred to the Committee on Elections.

By Mr. FLEMING. HOUSE BILL No. 1232.

An Act regulating the appointment, promotion, suspension, reduction and reinstatement of employees, (except superintendent of police and assistant superintendent of police) in bureaus of police, detectives, signal operators, assistant signal operators, police telephone operators, police radio operators and assistant radio operators, police women and police matrons in cities of the second class; defining the powers and duties of civil service commissions for such purpose in said cities; and repealing inconsistent legislation.

Referred to the Committee on Cities—Second Class.

By Mr. FLEMING. (By request).
HOUSE BILL No. 1233.

An Act to amend section 873 of the act approved the second day of May one thousand nine hundred and twenty-nine, (Pamphlet Laws twelve hundred and seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes, and revising, amending and consolidating the laws thereto;" providing roads to be county roads as soon as so determined, and further providing for the repair, construction and maintenance of such roads within the limits of boroughs and cities.

Referred to the Committee on Counties.

By Mr. FLEMING. (By request).
HOUSE BILL No. 1234.

An Act authorizing counties of the second class to acquire property and erect thereon maintenance warehouses for roads, highways, bridges and tunnels, by purchase or the exercise of the right of eminent domain; providing for the acquiring of fee simple title thereto, and the issuance of bonds therefor.

Referred to the Committee on Cities—Second Class.

By Mr. BARDES (By request). HOUSE BILL No. 1235.

An Act to further amend section one thousand one hundred three, Article eleven, of the act, approved the first day of May, one thousand nine hundred and twenty-nine, (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds;" giving local authorities power to attach motor vehicles or their cargoes in the collection of fines and costs for motor vehicle violations.

Referred to the Committee on Motor Vehicles.

By Mr. BARDES. (By request). HOUSE BILL No. 1236.

An Act to further amend section fourteen of the act, approved the thirty-first day of March, one thousand eight hundred and seventy-six (P. L. 13), entitled "An act to carry into effect section five, of article fourteen of the Constitution, relative to the salaries of county officers and the payment of fees received by them into the State or county treasury, in counties containing over one hundred and fifty thousand inhabitants," by increasing the salary of the county controller.

Referred to the Committee on Counties.

By Mr. BARDES. (By request). HOUSE BILL No. 1237.

An Act to further amend section eleven of the act, approved the twentieth day of May, one thousand nine hundred twenty-one (P. L. 1006), entitled "An act relating to certain county officers in counties of the fifth class; providing for their salaries, and the compensation of deputies and clerks in the respective county offices; establishing a salary board, and defining its powers and duties; placing certain duties on the county commissioners, county controllers, and county auditors; requiring the payment into the respective county treasury of the fees of such county officers; and providing penalties for violation of this act," by increasing the salary of the county controller.

Referred to the Committee on Counties.

By Mr. BARDES. (By request). HOUSE BILL No. 1238.

An Act to amend section one of the act, approved the third day of May, one thousand nine hundred and twenty-seven (P. L. 516), entitled "An act fixing the salaries of the county controller, recorder of deeds and clerk of courts in counties of the third class," by increasing the salary of the county controller.

Referred to the Committee on Counties.

By Mr. BARDES. (By request) HOUSE BILL No. 1239.

An Act to fix the salary of the county controller in counties of the sixth class.

Referred to the Committee on Counties.

By Mr. BARDES. (By request). HOUSE BILL No. 1240.

An Act to amend section one of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-nine (P. L. 1767), entitled "An act to fix the salaries of certain county officers in counties of the second class," by increasing the salary of the county controller.

Referred to the Committee on Cities—Second Class.

By Mr. CHRISTLER. (By request).

HOUSE BILL No. 1241.

An Act to amend section three hundred ten of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institutions districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," defining the powers and duties of the county controller in respect to institution districts.

Referred to the Committee on Counties.

By Mr. CHRISTLER. (By request).

HOUSE BILL No. 1242.

An Act to amend Section Seven of the Act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (Pamphlet Laws, seven hundred twenty), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the motor license fund for the purposes of this act," as last amended by the Act of June 25, 1937, Pamphlet Laws, two thousand three hundred and twenty.

Referred to the Committee on Highways.

By Mr. JACOB L. MOSER. HOUSE BILL No. 1243.

An Act making an appropriation to the Department of Welfare for the payment of claims against the Commonwealth arising from construction contracts at the Coaldale State Hospital which have been cancelled.

Referred to the Committee on Appropriations.

By Mr. JACOB L. MOSER. HOUSE BILL No. 1244.

An Act making an appropriation to the Department of Welfare to pay any claims against the Commonwealth for improvement to State property at the Western Penitentiary at Rockview.

Referred to the Committee on Appropriations.

By Mr. SETH W. BROWN. HOUSE BILL No. 1245.

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

Referred to the Committee on Appropriations.

By Mr. SETH W. BROWN. HOUSE BILL No. 1246.

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

Referred to the Committee on Appropriations.

By Messrs. COOK and VAN ALLSBURG.

HOUSE BILL No. 1247.

An Act regulating the importation, purchase and sale of wine; licensing certain distributors and importers of wine; providing license fees authorizing certain persons to sell wine in certain quantities off premises; and conferring powers and imposing duties upon the Pennsylvania Liquor Control Board.

Referred to the Committee on Liquor Control.

By Mr. McKINNEY. HOUSE BILL No. 1248.

An Act to amend section one of the act approved the thirteenth day of April, one thousand eight hundred and sixty-seven, (P. L. 78), entitled "An act for the relief of wives and children, deserted by their husbands and fathers, within this Commonwealth;" designating the counties in which prosecutions may be brought.

Referred to the Committee on Judiciary Special.

By Mr. THISTLE. HOUSE BILL No. 1249.

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

Referred to the Committee on Appropriations.

By Mr. McKINNEY. HOUSE BILL No. 1250.

An Act to amend section two of the act approved the twelfth day of July, one thousand nine hnudred and nineteen, (P. L. 939), entitled "An act making it a misdemeanor for a husband or father to desert or neglect to support his wife or children; prescribing a penalty therefor; and making the wife or any person having the care custody or control of minor children a competent witness;" designating the counties in which proescutions may be brought.

Referred to the Committee on Judiciary Special.

By Mr. McKINNEY. HOUSE BILL No. 1251.

An Act abolishing taxes on salaries and emoluments of office, offices, posts of profit, professions, trades and occupations, and on persons over the age of twenty-one years who do not follow any occupations or calling, and poll taxes, as well as assessments therefor; and repealing laws imposing such taxes.

Referred to the Committee on Municipal Corporations.

By Mr. LICHTENWALTER. HOUSE BILL No. 1252.

An Act making appropriations for aid to free public nonsectarian county libraries, and for the purchase and transportation of books.

Referred to the Committee on Appropriations.

By Mr. BOWER. HOUSE BILL No. 1253.

A Supplement to the act ,approved the eighth day of June, one thousand nine hundred twenty-three (Pamphlet Laws, six hundred eighty-five) entitled, "An act prescribing the fees for the office of the Secretary of the Commonwealth," as amended, providing for additional fees to be charged and collected by the Department of State.

Referred to the Committee on State Government.

By Mr. CARPENTER. HOUSE BILL No. 1254.

An Act to amend clause (b) of section twenty-three of the act approved the third day of May, one thousand nine hnudred and thirty-three (P. L. 252), entitled, as amended, "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalties and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political sub-divisions of the State, and election officers; providing penalties; and repealing existing acts;" allowing licensees to sell malt or brewed beverages certain hours on Sunday subject to local referendum.

Referred to the Committee on Liquor Control.

By Mr. CARPENTER. HOUSE BILL No. 1255.

An Act to further amend section four hundred eleven of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended, "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State governmeent, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverage into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties;" allowing licensees to sell liquor and malt or brewed beverages certain hours on Sunday subject to local referendum.

Referred to the Committee on Liquor Control.

By Mr. LICHTENWALTER. HOUSE BILL No. 1256.

An Act to amend subdivision (b) of article three of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth fifth, sixth, seventh and eighth classes: and revising, amending and consolidating the laws relating thereto," providing for a State association for recorders of deeds, and allowing expenses in attending annual meetings.

Referred to the Committee on Counties.

By Mr. BALLIET. HOUSE BILL No. 1257.

An Act to amend the title, Section 1, as amended, and Sections 5, 11, 12, 13, 14, 16, 17, 18, 20, 21, and 22 of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen, (P. L. 587), entitled "An act to protect the public health by regulating the manufacture, preparation, handling, storage, sale, transportation, and possession of meat and meat-food products; prescribing the powers and duties of the State Livestock Sanitary Board incidental thereto," by transferring administration of the act to the Department of Agriculture; defining "Department;" and changing penalties.

Referred to the Committee on Agriculture.

By Mr. CORTESE. HOUSE Bill No. 1258.

An Act to repeal section ten of the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 480), entitled "An act relating to tax assessments in counties of the first class; conferring powers and imposing duties on the board of revision of taxes, and its agents and employes, and repealing general, local and special laws."

Referred to the Committee on Cities—First Class.

By Mr. CORTESE. HOUSE BILL No. 1259.

An Act requiring certain taxes of the political subdivisions in counties of the first class to be stricken from the records and prohibiting such taxes from being included in the computation of the solvent debts of such political subdivisions.

Referred to the Committee on Cities—First Class.

By Mr. WOODSIDE. HOUSE BILL No. 1260.

An Act to further amend section three of the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," excluding proceeds of life insurance policies from the provisions thereof.

Referred to the Committee on Ways and Means.

By Mr. WOODSIDE. HOUSE BILL No. 1261.

An Act to further amend section two hundred forty-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight), entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes, and revising, amending and consolidating the laws relating thereto," fixing the salary and qualifications of the district attorney.

Referred to the Committee on Judiciary Special.

By Mr. WOODSIDE. HOUSE BILL No. 1262.

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," excluding proceeds of life insurance policies from the provisions thereof.

Referred to the Committee on Ways and Means.

By Messrs. CORTESE and RHODES.

HOUSE BILL No. 1263.

An Act requiring cities of the first class to pay portions of their compensation heretofore withheld to certain officers and men employed and paid by such cities.

Referred to the Committee on Cities—First Class.

By Mr. HAINES. HOUSE BILL No. 1264.

An Act to further amend section two of the act, approved the twenty-second day of July, one thousand nine hundred and thirteen (P. L 912), entitled "An act providing for the payment of the costs incurred in the trial of convicts and prisoners escaping, or attempting to escape, from the several penitentiaries and reformatories of the Commonwealth of Pennsylvania, by the respective counties from whose courts the said escaping convicts or prisoners have been committed; and providing for the maintenance of such convicts under sentence for escape, et cetera," by imposing all costs thereunder upon the Commonwealth.

Referred to the Committee on Judiciary Special.

By Mr. HABBYSHAW. HOUSE BILL No. 1265.

An Act to amend the title and to further amend section one of the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-one (P. L 1364), entitled "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines; and providing a penalty," by including the use of other fraudulent methods and artifices to procure the operation of such instruments or machines.

Referred to the Committee on Judiciary Special

By Mr. McCLESTER. HOUSE BILL No. 1266.

An Act making an appropriation to the State Treasurer for the payment of costs in the matter of a contested election in Butler County, Pennsylvania.

Referred to the Committee on Appropriations.

RESOLUTION INTRODUCED AND REFERRED

By Mr. WEISS. RESOLUTION No. 67.

In the House of Representatives, April 10, 1939.

Whereas, Pennsylvania is in need today of approximately 3,800 additional hospital beds for tuberculosis sufferers in order to reach the standard of two beds per death; and

Whereas, The new sanatorium in Butler County was planned for 550 beds and new accommodations at Mount Alto and Hamburg are to provide 738 additional sanatorium beds, or a total of 1,288 beds, which represents only one-third of the 3,800 additional beds Pennsylvania needs; and

Whereas, There are approximately 44,000 cases of tuberculosis in Pennsylvania at the present time, and at a conservative estimate, at least 12,000 of these are in need of hospital treatment; and

Whereas, There is a dire need for provision for additional hospital beds for tuberculosis victims; and

Whereas, The Western Pennsylvania Tuberculosis Sanatorium at Butler, costing taxpayers of this Commonwealth in excess of $2,500,000 is now nearing completion; and

Whereas, The Governor recently resommended to the Legislature in his budget message that the sanatorium be not opened for two years; therefore be it

Resolved, That this House of Representatives respectfully petition Governor Arthur H. James and his Secretary of Health to reconsider the needs of the State's tuberculosis victims and that a sufficient amount be included in the budget for the opening and operation of the Western Pennsylvania Sanatorium, the only institution of its kind in this section of the Commonwealth; and be it further

Resolved, That copies of this resolution be sent the Governor, the Secretary of Health of the Commonwealth of Pennsylvania, and to state and county tuberculosis associations of Pennsylvania.

Referred to the Committee on Appropriations.

REPORTS FROM COMMITTEES

Mr. CLEARWATER from the Committee on Cities—First Class reported as committed, House Bill No. 952, entitled:

An Act to repeal the act, approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (P. L. 2123), entitled "An act imposing upon the Board of Revision of Taxes in cities of the first class the duty of reading water meters; authorizing the employment of assistants for the performance of such duties; fixing the salaries of such assistants; and repealing inconsistent acts."

Mr. TAYLOR from the Committee on Insurance reported as committed, House Bill No. 1117, entitled:

An Act to further amend section three hundred twenty-one of the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws, six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges; including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by redefining deductions in case of reinsurance.

Mr. TIEMANN from the Committee on Cities—First Class reported as committed, House Bill No. 738, entitled:

An Act to further amend sections one, two, three, four and five of the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (P. L. 1032), entitled "An act providing for the abatement of nuisances caused by the improper grading or defective paving or encroaching fences in alleys, in cities of the first class; for the establishment of lines and grades for, and the grading, paving, or repaving of, said alleys, and the grading of private alleys hereafter laid out; and for apportioning the cost, and for the filing of liens therefor," by extending the provisions of said act to retaining walls.

Mr. BOYD from the Committee on Cities—First Class reported as committed, House Bill No. 1037, entitled:

An Act to further amend sections two and twelve of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1518), entitled as amended, "An act regulating the construction, equipment, maintenance, operation and inspection of elevators; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing fees for inspection of elevators, certificates of operation, and approval of plans; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," by making said act inapplicable to elevators located in cities of the first class, and prescribing the time for the registration of elevators.

Mr. COOPER from the Committee on Judiciary General reported as committed, House Bill No. 471, entitled:

An Act to amend section three of the act, approved the twelfth day of June, one thousand nine hundred and seventeen (P. L. 461), entitled "An act to provide for the removal or retirement of judges of the Supreme, Superior, common pleas, orphans', municipal, and county court,

permanently disqualified by reason of physical or mental disability to perform their regular judicial functions or duties, and providing for the payment of compensation to them during the balance of the term for which they may have been elected, and, in certain cases, for the remainder of their lives after resignation or retirement, and for filling the vacancies caused thereby, providing for judges who have been retired or who may have retired or resigned under provisions of previous acts or otherwise; and repealing certain acts," by providing compensation for such judges who have served ten years on the bench.

Mr. McVAY from the Committee on Judiciary Special reported as committed, House Bill No. 726, entitled:

An Act to amend the title and section one of the act, approved the fifteenth day of April, one thousand nine hundred and seven (P. L. 62), entitled "An act providing that in certain cases defendants may enter pleas of guilty, and be sentenced forthwith, without a bill of indictment being presented to a grand jury," extending the same to cases where pleas of not guilty are entered.

Mr. BOOSE from the Committee on Insurance reported as committed, House Bill No. 919, entitled:

An Act to further amend section four hundred four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws;" by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth.

Mr. TAHL from the Committee on Cities—First Class reported as committed, House Bill No. 868, entitled:

An Act to repeal the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2778), entitled "An act providing that all appointments made by the county commissioners in counties of the first class shall be divided between the majority and minority commissioners."

Mr. TWISTLE from the Committee on Cities—First Class reported as committed, House Bill No. 947, entitled:

An Act to repeal the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 475), entitled "An act to amend the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred eighty-one), entitled 'An act for the better government of cities of the first class of this Commonwealth,' by abolishing the department of receiver of taxes, and transferring its powers and duties to the department of city treasurer; and abolishing the office of receiver of taxes."

Mr. CALVIN from the Committee on Judiciary General reported as committed, House Bill No. 710, entitled:

An Act relating to unlawful practices in the procurement of retainers for attorneys.

Mr. O'DARE from the Committee on Cities—First Class reported as committed, House Bill No. 783, entitled:

An Act to amend section thirty-seven of the act, approved the fifteenth day of June, one thousand nine hundred and thirty-seven (P. L. 1743), entitled "An act relating to magistrates and magistrates' courts in the city of Philadelphia; imposing certain duties upon, and prohibiting certain practices by, magistrates; imposing certain duties on the city controller in regard thereto; authorizing the employment by him of additional clerks and fixing their compensation; regulating the practice in magistrates' courts, the entering of bail, and the issuance of discharges in criminal cases in the county of Philadelphia; conferring certain powers over magistrates and magistrates' courts, and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the county of Philadelphia; providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates; fixing salaries of persons employed by authority of this act; providing penalties for violations of the provisions thereof; and repealing certain prior acts," fixing the salary of the chief clerk of the board of magistrates.

Mr. ANDREWS from the Committee on Education reported as committed, House Bill No. 559, entitled:

An Act to reenact and further amend section two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the election of school directors in school districts made up of two or more cities, boroughs, incorporated towns, or townships or any combination thereof.

Mr. WEISS from the Committee on Judiciary General reported as committed, House Bill No. 95, entitled:

An Act authorizing the sale of real estate under a judgment obtained on a tax claim or claims to be made by the sheriff, free and clear of tax and municipal claims, for a sum less than the total amount of delinquent tax and municipal claims, under certain conditions, and providing for the distribution of the sum realized upon such sales and for the procedure in such cases.

Mr. ACKERMANN from the Committee on Liquor Control reported as committed, House Bill No. 924, entitled:

An Act to further amend clause (a) of section two hundred one of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties;" by eliminating the provision requiring the approval of purchases by the Auditor General.

Mr. BOORSE from the Committee on Municipal Corporations reported as committed, House Bill No. 305, entitled:

An Act relating to fireworks; defining fireworks; prohibiting the sale, offering or exposing for sale and use of fireworks, except in certain cases; authorizing cities, bor-

oughs, towns and townships to issue permits for fireworks displays and to regulate the same; imposing duties on the Pennsylvania Motor Police, sheriffs, police officers and constables; and providing penalties.

Mr. WILKINSON from the Committee on Municipal Corporations reported as committed, House Bill No. 755, entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto, and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections, and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective, to cure such defective publication of sale notices and validate the sale thereof.

Mr. CORTESE from the Committee on Cities—First Class reported as amended, House Bill No. 193, entitled:

An Act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class; providing for the appointment of members of the board of revision of taxes by the judges of the courts of common pleas; providing for the appointment by the board of personal property assessors, real estate assessors and assistant real estate assessors, clerks and other employes; fixing the salaries of members of the board assessors and assistant assessors and providnig for the payment of salaries and expenses from the county treasury; prescribing the powers and duties of the board and of the assessors, the time and manner of making assessments, of the revision and notice of assessments and of appeals therefrom; prescribing the records of assessments; and repealing existing laws.

Mr. BOWER from the Committee on Insurance reported as amended, House Bill No. 1063, entitled:

An Act to add section six hundred twenty-one and one-tenth to and to further amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining and regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers.

Mr. VOORHEES from the Committee on Federal Relations reported as committed, House Resolution No. 28.

ANNOUNCEMENT

A Republican caucus in the House Caucus Room during the recess.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 2:30 p. m. Are there objections? The Chair hears none and declares a recess until 2:30 p. m.

AFTER RECESS

The House reconvened at 2:30 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

The SPEAKER. The Chair requests the gentleman from Venango, Mr. McKinney, to preside.

MR. McKINNEY IN THE CHAIR.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 616, entitled:

An Act to amend the first paragraph of section two thousand four hundred fifteen of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" so as to permit the purchase of sewers and culverts and their appliances belonging to other townships and municipal corporations

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 762, entitled:

An Act to amend subdivision heading (i) of article eleven, and section one thousand one hundred forty, of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto;" authorizing the township supervisors to accept lands dedicated by deed to the township for highway purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1068, entitled:

An Act to further amend section five hundred thirty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by changing the method of filling vacancies in boards of commissioners

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1165, entitled:

An Act to further amend section four of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (Pamphlet Laws five hundred ninety-six) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" allowing pensions to certain persons heretofore or hereafter dismissed

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 890, entitled:

An Act to amend section one thousand and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" limiting the number of days for the completion of audits in townships of the first class

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 822, entitled:

An Act to amend section two thousand twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by permitting public roads to be less than thirty-three feet in width

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 285, entitled:

An Act to amend section five hundred twenty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by providing for the election of auditors

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 733, entitled:

An Act defining the civil service status of certain persons employed by fire departments in cities of the second class

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 765, entitled:

An Act to regulate the salaries of tipstaves in the County Court of Allegheny County

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 840, entitled:

An Act to amend Clause I of section one thousand five hundred two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by changing regulations as to advertising of certain ordinances

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 821, entitled:

An Act to amend section seven hundred three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by providing for the compensation paid to township commissioners

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 592, entitled:

An Act to further amend section four hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" further regulating the creation and abolition of wards

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

The SPEAKER (Ellwood J. Turner) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Venango, Mr. McKinney.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 664, as follows:

An Act suspending the taking effect of certain laws with respect to transportation reimbursement to school districts of the Commonwealth for tuition transportation vocational education and employment of certain employes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The taking effect of laws relating to transportation reimbursement to school districts of the Commonwealth for tuition transportation vocational education and employment of certain employes are hereby suspended as follows

(a) The taking effect of the mandatory requirement that school districts of the fourth class and school districts of the third class located wholly within the boundary lines of a township shall furnish transportation to children residing within said districts after the first day of July one thousand nine hundred and thirty-nine in accordance with the provisions of section one thousand four hundred and eighteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) as last amended by section four of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2583) and section seven of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2560) is hereby suspended until the first day of July one thousand nine hundred and forty-one

(b) The schedule for reimbursement of school districts of this Commonwealth for tuition as provided in section one thousand seven hundred and eleven A of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) added by section thirty-eight of the act approved the twenty-ninth day of

May one thousand nine hundred and thirty-one (Pamphlet Laws 243) shall continue in force and effect until the first day of June one thousand nine hundred and forty-one and the provisions of the amended schedule of reimbursement for tuition as provided by section one of the act approved the seventh day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 564) are hereby suspended to take effect for reimbursements first payable during the biennium beginning the first day of June one thousand nine hundred and forty-one on account of tuition expenditures by the school districts for the school year one thousand nine hundred forty one thousand nine hundred forty-one

(c) The schedule for reimbursement of school districts of this Commonwealth for transportation as provided in section one thousand four hundred and six of the act approved the eighteenth day of May one thousnad nine hundred and eleven (Pamphlet Laws 309) as amended by section thirty-four of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) shall continue in force and effect until the first day of June one thousand nine hundred and forty-one and the provisions of the amended schedule of reimbursement for transportation as provided by section two of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2583) section eight of the act approved the thirteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 605) are hereby suspended to take effect for reimbursements first payable during the biennium beginning the first day of June one thousand nine hundred and forty-one on account of transportation expenditures of the school districts for the school year one thousand nine hundred forty one thousand nine hundred forty-one

(d) The schedule for reimbursement of school districts of this Commonwealth for transportation as provided by section four of the act approved the eighteenth day of June one thousand nine hundred and nineteen (Pamphlet Laws 498) as amended by section four of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 634) shall continue in force and effect until the first day of June one thousand nine hundred and forty-one and the provisions of the amended schedule of reimbursement for transportation as provided by section one of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2589) are hereby suspended to take effect for reimbursements first payable during the biennium beginning the first day of June one thousand nine hundred and forty-one on account of transportation expenditures as therein provided for the school year one thousand nine hundred forty one thousand nine hundred forty-one

(e) The taking effect of the schedule of reimbursement to school districts of this Commonwealth for vocational education as provided in subsections (c) (d) (e) (f) and (g) of section nine of the act approved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws 138) as added by section seven of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2548) is hereby suspended until the first day of June one thousand nine hundred forty-one on account of expenditures for the school year one thousand nine hundred forty one thousand nine hundred forty-one Provided That the provisions of section nine of said act as amended by section three of the act approved the twenty-sixth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 176) shall continue in force and effect until the first day of June one thousand nine hundred and forty-one except as further amended by subsection (a) and (b) of section nine of said act as added by section seven of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2548)

(f) The effective date of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2592) insofar as said act relates to supervisors of special education is hereby suspended to take effect the first day of July one thousand nine hundred and forty-one

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 864, entitled:

An Act to amend clause (b) of section six hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" authorizing county commissioners as poor directors of independent poor districts to issue and negotiate bonds of such districts to pay obligations and refund bonds thereof and to levy taxes to pay interest and sinking fund charges on bonds of such districts

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (b) of section six hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" is hereby amended to read as follows

Section 602

* * * * *

(b) If an independent poor district has any outstanding obligations the commissioners as poor directors of the district shall receive from the municipality or municipalities and they shall pay to the commissioners any moneys transferred or any money realized by the municipality or municipalities from any property transferred and vested by this section not however exceeding the amount of such obligations and the commissioners shall apply such sums to meet the obligations of the independent poor district The commissioners as poor directors of the independent poor district shall have the power to levy and collect annu-

ally a special tax within the former independent poor district for the payment of such obligations not otherwise paid for and for the payment of interest and sinking fund charges on bonds of the independent poor district heretofore or hereafter issued The commissioners as poor directors of the independent poor district shall also have the power with the approval of the Department of Internal Affairs in the manner provided by law to issue and negotiate bonds of the independent poor district to raise funds for the payment of the obligations of the poor district and for the refunding of outstanding bonds issued by it Such bonds shall be issued and sold in the manner provided by law for bonds of municipalities

On the question,

Will the House agree to the section?

Mr. FRANK S. MOSER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section one, page three, line twenty-five, by inserting after the word "interest" and before the word "and" the following: "state taxes."

Amend Section one, page four, line three, by inserting after the word "the" and before the word "poor" the following: "independent."

Amend Section one, page four, line six, by inserting after the word "municipalities" at the end of the line the following: "and shall be payable at any time" not exceeding twenty years from the date thereof.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

An Act to amend clause (b) of section six hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing, and consolidating the law relating to the care of the poor; and repealing existing laws," authorizing county commissioners as poor directors of independent poor districts to issue and negotiate bonds of such districts to pay obligations and refund bonds thereof, and to levy taxes to pay interest and sinking fund charges on bonds of such districts.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 742, as follows:

An Act to amend section one thousand eight hundred five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by exempting warrants for payments to volunteer fire companies from provision requiring production of certain evidence

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand eight hundred five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 1805 Countersigning Warrants Evidence Required The director of the Department of Accounts and Finance shall countersign all warrants upon the city treasury the form whereof shall be prescribed by council and shall not suffer any appropriation made by the council to be overdrawn No warrant shall be countersigned unless there is money in the treasury to pay the same [Whenever] Except in the case of warrants for the payment of moneys to volunteer fire companies whenever a warrant on the treasurer shall be presented to the director of finance to be countersigned the person presenting the same shall be by the director of finance required to produce evidence

(1) That the amount expressed in the warrant is due to the person in whose favor it is drawn

(2) That the supplies or services for payment of which the warrant is drawn have been furnished or performed according to law and the terms of the contract if any

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 299, as follows:

An Act to amend section four thousand one hundred twenty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full

Section 1 Section four thousand one hundred twenty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 4120 Power to Adopt Regulations Cities may enact and enforce suitable ordinances to govern and regulate the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings or parts of buildings constructed erected altered designed or used in whole or in part for human habitation and of the sanitation and inspection of land appurtenant thereto and the said ordinances may provide proper penalties not exceeding three hundred ($300) dollars for the violation of their provisions

Such ordinances may adopt any standard building code published and printed in book form covering any or all of the above items without incorporating such building code in the ordinance or any city may enact any such building code as its ordinance authorized under the provisions of this section In either event such building code shall not be published or advertised in full as provided by this act in the case of the adoption of ordinances Pro-

vided That a notice of the adoption of such standard building code as the building ordinance of the city together with a brief summary thereof setting forth the principal provisions of said ordinance in such reasonable detail as will give adequate notice of its contents pursuant to a uniform form which shall be prepared or approved by the Department of Internal Affairs and a reference to the place or places within the city where copies of the building code adopted are deposited and may be examined shall be published in the manner provided by this act for the publication of ordinances Not less than three such copies shall be made available to public inspection and use during business hours for a period of not less than three months after the adoption of such building code

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 687, as follows:

An Act to amend section three thousand seven hundred and twenty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by extending the power of park guards to police the lands properties and buildings taken for park purposes which are located beyond the limits of such cities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three thousand seven hundred and twenty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 3720 Powers of Park Guards Persons appointed as park guards under any ordinance passed pursuant to the provisions of the preceding section shall have in the parks and playgrounds and other public places in such cities and beyond the limits of such cities when such cities have acquired such lands properties and buildings for park and playground purposes the same power in preserving the peace maintaining order and making arrests as policemen have in such cities

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 702, (Senate Bill No. 134), entitled:

An Act requiring aliens to register with the Department of Labor and Industry and to carry and upon proper demand to exhibit identification cards prohibiting the issuing of certain registrations and licenses to or the employment of aliens under certain circumstances and prescribing penalties

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 On or before the first day of January one thousand nine hundred and forty and during the month of December of the year one thousand nine hundred and thirty-nine and of each year thereafter every alien eighteen (18) years or over residing in this Commonwealth who has not declared his or her intention to become an American citizen shall register with the Department of Labor and Industry on forms to be prescribed and furnished by the department and every such alien becoming a resident of this Commonwealth after the first day of January one thousand nine hundred and forty shall in like manner register with the department within thirty days after becoming such resident Such registration shall show the name age address occupation name of employer characteristics of appearance name of wife or husband if any of such alien member names and age of all children under eighteen (18) residing with him or her and if not his or her own the names of their parents and such other information and details as the department shall direct

On the question,

Will the House agree to the section?

Mr. JIROLANIO. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 2, line 2, by striking out the word: "declared" and inserting in lieu thereof: "filed an application declaring."

On the question,

Will the House agree to the amendment?

Mr. TAYLOR. Mr. Speaker, I would like to interrogate the gentleman from Northampton, Mr. Jirolanio.

The SPEAKER. Will the gentleman from Northampton permit himself to be interrogated?

Mr. JIROLANIO. I will, Mr. Speaker.

Mr. TAYLOR. Mr. Speaker, will the gentleman from Northampton please explain to the House the purpose of this amendment.

Mr. JIROLANIO. I will, Mr. Speaker, with pleasure. Mr. Speaker and members of the House, as this bill is now written it states on page two, line two, "has not declared his or her intention to become an American citizen."

I do not know whether many of the members of this House know the actual procedure that is necessary, and I will therefore explain the procedure for the benefit of the members of the House. When you want to become an American citizen, after you have passed the qualifications, the first thing that you must do is to file an application of intention. The application of intention is merely an application, which is the same form or type of application used in the filing of an intention. In other words, you have an application of intention and an intention. The way the bill reads now it says, "has not declared his or her intention," and that means the first papers.

My amendment would just mean that those persons who have already signified their intention to become American citizens by filing their declaration of application—that is all that it is, and the reason for that is this, Mr. Speaker—I do not want to burden the House, but I have examples, names and addresses of various persons who have been trying to become American citizens for the past seven years, some at least five years, on the very list which I have before me, which any member can look at. These men are persons who have filed their applications of intention. Due to various facts which are not under their control, nor in the possession of the Department of Labor, their applications of intention have been held up and therefore they cannot get their declarations of intention through until they have gotten over their first hurdle.

Let me give you a concrete example, if you will bear

with me for just a moment. I have before me an application of intention of one Rocco Bacchilini of the city of Bethlehem, Pennsylvania. Mr. Bacchilini came into this country in 1890. In 1900 he came to the city of Bethlehem and for the past twenty-five years he has been working on the Lehigh Valley Railroad. In 1933 Mr. Bacchilini came into my office and asked me whether or not I would assist him in becoming an American citizen. I said that I would. We then filed an application and sent that application, together with the required fees, and picture to the Department of Labor, the Naturalization Bureau, in the city of Philadelphia. We mentioned in the application that Mr. Bacchilini had been married. The Department wrote back and asked Mr. Bacchilini if he would be kind enough to return to that Department his marriage certificate. Mr. Bacchilini had been married for over thirty years; he still had the certificate but it had been used pretty hard so it practically fell apart upon opening it. We sent the certificate to Philadelphia and the Department of Naturalization sent it back, stating that it appeared to them it was mutilated, and therefore we should get a verified copy of the same.

Mr. Bacchilini had been married in New York by a clerk of some court. We could make out the name of the court, and therefore we wrote to the Bureau of Vital Statistics of New York and they wrote back and said, as of that particular date, they did not have the record. We then wrote to the city of New York, and the city of New York answered us by saying that they did not have the record of the gentleman whose name appeared upon the certificate. We then wrote to the family of the man whose name appeared on it to see whether or not he had left any records, and they did not have any records. We then wrote to the Department and told them just exactly what we had done. They said that we should pursue the matter further and see what we could do about it. I then sent him to New York but he could not accomplish much. I then went myself to New York. Finally after three years of going back and forth, the Department wrote me and said they wanted to know if I was still interested in having this man naturalized. I wrote them and said I certainly was. They then said I should get a certificate from two witnessess who had come across with Mr. Bacchilini about thirty-seven years ago. Of course, Mr. Bacchilini could not remember who those witnesses were, and I had to take an affidavit to that effect. Fortunately after seven months the Department again wrote me and said we should send them a certificate of the child of Mr. Bacchilini, and also an affidavit from the child that she was alive and a daughter, as far as she knew, of her father, Mr. Bacchilini. Just about the time we received that letter his daughter died upon the operating table while in labor. Therefore we could not comply with that particular request which the government made upon us. We wrote to the Department and told them exactly what had happened. They said they had discovered somehow or other that a mistake appeared on the application, that the name instead of being Bacchilini, they found it spelled with a "P". I sent an affidavit to them telling them that Mr. Bacchilini had never attended school in Europe; he was not a learned man and probably upon his entrance into this country, in his humble way, he had made that mistake innocently. They wrote back that they would give the application serious consideration. This was after five and one-half years.

In September of this year Mr. Bacchilini came into my office and said.

"Jerry, I would like to become a citizen, what can you do for me?"

"I will try everything humanly possible," I said.

He said, "I have been working for the Lehigh Valley Railroad for about twenty-five years, I have never been arrested, I own my own property, but if I cannot show to them in the next year or so that I have secured first papers they are going to lay me off."

"I will do anything humanly possible for you," I said.

In September of 1938 he broke his leg on the Lehigh Valley Railroad and was confined to St. Luke's hospital for about six months.

Here we have the case of a man whose heart and soul are interested in the United States government, and it is in his behalf that I rise and plead to the members of this House. I know that I am talking out of order and I want to thank the gentleman from Dauphin who has given me this opportunity to explain what my amendment really means.

My amendments are really intended to carry out the purposes of the United States Constitution. All this amendment will do is give to that man, who has good intentions and a good heart, to become an American citizen, and we will say to him, "You are protected, we believe in your intentions, you have filed your application and that is sufficient."

Mr. TAYLOR. Mr. Speaker and members of the House, I do not think it is the desire of any member of the House to penalize any alien or foreign born citizen who shows a good intention by making an application for citizenship and, therefore, Mr. Speaker, I have no objection to the amendment offered by the gentleman from Northampton, and I ask the members of the House to vote in favor of it.

On the question recurring,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

Mr. JIROLANIO. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, line 16, by inserting after the word "direct" the following: "Provided, however, That any alien who has resided within the United States for thirty years or more and has, within such period, resided within the Commonwealth of Pennsylvania for twenty years or more, and who has paid taxes to this Commonwealth and who has never been convicted of any offense involving moral turpitude, shall not be required to register under the provisions of this act, nor shall any of the provisions of this act disqualify him in any manner to the same rights and privileges heretofore granted to such alien persons."

On the question,

Will the House agree to the amendment?

Mr. TAYLOR. Mr. Speaker, I am going to ask the members of the House to vote down this amendment.

Mr. Jirolanio stated in his previous remarks that the man he had in mind had been in the United States for over

twenty-five years and decided to become a citizen. We are in the position today where we must bring out of the corners those individuals, those aliens who are creating subversive influences in our country. When a man waits for twenty or twenty-five years before he finally decides to become a citizen, I think it is time to have him register, or send him back to the country from which he came. We should have no patience with that type of individual. We do not object to any aliens coming to this country and making an application for citizenship, and we do not think there ought to be any objection on the part of any alien to register under this bill. After all, we are only asking him to register, and if he is not spreading subversive doctrines he has nothing to fear. If he is a member of a subversive group, than we want to know where he is so that we can put a finger on him when we want him.

I ask the members of the House to vote down this amendment.

Mr. JIROLANIO. Mr. Speaker and members of the House, I would like to correct one statement made by the gentleman who just preceded me, the gentleman from Dauphin, Mr. Taylor. I do not think he misquoted me purposely, but the case to which I had referred as an example before this body in my speech took place in 1933 and not within the last several months.

The amendment which the gentleman from Dauphin desires this House to vote down, if you will read it, you will find it says, "Any alien who has resided within the United States for thirty years" first, and second, "and has, within such periods, resided within the Commonwealth of Pennsylvania for twenty years," and third, "who has never been convicted of any offense involving moral turpitude." It is needless for me to say that there are many attorneys on the opposite side of this House, more intelligent than I am, versed in the law, who know that "moral turpitude" covers a multitude of sins. The courts have construed that term practically to mean anything, so that under the construction of our courts, if you at any time have been charged with a crime involving a breach of the peace, it would be sufficient to stop you from coming in under this act.

Let us bear in mind, ladies and gentlemen of the House, that a man who comes into this country with a mind set to destroy our principles of American government, is not a man who has been here for thirty years, nor is he a man who has been in the state of Pennsylvania for twenty years, nor is he a man of good character. The first thing that that gentleman does, if I may call him such—I don't think that term applies to him—is to take advantage of being protected by our laws and immediately takes out his papers and becomes naturalized. Then when he is duly protected by the laws of Pennsylvania and the Federal Government he starts saying his piece; he starts tearing our government asunder and when we attempt to do something to him he pleads that he is an American because he has been naturalized.

Let me say to the members of the House, that one of the things necessary in order to become an American citizen is to be able to read and write, under the latest rule and regulation of the Department of Labor. Let us again bear in mind that many people come to our shores in order to seek liberty and come from lands where they were deprived of the opportunity of learning how to read or write. They came here and settled here; they raised families after they entered our shores and they never went back to school. The result is they have been one hundred per cent American in the spirit of the word "American" but because of the fact that they are unable to read and write they are not qualified for American citizenship, because in the application of intention and under the certificate of arrival you must write your name on the application, and you must also signify before an examiner that you are duly qualified to write. If you cannot write you cannot become an American citizen, although in spirit and in mind you are heart and soul an American. Bear in mind, members of the House, that the so-called aliens who have been here for a period of over thirty years have been married and have reared families. Their children have gone into all walks of life. Some of them are probably members of the House of Representatives. I do not know that, but I do know that we have a Congressman who would come under that category, and I know in body and soul the parents of those representatives are one hundred per cent Americans and that they would die for this United States of America. Some of them have sent their children to the battlefields of France and I can give you the name of one of them. His mother and father never could read or write, yet those same parents gave to these United States three sons, one was gassed, one never came back to this land, and another lives in the city of New York. That humble family has been here for over thirty years. They saw fit to rear children who fought our so-called battle for democracy. Are we of the present Legislature going to say, "You must be registered."

I do not think there is in the mind or the soul of a single member of this House that much malicious hatred to deprive those parents of the right to say before God and the people of the Commonwealth of Pennsylvania, that they want to be American citizens, regardless of the fact that they do not have the qualifications. I do not think there is a single civic or patriotic organization under the Stars and Stripes that can raise any argument against the amendment which I am suggesting and offering to this House, and for which I ask every lady and gentlemen of this Assembly to vote. I know that the gentleman from Dauphin does not have any malice in his heart; I know he would not want to hurt anybody who has seen fit to raise a family and whose children have fought in our wars, some of them never coming back. We are not going to deprive those people because they cannot read or write of the protection of the American government, and therefore I ask the members of the House to search their hearts and souls and vote for this amendment.

Mr. TAYLOR. Mr. Speaker and members of the House, I think our good friend from Northampton has gotten away from the subject. We have every sympathy in the world for the men and women who came into this country twenty or thirty years ago, who raised families and sent their boys to France. We have every sympathy for those individuals; we have nothing under the sun against them. All that is required for that particular individual to do, to come under this proposed act, is to go and register. That is all we are asking him to do. Certainly as good fathers and mothers who raised sons and gave them to this country of ours they will have no objection to registering so that we may have their names of record in this Commonwealth. I ask that you vote this amendment down.

Mr. LEVY. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Taylor.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. TAYLOR. I shall, Mr. Speaker.

Mr. LEVY. Mr. Speaker, I understood a few moments ago that the gentleman from Dauphin made the following statement, he said that aliens that come into the country have nothing whatsoever to fear from this bill, if they do not wish to join any society that is contrary to American principles. Is that correct, Mr. Speaker?

Mr. TAYLOR. Mr. Speaker, it is.

Mr. LEVY. Mr. Speaker, is it true or is is not true that Senate Bill No. 134 provides that the local police and the State Police would have the authority at all times to seize suspected aliens and hold them until they furnished written proof that they were citizens and had registered with the state?

Mr. TAYLOR. That is correct, Mr. Speaker.

Mr. LEVY. Mr. Speaker and members of the House, I must very strongly object to the statement made by the gentleman from Dauphin, because I for one do not believe that a person coming into the country who does not wish to join these alien societies has nothing to fear. The proof of the fact is in the bill itself. A bona fide American citizen, you and I, men and women who have been born in this country, have a lot to fear for the following reasons: The bill does not restrict the State Police nor the local police from suspecting anyone at all. The bill says that if upon the slightest provocation these police officers suspect that an individual is an alien he may apprehend him as such and hold him in his custody until the suspected person proves his identity and his citizenship.

Members of the House, this bill is a very dangerous one. If the gentleman from Dauphin is attempting to define his position, or the position of the gentlemen on the other side of this chamber—

POINT OF ORDER

Mr. TAYLOR. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Dauphin will state his point of order.

Mr. TAYLOR. Mr. Speaker, the gentleman is not talking on the amendment.

The SPEAKER. The gentleman will confine his remarks to the amendment.

Mr. LEVY. I will, Mr. Speaker. The amendments sponsered by the gentleman from Northampton are directly in point. The argument I wish to make is this: If this bill must be passed, which I only hope it will not be, that certain amendments be placed in the bill in order not to permit the full force of this act to be practiced in Pennsylvania.

I say to the gentleman from Dauphin, and I say to the gentlemen on the other side of the General Assembly, if this were a sincere measure, if they were attempting by this measure to keep a check on aliens, they should come into this House with definite proof that an alien who has been living here for years is crumbling democracy, that he is not a one hundred percent American, as they have been asserting themselves to be.

MOTION TO RECOMMIT

Mr. SCANLON. Mr. Speaker, due to the fact that this is a very controversial bill, and I as a member of the Committee on Labor have had numerous requests for a public hearing, I move that this bill be recommitted to the Committee on Labor for the purpose of a public hearing.

On the question,

Will the House agree to the motion?

Mr. TAYLOR. Mr. Speaker, I object to this motion and ask the members of the House to vote it down.

Mr. REUBEN E. COHEN. Mr. Speaker and members of the House, I think we should point out some features of this bill, and some of the things that it tends to do, in order that the members of the House may know why we want to recommit this bill for the purpose of a public hearing, and to make it a workable bill, if it can be so made.

When this bill first reached this House and when I first read it, the terms of the bill seemed to me to have no answer in words, because I think what it attempts or aims to do is unspeakable. It was not until I received in the mail this morning a copy of an editorial that appeared in the Pittsburgh "Press" recently that I was able to find any sort of language that would tell us in some way what this bill will do. I don't doubt that all the members of the House received a copy of that editorial. However, should it have found itself consigned to the wastebasket, as many of us frequently do with mail that we get, I would like to point out a few excerpts in that editorial which indicate to my mind reasons why the bill should be recommitted.

The editorial in part reads as follows:

> "Aliens have abused this country's hospitality all too frequently in recent years. It is only natural, therefore, that there should be widespread demands at the present time for restrictive legislation against aliens.
>
> "Perhaps some form of restriction is advisable and necessary for this nation's own welfare. We feel, for example—"

POINT OF ORDER

Mr. TAYLOR. I rise to a point of order.

The SPEAKER. The gentleman from Dauphin will state his point of order.

Mr. TAYLOR. Mr. Speaker, the gentleman is not speaking on the motion before the House.

The SPEAKER. The gentleman must confine his remarks to the motion before the House which is to recommit the bill.

Mr. REUBEN E. COHEN. Mr. Speaker, as I previously stated, I am pointing out certain matters which are certainly good cause to support a motion to recommit, because the matters which I am speaking about are those matters which should be brought to the attention of the House.

The SPEAKER. Proceed.

Mr. REUBEN E. COHEN. Mr. Speaker, the editorial discussing certain features of the bill states:

> "We feel, for example that alien criminals, having violated both this nation's hospitality and its laws, are entitled to no sympathy or protection.
>
> "But we cannot afford to let patriotic sentiments run away with our own good judgment and forget that a

line must be drawn between reasonable restriction and persecution. As a democracy, this country cannot afford to legalize the persecution of any minority group, even aliens. For persecution, once legalized, never stops with minorities.

"We feel the alien registration bill now pending before the House at Harrisburg is an example of legislation that goes entirely too far. If enacted into law, it could easily be used as an instrument for vicious persecution, not of aliens but of citizens.

"This bill, which already has passed the Senate, requires that all aliens 18 years or over who have not declared their intentions of becoming citizens must register with the State Department of Labor and Industry. Registration must be made annually and for each a fee of $5 must be paid.

"All registered aliens must carry an identification card and any alien failing to have it on his person, even though registered, can be fined or imprisoned or both. The police would have the right at all times to seize suspected aliens, and hold them until furnished legal proof that they were citizens or had registered with the state.

"This latter feature of the bill alone is sufficient to justify its defeat. For it gives the police the blanket power to arrest any resident of the Commonwealth on the grounds that he or she is a suspected unregistered alien, and hold them in jail until such time as they are able to establish their identity. In other words, it gives the police a power they have never had in this democracy, that of arresting persons not for crimes but simply for lack of identification.

"To say that the law is aimed only at aliens and that citizens, therefore, will not be molested is not true.

"For how, until a person is taken into custody and his credentials checked, can his citizenship status be ascertained. By appearance? That, obviously, is ridiculous. By name? There are hundreds of thousands of Pennsylvanians with foreign names. As a matter of fact, except for Indian names, we don't have any native ones. By accent? Plenty of naturalized Americans still speak with an accent while there are aliens from English-speaking countries whose fluency in English equals our own.

"How then? There is only one method, as we see it. That is by permitting the police to challenge any persons they want to at any time they see fit and hold them in jail until they can show that they are either citizens or registered aliens. That means, practically, that every citizen must carry a birth certificate in his possession at all times if he wants to escape arrest. And even then, the police can jail him, if they so desire, in order to check the certificate's legality.

"The right to arrest at will without cause is specifically denied police in this country under the Constitution. It is a vicious weapon that every European dictatorship uses at will. Far-fetched as it may sound, the pending bill actually legalizes this weapon of the very alienism we are trying to combat in Pennsylvania.

"Thus, this alien registration bill, designed ostensibly to uncover alien criminals actually jeopardizes the rights of the millions of native-born and naturalized citizens in Pennsylvania.

"At the very least, it will force them to carry birth certificates at all times to prove their right to walk the streets as free men in this 'land of the free.' At the most, it will subject them to a vicious system of police interference, similar to that which our forefathers left Europe to escape generations ago.

"If this measure merely had provided for registration, without the vicious 'arrest at will' clause, and if it had established a reasonable fee, there would be few objections to such a statute. For although it probably would be better to require alien registration on a national rather than a state basis, we think the principle is sound. This bill, however, goes far beyond that principle. It actually hits not at aliens, but at citizens.

"We don't know how the registration bill, which was introduced by Senator James Geltz of Allegheny County, managed to pass the Senate by a vote of 32 to 5. Even though it bears the indorsement of the Federation of Patriotic Societies of Pittsburgh and such groups, it should have been scrutinized more closely.

"If it had been, we feel certain that it would have been decisively defeated—as we hope it will be in the House. For those interested in promoting patriotism and democracy should be the last to support such an undemocratic and unpatriotic bill as this measure in reality is."

I might say, Mr. Speaker, aside from the fact that I have serious doubt as to the constitutionality of the measure as it now stands, since the Constitution of this great country of ours does provide that all persons within the confines of the nation shall have equal protection under the law, and our own State Constitution provides against any special or class legislation. I want to only say this thing: The point has been raised in defense of this measure, why not make German aliens register because in Germany aliens must register; why not make Italians register because in Italy they must register; why not make Russians register because in Russia they must register, and so on, even including England, where they must register. It seems to me that when we in America have been beating our breasts and shouting from the hilltops that we do not want anything of Europe or any of the "isms" that are prevalent there, why we as Americans should have anything to do with the devices that are used in Europe is beyond my comprehension. I say that to pass a bill of this sort in this Legislature will go down as a black mark and an ineradicable black mark which we will never be able to explain in future years.

Mr. Speaker, I have received, although I am not a member of the Committee on Labor, numerous requests that this matter be aired in public, and permit by invitation the foreign speaking groups, and there are numerous foreign speaking groups throughout this Commonwealth, to come before this body, if it is comprised of this Committee on Labor, or before the entire body if they so wish, to present their views, to let us hear from them alone, and not from the mouth of the members of this House as to why any such bill would be good or bad.

Mr. Speaker, I think it is only fair, since we have several weeks to go before the session closes, to have this bill sent back to the Committee on Labor and arrange for a public hearing, which I am certain will take not more than one day, and let the members of this House know the view point of the citizens of this state on this measure.

Mr. TAYLOR. Mr. Speaker and members of the House, this bill did not originate in this body. It originated in the Senate where it passed by an overwhelming vote. All of these objections were raised in the Senate, and there was no hearing asked for over there. All of the objections that were raised in the Senate have been corrected in the committee on Labor and Industry.

Mr. TRONZO. Mr. Speaker, I yield to my colleague the gentleman from Allegheny, Mr. Homer S. Brown.

Mr. HOMER S. BROWN. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Taylor.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated.

Mr. TAYLOR. I shall, Mr. Speaker.

Mr. HOMER S. BROWN. Mr. Speaker, may I ask the gentleman from Dauphin, Mr. Taylor, specifically why he objects to the bills being recommitted for a public hearing?

Mr. TAYLOR. Mr. Speaker, I object to its being recommitted for a public hearing because the opportunity for such a hearing could have been asked for in the Senate. This bill has been well aired, the Committee has discussed it fully, they have made amendments to the bill, and the bill should be passed by the House finally.

Mr. HOMER S. BROWN. Mr. Speaker, do I understand the gentleman to say that if a bill passes the Senate and no hearing is asked for there, when the bill comes to the House and a hearing is asked for, that because no request was made in the Senate for a hearing, the House should not ask for a hearing?

Mr. TAYLOR. Mr. Speaker, not necessarily.

Mr. HOMER S. BROWN. Mr. Speaker, is it necessarily so in this case?

Mr. TAYLOR. Mr. Speaker, yes, because I think our Committee on Labor and Industry has studied this bill, and as I said before the amendments that were suggested in the Senate were made.

Mr. HOMER S. BROWN. Mr. Speaker, does the gentleman from Dauphin recognize the fact that this bill perhaps has more constitutional implications involved in it than any other bill that has come before this House during this session?

Mr. TAYLOR. Mr. Speaker, I am unable to answer that.

Mr. HOMER S. BROWN. Mr. Speaker, does the gentleman know that this bill has in it many things which might be unconstitutional.

Mr. TAYLOR. Mr. Speaker, I am not able to answer that question.

Mr. HOMER S. BROWN. Mr. Speaker, may I ask the gentleman if there is anybody familiar with the bill that can answer it?

Mr. TAYLOR. Mr. Speaker, may I interrogate the gentleman who is now interrogating me on this matter?

The SPEAKER. Will the gentleman from Allegheny, Mr. Brown, permit himself to be interrogated?

Mr. HOMER S. BROWN. I will, Mr. Speaker.

Mr. TAYLOR. Mr. Speaker, can the gentleman from Allegheny answer the question he has asked me?

Mr. HOMER S. BROWN. Mr. Speaker, I can to my own satisfaction. I would be very glad if the gentleman would ask me, but I was interrogating him. I shall be very glad to yield, if the gentleman so desires, if he knows what I had in my mind, I would be very happy to answer him.

Mr. TAYLOR. Mr. Speaker, may I ask the gentleman from Allegheny if he is such a constitutional authority that he can express an opinion on the question raised by him?

Mr. HOMER S. BROWN. Mr. Speaker, out of courtesy to the gentleman, I am not a constitutional authority, but I will say this, that I believe any bill that passes through this House, it is our duty to at least look into the bill and give the best knowledge that we have to it. That is all that we can do in the matter of constitutionality but I think that is our duty.

Mr. TAYLOR. How is it that during the past four years many bills were passed by this House that were later declared unconstitutional—

The SPEAKER. The Chair feels that that question is irrelevant.

Mr. TAYLOR. Mr. Speaker, I withdraw the question.

Mr. HOMER S. BROWN. Mr. Speaker, may I ask the gentleman from Dauphin another question please?

The SPEAKER. Will the gentleman from Dauphin permit himself to be further interrogated?

Mr. TAYLOR. I shall, Mr. Speaker.

Mr. HOMER S. BROWN. Mr. Speaker, is the gentleman from Dauphin familiar with the Sedition Act of 1919?

Mr. TAYLOR. Mr. Speaker, not thoroughly.

Mr. HOMER S. BROWN. Mr. Speaker, and members of the House, I think in all fairness, representing a minority as I do, this bill would not affect me because they would look at members of my race and pass us by. I think in all fairness to those who have asked for a hearing on a bill so far reaching as this is, no harm could come to this Commonwealth because of that hearing.

I asked the gentleman from Dauphin whether he was familiar with the Sedition Act of 1919. I asked that question for this reason: The gentleman from Dauphin undoubtedly is under the impression that some harm will come to the Commonwealth, but I would like to tell the gentleman from Dauphin that under the law of Pennsylvania, the Sedition Act of 1919, which is broader in its scope than the law of any other state in the Union, the mere uttering of seditious remarks is sufficient to have that person brought before a magistrate and convicted in a proper court of jurisdiction. So that there is no harm that can come to this Commonwealth immediately in the purpose which this act attempts to achieve. If I understood the gentleman from Dauphin, he said there were people within our ranks who were seeking to overthrow the government. I think we all recognize that this act, in the provision which prohibits the employment of aliens who have not registered, may violate the contract laws of the Commonwealth. Furthermore, I think we all recognize, and I am sure the gentleman from Dauphin does, that the XIVth amendmentof the Constitution of the United States will strike this provision down unless it is carefully considered. For those reasons and because no harm can come to anybody out of courtesy to the people who might be affected by this bill, they ought to be given the right to have a public hearing, and I ask the members of this House, without fear or favor or party label, to vote at least to give these people the right to a public hearing.

Mr. TAHL. Mr. Speaker and members of the House, I do not intend to prolong this discussion, but I must join with my colleague, the gentleman from Allegheny, Mr. Brown, in asking for a public hearing. I feel that this bill having passed the Senate, no harm can be done, and I feel certain if this bill goes over until next week nobody will be harmed by it. I therefore ask the members to vote to recommit the bill for a public hearing.

Mr. WALSH. Mr. Speaker and members of the House, it is not very often that I get up on the floor of this House to take up your time. As the representative of a district which embraces a group which is supposed to be detrimentally affected by this legislation, I want to protest most vehemently against the passage of this bill because I believe it is un-American, pernicious and vicious, and is against the best interests of our country. I ask the members of the House to vote against this bill.

POINT OF ORDER

Mr. TAYLOR. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Dauphin will state his point of order.

Mr. TAYLOR. Mr. Speaker, the gentleman is speaking on the bill and not on the motion before the House.

The SPEAKER. The gentleman will confine his remarks to the motion to recommit.

Mr. WALSH. Mr. Speaker, and members of the House, I stand corrected. I am going to ask all my friends and members of the House to vote for Mr. Scanlon's motion to recommit this bill for a public hearing.

Mr. HOLLAND. Mr. Speaker and members of the House, in some way there has been placed before this House the idea that all of the veteran organizations are one hundred percent for this bill. I am a member of the American Legion, a member of the Veterans of Foreign Wars and am also a member of the National Committee on Americanization for the Veterans of Foreign Wars. I feel that in justice to everybody the members of this House should at least be courteous enough to permit a public hearing. I do not see any reason why we should railroad this bill through and take the word of the Senate. The Senate has made a lot of mistakes and so have we in this House. If we want to use a unicameral system I submit that we should have one, but as a member of this House, I think we should be given the privilege of hearing both the pro and con.

I have on my desk a request from Rev. Father Rice, pastor of St. Agnes' Roman Catholic Church of Pittsburgh, asking for a public hearing on this bill. I do not think any one can accuse Father Rice of being a member of the Communistic party because he has led every movement in Allegheny County against Communistic activities. I do believe that in a bill so far reaching as this one is, there are some points that should be brought out in a public hearing.

I wonder if the gentleman from Dauphin County knows the average age of the aliens born in Pennsylvania; I wonder if the gentleman from Dauphin County knows that women constitute sixty-three percent of the aliens in Pennsylvania. These are things I think we should consider.

We should also consider another point. When we speak of thirty or forty years ago, does the gentleman from Dauphin County know that those who brought these aliens into Pennsylvania, who paid their way into Pennsylvania, kept them in foreign settlements so they could not learn the American ways. I believe a public hearing will be a good thing for this bill, and when I say this I cannot be accused of being un-American because I will put up my war record against the record of the gentleman from Dauphin any time.

Mr. FREED. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Cohen.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. REUBEN E. COHEN. I shall, Mr. Speaker.

Mr. FREED. Mr. Speaker, will the gentleman from Philadelphia state where the editorial was from that he just read to the members of the House?

Mr. REUBEN E. COHEN. Mr. Speaker, the editorial is from the Pittsburgh "Press."

Mr. FREED. Mr. Speaker, do you know of any other groups that are interested in a public hearing?

Mr. REUBEN E. COHEN. Mr. Speaker, I received numerous individual requests. I have not received any group requests as yet.

Mr. FREED. Mr. Speaker, are they American citizens or aliens?

Mr. REUBEN E. COHEN. Mr. Speaker, I believe them to be American citizens.

Mr. EDWIN F. THOMPSON. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Taylor.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. TAYLOR. I shall, Mr. Speaker.

Mr. EDWIN F. THOMPSON. Mr. Speaker, I would like to ask the gentleman from Dauphin as to whether the American Legion or the Veterans of Foreign Wars are interested in this bill.

Mr. TAYLOR. They most certainly are, Mr. Speaker.

Mr. EDWIN F. THOMPSON. Mr. Speaker, I would like to ask the gentleman from Dauphin, Mr. Taylor, what information he has in hand to prove as to whether or not the American Legion or the Veterans of Foreign Wars are interested in this bill?

Mr. TAYLOR. Mr. Speaker, I attended the American Legion Convention held last year at which a resolution was passed unanimously, asking for the very thing that we are presenting to this House.

Mr. EDWIN F. THOMPSON. Mr. Speaker, I might say to the gentleman from Dauphin that ten years ago the Veterans of Foreign Wars went on record for a Negro Regiment in Pennsylvania and they never got it.

The SPEAKER. The Chair feels that the gentleman is out of order, and is as irrelevant as the gentleman from Dauphin was a few moments ago. He should confine himself to the interrogation.

Mr. EDWIN F. THOMPSON. Mr. Speaker, I would like to say that I have at hand, for the benefit of my friend and colleague from Dauphin, Mr. Taylor, the information that the American Legion and the Veterans of Foreign Wars have informed me that they are against the bill because it is un-American.

Mr. TAYLOR. Mr. Speaker, am I being interrogated?

The SPEAKER. The gentleman from Dauphin is not being interrogated. The gentleman from Philadelphia is making an address to the House.

Mr. TAYLOR. Mr. Speaker, I happen to be the State Chairman of the Legislative Committee of the Joint Veterans' Groups of this state. That group, together with the Pennsylvania Veterans' Commission Group, met in Harrisburg about a week ago, and this matter was talked about and discussed thoroughly and a resolution was passed.

POINT OF ORDER

Mr. ANDREWS. Mr. Speaker, I rise to a point of order.

The SPEAKER. Will the gentleman from Cambria state his point of order?

Mr. ANDREWS. Mr. Speaker, the gentleman is not discussing the motion before the House.

The SPEAKER. The point of order is well taken.

Mr. TAYLOR. Mr. Speaker, I still ask this House to vote down this motion.

Mr. SKALE. Mr. Speaker and members of the House, I rise in support of this motion. I represent the first legislative district in Philadelphia, where there are a number

of persons who are naturalized, as well as American born citizens of naturalized persons. The population is approximately 160,000 to 175,000, and I feel, in view of the debate on the floor in support of and in opposition to the motion, that there are several organizations who favor this bill that we ought at least give an opportunity to those persons and organizations who are opposed to the bill.

Therefore, I will ask the members of the House to support the motion to recommit for the purpose of a public hearing.

The yeas and nays were required by Mr. Scanlon and Mr. Reuben E. Cohen.

A verification of the roll was requested by Messrs. Matthews J. Welsh, Harkins, Tronzo and Walsh.

The roll was verified and was as follows:

YEAS—76

Achterman,	Fauset,	Lovett,	Regan,
Allen,	Finnerty,	Malloy,	Rhodes,
Allmond,	Flanagan,	Malone,	Rider,
Andrews,	Furman,	McGarrity,	Rooney,
Baker,	Gorski,	McLane,	Rosenfeld,
Balthaser,	Hall,	McNally,	Rothenberger,
Boles,	Harkins,	Melchiorre,	Sarraf,
Brancato,	Hess,	Mihm,	Scanlon,
Broad,	Hindman,	Mooney,	Schrope,
Brown, H. S.,	Hoffman, S. K.,	Moran,	Schwab,
Burns,	Holland,	Moser, F. S.,	Skale,
Check,	Imbrie,	Munley,	Stank,
Chervenak,	Jirolanio,	O'Keefe,	Tahl,
Christler,	Keenan,	Ominsky,	Thompson, E. F.,
Cohen, R. E.,	Kenehan,	Peacock,	Tronzo,
Corrigan,	Kowalski,	Peale,	Walsh,
Denman,	Levy,	Powers,	Weiss,
Downey,	Leydic,	Preston,	Welsh, M. J.,
Eckels,	Lichtenwalter,	Readinger,	Westrick,
Falkenstein,	Long,	Reese, R. E.,	Williams,

NAYS—108

Ackermann,	Donahue,	Knoble,	Sollenberger,
Alspach,	Ely,	Krise,	Stambaugh,
Atkins,	Ewing,	Lee,	Stewart,
Auker,	Fisher,	Marr,	Stockham,
Balliet,	Fiss,	Matthews,	Taylor,
Bardes,	Fleming,	McClester,	Terry,
Bennett,	Foor,	McKinney,	Thistle,
Boorse,	Freed,	McVay,	Thompson, G. R.,
Boose,	Fullerton,	Montgomery,	Tiemann,
Bower,	Gates,	Moser, J. L.,	Trout,
Boyd,	Gillan,	Muir,	VanAllsburg,
Bretherick,	Gillette,	O'Dare,	Van Belle,
Bronson,	Goll,	Peacock,	Voorhees,
Brown, S. W.,	Habbyshaw,	Reagan,	Wagner,
Brunner,	Haines,	Reese, D. P.,	Watkins,
Calvin,	Hamilton,	Riley,	Webster,
Carpenter,	Harbeson,	Robertson,	Welsh, E. B.,
Christler,	Haudenshield,	Rose,	Wilkinson,
Clark,	Henry,	Roseberry,	Wilson,
Clearwater,	Hocke,	Royer,	Winner,
Cook,	Hoffman, J. N.,	Schrock,	Wood, H. M.,
Cooper,	Hoyt,	Seif,	Wood, L. F.,
Cordier,	Huntley,	Serrill,	Wood, N.,
Cortese,	James,	Shearer,	Woodside,
Curran,	Johnston,	Simons,	Yeakel,
Dalrymple,	Jones,	Sloan,	Turner,
Dick,	Kline,	Snyder,	Speaker.
Dix,			

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the amendment?

CONSTITUTIONAL POINT OF ORDER

Mr. ANDREWS. Mr. Speaker, I rise to a constitutional point of order.

The SPEAKER. The gentleman from Cambria will state his constitutional point of order.

Mr. ANDREWS. Mr. Speaker, I make the point of order that just as the power to naturalize and admit to this country is a federal function, that registration is a federal function and that it is outside of the power of the Commonwealth to compel residents who have not applied for naturalization to register, and I therefore hold that this section is unconstitutional.

The SPEAKER. The gentleman from Cambria, Mr. Andrews, raises the constitutional point of order as to the amendment offered by the gentleman from Northampton, Mr. Jirolanio.

Mr. ANDREWS. Mr. Speaker, I raise the constitutional point of order as to the constitutionality of the section.

CONSTITUTIONAL POINT OF ORDER WITHDRAWN

Mr. ANDREWS. Mr. Speaker, in order that the House may clear the pending amendments on this section, I withdraw my point of order regarding the constitutionality of the section, until such a time as the pending amendments have been cleared.

The SPEAKER. The Chair thanks the gentleman from Cambria, Mr. Andrews.

Mr. JIROLANIO. Mr. Speaker, I have before me an application for declaration of intention on my desk, and in that you will find a line which says: "Signature of applicant." Going back to what I said at first, if a person cannot write, no matter what else or how good he may be, he could never become a naturalized citizen. There are times, although he may have every other characteristic that we in the United States would want him to have, that he could not become a citizen.

I would say further if any member of this House cares to look at this paper which I have in my hand you can determine for yourself that it is absolutely necessary that the signature appear before he can file an application of intention. I say in due fairness to these people and in defense of my previous argument, we should give some consideration to these men who have made the United States what it actually is. Therefore, I would ask everyone, regardless of faith or political affiliation, to vote for this amendment and Mr. Speaker, I ask for a roll call.

The yeas and nays were required by Mr. Jirolanio and Mr. Walsh.

A verification of the roll was requested by Messrs. Tronzo, Jirolanio and Powers.

The roll was verified and was as follows:

YEAS—67

Achterman,	Falkenstein,	Long,	Rosenfeld,
Allen,	Fauset,	McLane,	Rothenberger,
Allmond,	Finnerty,	McNally,	Sarraf,
Baker,	Fiss,	Melchiorre,	Scanlon,
Balthaser,	Flanagan,	Mihm,	Skale,
Boles,	Furman,	Mooney,	Stank,
Boose,	Gorski,	Moser, F. S.,	Tahl,
Brancato,	Harkins,	O'Keefe,	Tarr,
Broad,	Hess,	Ominsky,	Thompson, E. F.,
Bronson,	Holland,	Powers,	Tronzo,
Burns,	Huntley,	Preston,	Walsh,
Burris,	Imbrie,	Readinger,	Weiss,
Check,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Chervenak,	Kane,	Regan,	Welsh, M. J.,
Cohen, R. E.,	Keenan,	Rhodes,	Westrick,
Corrigan,	Kenehan,	Rider,	Williams,
Eckels,	Levy,	Rooney,	

NAYS—113

Ackermann,	Fleming,	Lovett,	Simons,
Alspach,	Foor,	Lyons,	Sloan,
Andrews,	Freed,	Madden,	Snyder,
Atkins,	Fullerton,	Marr,	Sollenberger,
Auker,	Gates,	Matthews,	Stambaugh,
Balliet,	Gillan,	McClester,	Stewart,
Bardes,	Gillette,	McGarrity,	Stockham,
Bennett,	Habbyshaw,	McKinney,	Taylor,
Boorse,	Haines,	McVay,	Terry,
Boyd,	Hall,	Montgomery,	Thistle,
Bretherick,	Hamilton,	Moran,	Thompson, G. R.
Brunner,	Harbeson,	Moser, J. L.,	Tiemann,
Cadwalader,	Haudenshield,	Muir,	Trout,
Calvin,	Henry,	O'Dare,	Van Allsburg,
Carpenter,	Hocke,	Peale,	Van Belle,
Christler,	Hoffman, J. N.,	Reagan,	Voorhees,
Clark,	Hoyt,	Reese, D. P.,	Wagner,
Clearwater,	James,	Riley,	Watkins,
Cook,	Johnston,	Robertson,	Webster,
Cooper,	Jones,	Rose,	Wilkinson,
Cordier,	Kline,	Roseberry,	Wilson,
Dalrymple,	Knoble,	Royer,	Winner,
Denman,	Kowalski,	Sarge,	Wood, H. M.,
Dick,	Krise,	Schrock,	Wood, L. H.,
Dix,	Lee,	Schrope,	Wood, N.,
Donahue,	Leisey,	Seif,	Woodside,
Ely,	Leydic,	Serrill,	Yeakel,
Ewing,	Lichtenwalter,	Shearer,	Turner,
Fisher,			Speaker.

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section as amended?

Mr. HOLLAND. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, by inserting between lines 16 and 17, the following paragraph: "No attorney-at-law or other person, representing or assisting any alien in connection with his declaration of intention to become an American citizen, or his proceedings to become such citizen, shall charge or receive for such services any fee or compensation in excess of ten dollars ($10). Any person violating this provision shall, upon summary conviction, be sentenced to pay a fine of not more than one hundred dollars ($100) or undergo imprisonment for not more than thirty (30) days, or both."

On the question,

Will the House agree to the amendment?

Mr. HOLLAND. Mr. Speaker and members of the House, you are about to vote on an amendment that will put a stop to the biggest racket as well as tear down a barrier to the naturalization of aliens in Penna. One of the reasons given by aliens who desire to become American citizens is the cost of securing their papers. We know that the fees charged by the Federal Government have been reduced to a minimum. However, many of the questions that have to be answered by prospective Americans are bewildering to the foreigner. The data he must furnish in numerous cases he does not have, and he consults an attorney to assist him in preparing his papers. In most cases ship lists must be examined. The attorney will merely use the three cent stamp in writing to the port of entrance and the charges in a number of cases that were brought to my attention were as high as $150 for his work in preparing the papers. Most of these aliens work at labor wages, and it is out of the question for them to raise the sum. Personally although I am presenting this amendment I oppose this bill in its entirety but I am afraid that with the flag wavers and these so called 100% Americans many are going to be misled on the real intent of the bill and will vote for it thinking it is a good bill.

I might add also that the former Governor of this Commonwealth, George H. Earle, and the present Governor were around the same age. But Earle proved his Americanism by enlisting, but I hear no followers of James boasting about his War record. If ever the American public is being faked on false issues of Americanism they are certainly being faked today by the special interests in control of the Republican party.

POINT OF ORDER

Mr. AUKER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Blair will state his point of order.

Mr. AUKER. Mr. Speaker, the gentleman is not speaking on the amendment.

The SPEAKER. The gentleman will confine his remarks to the amendment.

Mr. HOLLAND. Mr. Speaker and members of the House, I might say that our Mr. James did not enlist, and I ask the members of this House not to be a party to an Americanization racket by at least giving future Americans protection from the shyster lawyer by passing this amendment, and, Mr. Speaker, I ask for a roll call.

PARLIAMENTARY INQUIRY

Mr. ANDREWS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Cambria will state his parliamentary inquiry.

Mr. ANDREWS. How, under Rule 72, should the Chair instruct the membership regarding their vote upon this amendment?

Mr. SPEAKER. The Chair feels that the determination of Rule 72 is a matter for the conscience of the members on a question of this kind. The Chair after fourteen year's experience does not feel that he can dabble in the consciences of the members of the House.

CONSTITUTIONAL POINT OF ORDER

Mr. HOMER S. BROWN. Mr. Speaker, I rise to a constitutional point of order.

The SPEAKER. The gentleman will state his constitutional point of order.

Mr. HOMER S. BROWN. Mr. Speaker, the amendment is unconstitutional and I therefore raise the question that attorneys practicing before the Federal Court is a question for the Federal Court and not for the Legislature. The amendment is unconstitutional.

POINT OF ORDER

The SPEAKER. The gentleman raises a constitutional question—

Mr. ANDREWS. Mr. Speaker, I raise a point of order concerning the point of order raised by the gentleman from Allegheny.

The SPEAKER. The gentleman from Cambria will state his point of order.

Mr. ANDREWS. Mr. Speaker, my point of order is that the gentleman is not in a position to raise this point of

order unless he shall declare to this House whether or not he has any personal interest in this bill. Rule 72 makes it obligatory for the members to declare whether they have a personal interest.

The SPEAKER. The Chair rules that the point of order made by the gentleman from Cambria is not well taken. Any member of the House whether he has a personal interest or not has the right to raise a constitutional question. The question of his personal interest under Rule 72 is not involved in the constitutional question.

The gentleman from Allegheny has raised the constitutional question that the amendment submitted is unconstitutional because it refers to the right to practice on the part of an attorney before the Federal Courts, over which Legislature would have no jurisdiction. Has the Chair stated the question as the gentleman desires it?

Mr. HOMER S. BROWN. That it correct, Mr. Speaker.

The SPEAKER. The Chair under Rule 40, is required to submit questions affecting constitutionality to the House for decision, which it now does.

On the question,

Will the House sustain the Constitutional point of order?

QUESTION OF INFORMATION

Mr. TRONZO. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Allegheny will state his question of information.

Mr. TRONZO. Mr. Speaker, can the question be laid on the table and the matter of the amendments be taken up by the House first?

The SPEAKER. The Chair would inform the gentleman that the question cannot be laid upon the table. The constitutional question must first be decided, having been submitted to the House.

Mr. TAYLOR. Mr. Speaker and members of the House, this amendment is foreign to the bill proposed. It has to do with fees, and not the bill. I ask the members of the House to vote the amendment down—

The SPEAKER. The gentleman is out of order. The question is on the constitutional point of order raised by the gentleman from Allegheny, Mr. Brown.

Mr. ANDREWS. Mr. Speaker and members of the House, by way of introduction, I desire to discuss the constitutionality of the amendment proposed by the gentleman from Allegheny.

We have at various times in this House passed fair trade bills, which tell the merchants what they can charge; we have gone into the florist and undertaking business and we have decided that you can use the chairs over again but you cannot use wire baskets; we have passed rules and regulations governing the professional conduct of doctors; we have fixed the working hours of working girls and have tried to fix their wages. We rambled all over the lot with regulatory legislation. There has not been a single lawyer in this House in all that range of regulatory legislation that has raised the constitutional point of order.

This bill places a certain responsibility in the hands of the legal profession. It is by way of being a business-making measure. Now, if we are handing lawyers' jobs the Legislature of the State of Pennsylvania certainly has the right to say how much the lawyers shall be paid for handling the business that we give them. I am not speaking facetiously. I am always very conscious of the constitutional weight of anything that the gentleman from Allegheny may say, but nevertheless I say if we can legislate prices for everybody else it is just about time that we brought the lawyers under a regulatory measure.

Mr. WOODSIDE. Mr. Speaker, just one question, the constitutional point of order is on the amendment and the amendment alone?

The SPEAKER. The constitutional point of order was raised by the gentleman from Allegheny, Mr. Brown, as to the constitutionality of the amendment offered by the gentleman from Allegheny, Mr. Holland. The question therefore is upon the constitutional point of order raised by the gentleman from Allegheny.

On the question recurring,

Will the House sustain the Constitutional point of order?

YEAS—132.

Achterman,	Eckels,	Kline,	Schrock,
Ackermann,	Fauset,	Knoble,	Seif,
Allen,	Fisher,	Kowalski,	Serrill,
Allmond,	Fiss,	Krise,	Simons,
Alspach,	Freed,	Lee,	Sloan,
Atkins,	Fullerton,	Leisey,	Snyder,
Auker,	Gates,	Leydic,	Sollenberger,
Balthaser,	Gillan,	Lichtenwalter,	Stambaugh,
Bennett,	Goll,	Long,	Stewart,
Boorse,	Habbyshaw,	Lyons,	Stockham,
Boose,	Haines,	Madden,	Tahl,
Bower,	Hall,	Marr,	Taylor,
Boyd,	Hamilton,	Matthews,	Terry,
Brancato,	Harbeson,	McClester,	Thistle,
Bretherick,	Harkins,	McGarrity,	Thompson, E. F.,
Bronson,	Haudenshield,	McKinney,	Thompson, G. R.,
Brown, H. S.,	Henry,	McNally,	Tiemann,
Brown, S. W.,	Hess,	Moser, F. S.,	Trout,
Brunner,	Hewitt,	Moser, J. L.	VanAllsburg,
Burns,	Hindman,	Muir,	Van Belle,
Cadwalader,	Hocke,	Peacock,	Voorhees,
Calvin,	Hoffman, J. N.,	Peale,	Wagner,
Carpenter,	Hoyt,	Readinger,	Watkins,
Clark,	Huntley,	Reagan,	Webster,
Clearwater,	Imbrie,	Reese, D. P.,	Wilkinson,
Cook,	James,	Rhodes,	Wilson,
Cooper,	Jirolanio,	Riley,	Winner,
Cordier,	Johnston,	Rose,	Wood, H. M.,
Cortese,	Jones,	Roseberry,	Wood, L. H.,
Curran,	Kane,	Rosenfeld,	Wood, N.,
Dalrymple,	Keenan,	Rothenberger,	Woodside,
Denman,	Kenehan,	Royer,	Yeakel,
Donahue,	Kilroy,	Sarraf,	Turner,
			Speaker.

NAYS—15.

Andrews,	Chervenak,	Lovett,	Schrope,
Baker,	Christler,	Moran,	Walsh,
Balliet,	Ewing,	O'Neill,	Westrick,
Bois,	Holland,	Scanlon,	

So the question was determined in the affirmative and the constitutional point of order was sustained.

REQUEST TO STRIKE NAMES FROM ROLL

Mr. HOLLAND. Mr. Speaker, under Rule 72 I ask that all attorneys' names be stricken from the roll.

The SPEAKER. The Chair rules that the gentleman is out of order.

On the question recurring,

Will the House agree to the section as amended?

Mr. FINNERTY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 2, line 1, by inserting after the word "who" the following: "(who entered the United States after July first, one thousand nine hundred and twenty-four)"

Amend sec. 1, page 2, line 6, by inserting after the word "Commonwealth" the following: "(who entered the United States after July first, one thousand nine hundred and twenty-four)"

On the question,

Will the House agree to the amendments?

Mr. FINNERTY. Mr. Speaker and members of the House, my purpose in offering this amendment to this bill is to protect the pioneers who came to this state in the early days and who helped to make it the great state it is. Many of those who left their native lands were denied education. Most of them could neither read nor write, and many unscrupulous politicians of that time, who were in control, told them it was unnecessary to procure papers and they voted them. They voted them for years and years until the personal registration act came into effect, and then they were compelled to show their papers. Many members in this House, I dare say know some people of that kind in every district who were ashamed to let their neighbors know that they had been voting illegally. They raised their families and the families gave their sons to protect this country in the war.

I am asking the members of this House to support this amendment so that those people, those good old folks, will not have to go and register just like a criminal does.

Mr. TAYLOR. Mr. Speaker and members of the House, as I said before we are not trying to penalize anyone. Those who came here as a pioneer should be interested in registering, and I ask that you vote this amendment down.

CONSTITUTIONAL POINT OF ORDER

Mr. HOMER S. BROWN. Mr. Speaker, I rise to a constitutional point of order.

The SPEAKER. The gentleman from Allegheny will state his constitutional point of order.

Mr. HOMER S. BROWN. Mr. Speaker, this amendment is not constitutional. This Legislature can pass no legislation predicated upon when a person enters this country. That is a question solely for the federal authorities.

The SPEAKER. The gentleman from Allegheny, Mr. Brown, raises the constitutional point of order that the amendment offered by the gentleman from Philadelphia is unconstitutional because it seeks to place a restriction upon those who entered before a certain time.

The Chair submits the constitutional question to the House.

On the question,

Will the House sustain the constitutional point of order.

The yeas and nays were required by Mr. Tronzo and Mr. Rosenfeld and were as follows:

YEAS—122.

Ackermann,	Fleming,	Levy,	Serrill,
Alspach,	Freed,	Leydic,	Shearer,
Atkins,	Fullerton,	Lichtenwalter,	Simons,
Auker,	Gates,	Lyons,	Sloan,
Balthaser,	Gillan,	Madden,	Snyder,
Bardes,	Gillette,	Marr,	Sollenberger,
Bennett,	Goll,	Matthews,	Stambaugh,
Boorse,	Habbyshaw,	McClester,	Stewart,
Boose,	Haines,	McGarrity,	Stockham,
Bower,	Hall,	McKinney,	Taylor,
Boyd,	Hamilton,	McNally,	Terry,
Bretherick,	Harbeson,	McVay,	Thistle,
Bronson,	Haudenshield,	Melchiorre,	Tiemann,
Brown, H. S.,	Henry,	Montgomery,	Trout,
Brown, S. W.,	Hess,	Moran,	VanAllsburg,
Brunner,	Hocke,	Moser, F. S.,	Wagner,
Cadwalader,	Hoffman, J. N.,	Moser, J. L.,	Watkins,
Calvin,	Hoyt,	Muir,	Webster,
Carpenter,	Huntley,	Peale,	Welsh, E. B.,
Cooper,	Imbrie,	Reagan,	Welsh, M. J.,
Cordier,	James,	Reese, D. P.,	Wilkinson,
Cortese,	Johnston,	Rhodes,	Wilson,
Curran,	Jones,	Riley,	Winner,
Dalrymple,	Keenan,	Robertson,	Wood, H. M.,
Dick,	Kenehan,	Rose,	Wood, L. H.,
Donahue,	Kline,	Roseberry,	Wood, N.,
Eckels,	Knoble,	Sarge,	Woodside,
Ely,	Kowalski,	Sarraf,	Yeakel,
Ewing,	Krise,	Schrock,	Turner,
Fisher,	Lee,	Schrope,	Speaker.
Fiss,	Leisey,	Seif,	

NAYS—12.

Allmond,	Falkenstein,	Ominsky,	Stank,
Check,	Finnerty,	Readinger,	Tronzo,
Corrigan,	Lovett,	Skale,	Weiss,

So the question was determined in the affirmative and the constitutional point of order was sustained.

On the question recurring,

Will the House agree to the section as amended?

CONSTITUTIONAL POINT OF ORDER

Mr. ANDREWS. Mr. Speaker, I renew the point of order regarding the constitutionality of this section.

My point of order is that the federal power alone standardized citizenship as to admission, and that the implication of the Constitution is that the power to compel registration of aliens lies with the Federal government.

I make the further point of order, Mr. Speaker, that this House has already declared unconstitutional amendments to this section which did not violate the spirit of the section, and that therefore, Mr. Speaker, this House having declared unconstitutional the amendments which changed the verbiage but did not change the spirit of the sections has already by its own action declared the section unconstitutional.

The Chair submits the constitutional question to the House.

On the question,

Will the House sustain the constitutional point of order?

Mr. ANDREWS. Mr. Speaker, is the question now before the House?

The SPEAKER. The question is now before the House.

Mr. ANDREWS. I would prefer, Mr. Speaker, that this issue should have been argued before the House Judiciary General Committee, which is the proper forum to take initial jurisdiction on constitutional points. The House is however of a different mind, and we are forced to discuss the constitutionality of the bill in this particular forum. I yield to the gentleman from Allegheny, Mr. Brown.

PARLIAMENTARY INQUIRY

Mr. HOMER S. BROWN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Allegheny will state his parliamentary inquiry.

Mr. HOMER S. BROWN. Mr. Speaker, in the discussion of the constitutionality of section one, is it permissible to discuss the constitutionality of the other sections which are so tied together?

The SPEAKER. The only question raised was on section one; the Chair feels that the gentleman would be out of order.

Mr. ANDREWS. Mr. Speaker, in order to conserve the time of the House, and with the Speaker's permission, since I also intend to question the constitutionality of section six, I would be very glad if the Chair and the House would permit the gentleman to discuss both sections at the same time. However, if the House prefers to have section one discussed and then section six, that is for the Chair and for the House to decide, but I do intend to raise the question of constitutionality as to section six.

The SPEAKER. The discussion of both the sections at this time can only be done with the unanimous consent of the House.

The gentleman from Allegheny, Mr. Brown, asks unanimous consent of the House to discuss the constitutionality of all sections. Are there objections? The Chair hears none. The gentleman will proceed.

Mr. HOMER S. BROWN. Mr. Speaker and members of the House, certainly I appreciate the fact that the gentleman from Cambria was kind enough to yield on this very important question. I consider it one of the most pressing issues raised in this House during this session. I want to thank the gentleman from Cambria and I want to thank every member of the House. I assure them that it certainly is to our advantage to discuss the constitutionality of this bill in its entirety rather than by sections.

I shall be as brief as I possibly can. It was my understanding that this bill would not be called up today, and for that reason I must discuss the bill without having prepared a written argument, which is always bad. However, in the position we are in, the best thing that we can do is to throw out certain challenges and ask the House to consider them very seriously.

Ladies and gentlemen of the House, as we all know there are no documents known to man that are more sacred to us than the Constitution of Pennsylvania and the Constitution of the United States. I would call to your attention the fact that these two documents go together; they are documents that were written by men of vision, and by men who perhaps saw further into the future than we see. That is no condemnation of our lack of foresight, but we must recognize the inevitable truth.

The Constitution of the United States is very definite in certain provisions which speak of citizenship. It states in its provisions that the States cannot abridge the rights of citizens; that citizens have this right, that right, and the other right; among which are the right to hold office and to vote. However, they were conscious also of another class of people that might be within our borders, and then the Constitution, after enumerating certain specific instances of the rights and privileges accruing to citizens, goes on in its great humanitarian pronouncements and says in the XIVth Amendment which I think is important enough to quote verbatum:

> "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States:—"

That is a part of the paragraph of the XIVth Amendment which has to do with citizenship. Now, the Fathers separated the clause that has to do with other people, and it goes on to say:

> "—nor shall any state deprive any person of life, liberty or property, without due process of law; nor; deny to any person within its jurisdiction the equal protection of the law."

Now, I raise this question: How can a man have equal protection of the law if he must register, if he must tell where he came from, who his children are. There may perhaps be some who have fallen by the wayside, and may have been committed to some penal institution. He must tell his age, he must have his picture, he must do all those things. How can he compete in the field of employment with other people? This bill seems to deny him the protection of the law and hence would be unconstitutional. There may be those who will say if this act does deny them that right it is a good thing, but I tell you my friends if we take the Constitution to intimidate and to persecute certain classes of people, we cannot complain when the same classes of people take the other part of the Constitution to persecute us.

May I quote from the Senate "Journal," from the very learned statement of the honorable Senator from Philadelphia, Mr. Shapiro. In his remarks on this matter in the Senate he gave to the Senate the opinion of Mr. Justice Hughes in the very famous case of Truax vs. Raich, 239 U. S. 33, found on page 701 of the Legislative Journal of March 20, 1939. I should just like to read briefly this very pertinent paragraph from this decision of Mr. Justice Hughes.

> "The authority to control immigration—to admit or exclude aliens—is vested solely in the Federal Government. The assertion of an authority to deny to aliens the opportunity of earning a livelihood when lawfully admitted to the state would be tantamount to the assertion of the right to deny them entrance and abode, for in ordinary cases they cannot live where they cannot work. And if such policy were permissible, the practical result would be that those lawfully admitted to the country under the authority of the Acts of Congress instead of enjoying in a substantial sense and in their full scope the privileges conferred by the admission, would be segregated in such of the states as chose to offer hospitality."

I think the Chief Justice is on sound ground there. Our Constitution absolutely tells us, ladies and gentlemen of the House, that when we seek to deny to persons, whether because of citizenship or the lack of citizenship, or because of race, or creed, or color, equal protection under the law, we are performing an act which will redound to our disdain.

I would like to call the attention to the members, the paragraph in this bill which to my mind would shock our conscience to such an extent that we would revolt and defeat this piece of legislation.

I say that, Mr. Speaker, not because I am unworthy of the rights of citizenship. I myself, like the gentleman from Dauphin, and the rest of you, believe in patriotism, but not blind patriotism. I have been in the World War myself, but that does not give me the right to set myself up as a custodian of all the rights and privileges of every citizen located legally within this country. Therefore, I call to your attention the provision on page 4 of the bill beginning with line 3,

> "Every alien required to be registered who shall fail to carry his or her alien identification card or has failed or refused to exhibit the same when properly required to do so shall upon summary conviction thereof be sentenced to pay a fine of not more than

ten dollars or to undergo imprisonment for not more than ten days or both."

"When properly required by whom?" Are we passing a piece of legislation here that anybody can walk up and say to a man, "Have you a registration card?" Any police officer, any constable, or anybody can walk up and say, "Do you have a card? If not, I will throw you in jail." How long will he be kept there? Take for example a man arrested in the northern part of the state, who inadvertantly leaves his card at home. He is arrested and he hasn't his card with him, or perhaps his card has been lost. That man under this bill will be thrown into jail without any warrant, without any information, and be compelled to stay there till he produces some kind of proof satisfactory to that officer that he is legally within the confines of Pennsylvania without registration.

We have a clause in the Constitution which to me is one of the fundamental landmarks of our Constitution.

Section 8 of the Bill of Rights of the State Constitution, which is the same as Article four of the Bill of Rights of the United States' Constitution, says:

> "The people"—not aliens and citizens. It says, "people." That means everybody, "shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures—"

Can anything be more obnoxious, can anything be more revolting than to pass a law here that gives the right to any petty officer, without any warrant, without any information, without anything to stop anybody in this Commonwealth, if you cannot produce to his satisfaction the necessary papers—and those of us of the minority know that sometimes when these officers stop us, we cannot convince them in any way, shape or form—can we think of anything more revolting than to pass an act that would give that officer of the Commonwealth, or of a subdivision of the Commonwealth, however small, the right to stop any of us and throw us into jail without any information, without any warrant to seize us, to search us and to hold us?

I think we ought to stop, ladies and gentlemen of the House, and consider well this measure. No harm will come to us from that.

I asked the gentleman from Dauphin whether he was familiar with the Sedition Act of 1919. The Sedition Act of 1919, passed June 20, P. L. 639, as amended by the Act of 1921, passed May 10, P. L. 45, defines sedition as any writing, utterance or conduct, the intent of which is to cause a demonstration of violence against the State or the United States. Doesn't that go far enough? We have a law, as I stated in my interrogation of the gentleman from Dauphin, that is satisfactory and is perhaps one of the most far-reaching of any statutes on this subject of any state of the Union. Those of us who know something of the common law know that this even changes the common law, because there had to be an overt act. The most famous case in the United States Supreme Court decided that under the act of Congress an overt act was necessary. The state of Pennsylvania has gone further than that and said "mere utterance," no overt act is necessary. An act which would contemplate the overthrowing of our government is punishable under our criminal law, and that seems to me to be going far enough. If those who are wont to preach patriotism were to stop and consider these measures which seek to undermine the very fundamentals upon which this government rests, it would be more beneficial; we would be in a better position to have good law. I cannot conceive of anything more revolting than to have petty officers of the law marching up and down our Commonwealth, seizing people, regimenting them, sending them into these little prisons and these little jails at the time of labor disputes and the like, simply because they want to vent on them their spleen under the guise of constitutional authority. It does seem to me that we ought to hesitate in the passage of this act; we ought to consider it very seriously; we ought to be able to say that we are positively sure that this act comes within the purview both of the Constitution of Pennsylvania and the Constitution of the United States.

PARLIAMENTARY INQUIRY

Mr. JIROLANIO. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. JIROLANIO. Mr. Speaker, do I understand since we are discussing the constitutionality of the bill, we can discuss the various sections at the same time, as to their constitutionality?

The SPEAKER. The House consented to the discussion of all the sections, but the question before the House is on the constitutionality of Section 1.

Mr. JIROLANIO. Mr. Speaker and members of the House, I again raise the question of the constitutionality of this bill. At the present time we are on the first section.

If the members of the House will turn to page 2 on line 3, beginning with the third word, "shall register with the Department of Labor and Industry." Let us stop there. Nowhere in that section is it mentioned what Department of Labor and Industry. Certainly it is necessary where a provision like this is mentioned in a bill that it must be clear and indubitable for everyone reading the act. Does it refer to the Department of Labor in the United States at Washington, or does it refer to the Department of Labor and Industry in a particular county? Does it refer to a Department of Labor and Industry in any state of the Union? I just bring that up for the consideration of the members. I say it defeats the purpose of the bill. I am only questioning these various phases of the act which in my humble opinion are unconstitutional.

Then, if you turn to section 3 of this bill, you will find a provision as follows:

> "No motor vehicle shall be registered in the name of any alien."

Let us again turn to the Title of the Act. No place in the title of the bill will you see anything relative to the question of who shall operate or own a motor vehicle. It does not require a lawyer to know that an act of Assembly in order to be constitutional, must mention in the title of the bill, as required by article III, section 3, of the Constitution of Pennsylvania "No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title." If you read the title of this particular bill nowhere is there anything said about motor vehicles. Certainly I don't think there is a lawyer in this House today who can honestly say that section 3 of this act is constitutional.

Now, then let us go to section 4 and that is on the question of employment. This act does not take up in

its title the question of employment. It only takes up the question of registration of aliens who have not signified or declared their intention of becoming naturalized citizens, and does not go into the question of who or how or what qualifications you must have before you can get a job. Certainly that section is unconstitutional.

I happen to be on the Judiciary Special sub-committee studying the Criminal Code of procedure, that particular body which is composed of my learned colleagues on the other side who have the Criminal Code before it. We are attempting to revise the Criminal Code so that the entire State of Pennsylvania shall have something before it, and in the very provisions of this act, it makes this a summary conviction without any right of appeal whatsoever. I do not think there is any lawyer in this House who can point out where there is a right of appeal from a summary conviction, where the provisions of an act do not give that right. Every act that has ever been enacted by this Legislature, says before a conviction is made final, an appeal shall be allowed as provided by law. That provision is missing in this particular bill, together with those provisions that are missing concerning which the Honorable Mr. Brown hasn't told you.

There are four provisions that are very obviously unconstitutional. I ask the members of the House to consider all that I have just said, and if they think there is any merit to my argument, will not someone rise and try to perfect this bill in order that it may amount to something?

Mr. TAYLOR. Mr. Speaker, Mr. Jirolanio has said that there is nothing in the title with reference to motor vehicles; nothing in the title as to registration. May I refer the gentleman to line 3 which states: "Prohibiting the issuing of certain registrations and licenses to or the employment of aliens under certain circumstances and prescribing penalties."

Mr. AUKER. Mr. Speaker and members of the House, in answer to the argument of the gentleman from Allegheny, Mr. Brown, in his reference to Article XIV of the Constitution of the United States, where he quoted the words "equal protection of the law," I cannot see where this particular bill will take away from any person any right or any protection that they now have. We passed in this House a law known as the Firearms Act, making it illegal for any alien to have firearms. That act certainly has not been declared unconstitutional. The bill before us now does not deny to any person within the boundaries of this Commonwealth equal protection of the law. It simply makes certain regulations that must be complied with by persons who are not citizens of the Commonwealth.

To my mind it is high time that such rules and regulations and such a bill be passed. As the gentleman from Dauphin has stated this act was designed to smoke out certain aliens who are harboring and promoting subversive activities not only to the Constitution of the United States but also of our own State. Aliens registering under this law have nothing to fear, no protection to lose whatsoever.

I ask the membership of this House to vote "No" on the point of order raised.

Mr. HOMER S. BROWN. Mr. Speaker, will the gentlemen indulge me for just a moment to answer him? The gentleman from Blair well knows that we have certain provisions, such as the one prohibiting aliens from carrying firearms, which provision comes within the police power of the state, and of course, he knows very well that in that case we are dealing with the police power, which is the power to protect the public health, welfare and the morals of the community, and to do that we pass certain acts such as the act just spoken about.

I would like to ask the gentleman from Blair whether he attempts to justify this bill on the proper exercise of the police power of the state.

Mr. AUKER. Mr. Speaker, does the gentleman from Allegheny wish to interrogate me?

Mr. HOMER S. BROWN. I do, Mr. Speaker.

The SPEAKER. Will the gentleman from Blair permit himself to be interrogated?

Mr. AUKER. I will, Mr. Speaker.

Mr. HOMER S. BROWN. Mr. Speaker, does the gentleman from Blair attempt to justify this act on the proper exercise of the police power of the State?

Mr. AUKER. Mr. Speaker, knowing what is back of this act and knowing what it is designed to accomplish I most certainly do.

The yeas and nays were required by Mr. Tronzo and Mr. Harkins.

A verification of the roll was requested by Messrs. Tronzo and Harkins.

The roll was verified and was as follows:

YEAS—62.

Achterman,	Furman,	Melchiorre,	Sarraf,
Allen,	Gorski,	Mihm,	Scanlon,
Allmond,	Harkins,	Mooney,	Schrope,
Baker,	Hess,	Munley,	Schwab,
Boles,	Hindman,	Ominsky,	Skale,
Brancato,	Holland,	O'Neill,	Stank,
Brown, H. S.,	Huntley,	Powers,	Tahl,
Burns,	Imbrie,	Preston,	Thompson, E. F.,
Check,	Jirolanio,	Readinger,	Tronzo,
Chervenak,	Kane,	Reese, R. E.,	Walsh,
Cohen, H. B.,	Keenan,	Regan,	Weiss,
Corrigan,	Kenehan,	Rider,	Welsh, E. B.,
Curran,	Levy,	Rooney,	Welsh, M. J.,
Falkenstein,	Long,	Rose,	Westrick,
Fauset,	Lovett,	Rosenfeld,	Williams,
Finnerty,	Malloy,		

NAYS—105

Ackermann,	Fisher,	Leydic,	Shearer,
Alspach,	Fiss,	Lichtenwalter,	Simons,
Atkins,	Fleming,	Lyons,	Snyder,
Auker,	Foor,	Marr,	Sollenberger,
Balliet,	Freed,	Matthews,	Stambaugh,
Boorse,	Gates,	McClester,	Stewart,
Boose,	Gillan,	McGarrity,	Stockham,
Bower,	Gillette,	McVay,	Taylor,
Boyd,	Goll,	Montgomery,	Thistle,
Bretherick,	Habbyshaw,	Moran,	Thompson, G. R.,
Bronson,	Haines,	Moser, F. S.,	Tiemann,
Brown, S. W.,	Hall,	Moser, J. L.,	Trout,
Brunner,	Hamilton,	Muir,	Van Allsburg,
Cadwalader,	Harbeson,	O'Dare,	Van Belle,
Calvin,	Haudenshield,	Peale,	Voorhees,
Carpenter,	Henry,	Reagan,	Wagner,
Christler,	Hocke,	Reese, D. P.,	Watkins,
Clark,	Hoyt,	Rhodes,	Webster,
Clearwater,	James,	Riley,	Wilkinson,
Cook,	Johnston,	Robertson,	Wilson,
Cooper,	Jones,	Roseberry,	Winner,
Cordier,	Kline,	Royer,	Wood, H. M.,
Dalrymple,	Knoble,	Sarge,	Wood, L. H.,
Dick,	Kowalski,	Schrock,	Wood, N.,
Dix,	Lee,	Self,	Yeakel,
Donahue,	Leisey,	Serrill,	Turner,
Ewing,			Speaker.

So the question was determined in the negative and the Constitutional point of order was not sustained.

On the question recurring,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 For each original registration and for each annual registration thereafter the person registered shall pay to the department a registration fee of One Dollar ($1.00), and shall receive an alien identification card which he or she shall carry at all times and shall exhibit upon demand by any police officer or agent of the Department of Labor and Industry displaying evidence of his authority

On the question,

Will the House agree to the section?

Mr. ROSENFELD. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend bill, page 2, by inserting between lines 16 and 17, the following section: "Section 2. An alien shall be defined under the provisions of this act as one who is a national or subject of any country which shall be deemed or declared as being in a state of war or beligerency under the declaration of the Department of State or any Federal agency authorized to make such declarations."

Amend sec. 2, page 2, line 17, by striking out the figure "2" and insert in lieu thereof "3"

Amend sec. 2, page 2, line 24, by inserting after the word "authority" the following "Provided, however, That any person who fails to exhibit an alien identification card or proof of his citizenship shall not be subject to arrest until the expiration of ten days from the time he shall receive notice to appear and produce an alien identification card or to show cause why he should not be adjudged guilty of violating the provisions of this act."

On the question,

Will the House agree to the amendments?

Mr. ROSENFELD. Mr. Speaker and members of the House, I am wondering whether the entire membership heard the amendments as I offered them. Before I argue them or at least give reasons for the amendments, I would ask the Speaker to please have the Clerk read the amendments again.

The amendments were read by the Clerk.

Mr. ROSENFELD. Mr. Speaker, I still wonder whether the membership of this House heard the amendments as I offered them.

The amendments were read by the Clerk.

Mr. ROSENFELD. Mr. Speaker and members of the House, this bill is seemingly harmless and is not objectionable on its face. To me it seems to strike at the very roots of American democracy, at least as some of us know it.

I want to ask this question: How many of you would vote for a bill requiring every one at all times to have in his possession some identification, some proof of his citizenship?

The SPEAKER. Will the gentleman yield?

Mr. ROSENFELD. I yield, Mr. Speaker.

BILL RECOMMITTED

Mr. TAYLOR. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of considering the remainder of the amendments and for further amendment.

The motion was agreed to.

BILLS ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on lnal passage of House Bill No. 681, as follows:

An Act providing for the licensing and regulation of tourist camps both privately and municipally owned by the Department of Health and prescribing its powers and duties fixing fees for such licenses giving the owners of such camps liens in certain cases upon the property of his guests and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The words "tourist camp" as used in this act shall be construed to mean any plot of land used maintained or held out to the public as a place for use for camping purposes by transient guests whether equipped with tents tent-houses huts or cottages or not so equipped and by whatever name the same may be called and whether any fee is charged for the use thereof or not

The word "department" as used in this act shall mean the Department of Health of the Commonwealth of Pennsylvania

Section 2 No person or political subdivision shall establish or maintain any tourist camp in this State without first obtaining a license therefor from the Department of Health and the said department shall have the power to revoke any license issued upon the failure of the holder thereof to comply with the provisions of this act or any other law or any of the rules and regulations made and promulgated by the department under authority of this act Any person the members of any firm and the officers of any corporation private or municipal who shall maintain or operate a tourist camp without first obtaining such license or who shall operate the same after the revocation of such license shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of one hundred dollars ($100) or imprisonment in the county jail not exceeding thirty days or both such fine and imprisonment

Section 3 Application for such license shall be made in writing to the Department of Health The application shall state the location of the camp type of camp the approximate number of guests for which facilities are to be furnished the probable duration of use the proposed water supply for such camp the proposed method of sewage and garbage disposal and such other information as may be required by the department Forms for such applications shall be prepared by the department and distributed upon request

Section 4 As soon as possible after the receipt of such application the department shall cause an inspection of said premises to be made and if satisfied from such application and inspection that the existing or proposed tourist camp will not be a source of danger to the health of the guests of such camp or the general public it shall notify the applicant of its approval of such camp and of the fees for a license therefor Fees shall be charged and collected upon the basis of the number of beds available for use by guests for hire whether in tents tent-houses huts cottages or in a single building or several buildings For tourist camp grounds offering no beds the fee shall be five dollars ($5.00) to be paid at the time the application for license is made for any tourist camp having beds for the use of their guests the fee shall be fifty cents (50c) for each single bed for each quarterly inspection and seventy-five cents (75c) for each double bed for each quarterly inspection The fee for the first quarterly inspection shall be paid at the time the application for a license is made the fees for the other quarterly inspections shall be paid to the inspector at the time of each such inspection A fee of five dollars ($5.00) shall be charged and collected for a license to operate any tourist

camp which makes no charge to guests for any of the facilities offered by such tourist camp Provided however That no license fee shall be charged for any tourist camp owned and operated by a political subdivision Upon receipt of the required fee and upon the approval of the application the department shall issue a license in writing to the person or political subdivision named in the application upon a form to be prescribed by the department Such license shall be for a term of one year from January first to December thirty-first and shall be renewable upon the same basis as the same was issued in the first instance Such licenses shall be transferable only with the consent of the department which may upon application take up and cancel a license issued for the operation of any tourist camp and issue a new license to the transferee for the balance of the year The proceeds of all such fees shall be paid by the said department into the State Treasury through the Department of Revenue

Section 5 The department shall have general supervision of the health and sanitary condition of all tourist camps in this Commonwealth and shall have the power to make promulgate and enforce such rules and regulations as may be necessary or desirable for the preservation of the same The department and any and all inspectors designated by it shall have full and free right of access to the premises of each and every tourist camp and each and every part thereof at such times as may be proper and reasonable for the inspection of said premises and each such camp shall be so inspected at least four times each year

Section 6 Suitable garbage containers of a kind to be approved by the department shall be provided at a convenient point or points in each tourist camp for the disposal of garbage and refuse shall be deposited therein Any person who shall throw and leave garbage or refuse of any kind upon the ground in any such tourist camp shall be guilty of an offense under this act

Section 7 It shall be the duty of every guest of any such tourist camp immediately to report to the person in charge of such camp or the local or state health authorities every case of sickness in his or her tent tent-house hut cottage or sleeping room Any person who shall fail to make a report of such sickness as aforesaid shall be guilty of an offense under this act

Section 8 Any person or persons who shall obtain quarters or accommodations at any tourist camp with intent to defraud the owner or keeper thereof shall be guilty of an offense under this act

Section 9 Any person guilty of an offense under sections six seven or eight of this act shall upon summary conviction thereof be punished by a fine not to exceed twenty-five dollars ($25.00) and costs of prosecution or imprisonment not to exceed thirty days or both

Section 10 The owner or keeper of any tourist camp shall have an innkeeper's or hotel keeper's lien upon the property of his guest in the same manner for the same purposes and subject to the same restrictions as are or may be set forth in the law with reference to innkeeper's or hotel keeper's liens

Section 11 The owner or keeper of any tourist camp may eject any person from the premises for non-payment of charges or fees for accommodations for violation of law or disorderly conduct for violation of any regulations of the department or for violation of any rule of the camp which is publicly posted within the camp

Section 12 The owner or keeper of any tourist camp shall post a notice at any conspicuous place near the entrance to such camp in letters of sufficient size to be clearly visible to the occupants of automobiles entering such camp which notice shall set forth a schedule of the fees charged by such tourist camp for accommodations

Section 13 The owner or keeper of any tourist camp shall post in one or more conspicuous places in such camp a notice of the provisions of this act with reference to sanitation and health and of any and all rules and regulations with reference thereto promulgated by the department At least two copies of such notice shall be furnished to each tourist camp by the department

Section 14 All acts and parts of acts inconsistent herewith are hereby repealed

Section 15 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—119

Ackermann,	Eckels,	Leisey,	Shearer,
Alspach,	Ely,	Leydic,	Simons,
Auker,	Ewing,	Lichtenwalter,	Sloan,
Balliet,	Fisher,	Madden,	Snyder,
Bardes,	Fiss,	Marr,	Sollenberger,
Bennett,	Fleming,	Matthews,	Stambaugh,
Boney,	Foor,	McClester,	Stewart,
Boorse,	Freed,	McGarrity,	Stockham,
Boose,	Fullerton,	McKinney,	Tahl,
Bower,	Gates,	McNally,	Taylor,
Boyd,	Gillan,	McVay,	Terry,
Bretherick,	Gillette,	Melchiorre,	Thistle,
Bronson,	Goll,	Montgomery,	Thompson, G. R.,
Brown, S. W.,	Habbyshaw,	Moser, F. S.,	Tiemann,
Brunner,	Hall,	Moser, J. L.,	VanAllsburg,
Cadwalader,	Hamilton,	Muir,	Voorhees,
Calvin,	Harbeson,	O'Dare,	Wagner,
Carpenter,	Harkins,	Peacock,	Watkins,
Check,	Haudenshield,	Peale,	Webster,
Christler,	Hoffman, S. K.,	Reagan,	Weiss,
Clark,	Hoyt,	Reese, D. P.,	Wilkinson,
Clearwater,	Huntley,	Riley,	Wilson,
Cook,	Imbrie,	Robertson,	Winner,
Cooper,	James,	Rose,	Wood, H. M.,
Cordier,	Jones,	Roseberry,	Wood, L. H.,
Curran,	Kline,	Royer,	Wood, N.,
Dalrymple,	Knoble,	Sarge,	Woodside,
Dick,	Kowalski,	Schrock,	Yeakel,
Dix,	Krise,	Self,	Turner,
Donahue,	Lee,	Serrill,	Speaker.

NAYS—30

Achterman,	Chervenak,	Ominsky,	Thompson, E. F.,
Allen,	Falkenstein,	Regan,	Tronzo,
Allmond,	Furman,	Rothenberger,	Walsh,
Andrews,	Gorski,	Sarraf,	Welsh, E. B.,
Baker,	Haines,	Scanlon,	Welsh, M. J.,
Boies,	Henry,	Stank,	Westrick,
Broad,	Holland,	Tarr,	Williams,
Burns,	Levy,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 404, as follows:

An Act to amend sections three and five of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 644) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" as amended by requiring the corporations copartnerships and associations affected by the provisions of this act to publish certain facts relative to their organization once a year and to file proof of such publication with the Department of Welfare

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections three and five of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 644) entitled "An act reating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" as amended by the act approved the twentieth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 358) are hereby amended to read as follows

Section 3 Any corporation copartnership or association

desiring to obtain a certificate of registration for any of such purposes shall file with the Department of Welfare on blanks prepared by the department a statement verified by an officer of the corporation copartnership or association and containing such information as the Department of Welfare may require Other statements shall be filed from time to time under oath containing such information as the department may require In addition to such statement the said corporation copartnership or association shall publish once a year in one newspaper of general circulation throughout the community in which it operates or in which it solicits money or property a statement showing the gross receipts of such organization for the preceding fiscal year the administration costs for that period the amount paid to subagencies of such organizations if any the administration costs of such subagencies for the same period and any other items which such organization desires to publish therein A copy of such statement and proof of such publication shall be filed with the department with the statement heretofore required by this section Provided however that if any such corporation copartnership or association applying for such certificate of registration solicits or intends to solicit funds throughout the Commonwealth that it shall only publish such statement in a newspaper of general circulation in the communitvwhere its main office within the Commonwealth is located

Section 5 If any statement required by the Department of Welfare or the statement required by this amendment to be published together with proof of publication thereof is not filed the department shall notify the delinquent corporation copartnership or association by mailing a notice to its or his last known address and if [the statement be] such statements and the aforesaid proof of publication are not filed within two weeks after the mailing of such notice the department shall cancel its certificates of registration The department may also cancel any certificate of registration whenever it is satisfied that contributions are used for unworthy purposes or where the copartnership association or corporation holding a certificate of registration engages in practices deemed sufficient in the discretion of the department to refuse a certificate of registration

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,	Eckels,	Long,	Schrock,
Ackermann,	Ely,	Lovett,	Schrope,
Allen,	Ewing,	Lyons,	Schwab,
Allmond,	Fisher,	Madden,	Seif,
Alspach,	Fiss,	Malloy,	Serrill,
Atkins,	Fleming,	Malone,	Shaw,
Auker,	Foor,	Marr,	Shearer,
Baker,	Freed,	Matthews,	Simons,
Balliet,	Fullerton,	McClester,	Skale,
Balthaser,	Furman,	McGarrity,	Sloan,
Bardes,	Gates,	McKinney,	Snyder,
Bennett,	Gillan,	McLane,	Sollenberger,
Bohn,	Gillette,	McNally,	Stambaugh,
Boies,	Goll,	McVay,	Stank,
Boney,	Gorski,	Melchiorre,	Stewart,
Boorse,	Habbyshaw,	Mihm,	Stockham,
Boose,	Haines,	Montgomery,	Sweeney,
Bower,	Hall,	Moser, F. S.,	Tahl,
Boyd,	Hamilton,	Moser, J. L.,	Tarr,
Brancato,	Harbeson,	Muir,	Taylor,
Bretherick,	Harkins,	Munley,	Terry,
Broad,	Haudenshield,	O'Dare,	Thistle,
Bronson,	Henry,	O'Keefe,	Thompson, E. F.,
Brown, H. S.,	Hess,	Ominsky,	Thompson, G. R.,
Brown, S. W.,	Hindman,	O'Neill,	Tiemann,
Brunner,	Hocke,	Peacock,	Tronzo,
Burns,	Hoffman, J. N.,	Peale,	Trout,
Burris,	Hoffman, S. K.,	Powers,	VanAllsburg,
Cadwalader,	Hoyt,	Preston,	Van Belle,
Calvin,	Huntley,	Readinger,	Voorhees,
Carpenter,	Imbrie,	Reagan,	Wagner,
Check,	James,	Reese, D. P.,	Walsh,
Chervenak,	Jirolanio,	Reese, R. E.,	Watkins,
Christler,	Johnston,	Regan,	Webster,
Clark,	Jones,	Rhodes,	Weiss,
Clearwater,	Kane,	Rider,	Welsh, E. B.,
Cohen, R. E.,	Keenan,	Riley,	Wilkinson,
Cooper,	Kenehan,	Robertson,	Wilson,
Cordier,	Kline,	Rooney,	Winner,
Corrigan,	Knoble,	Rose,	Wood, H. M.,
Cortese,	Kowalski,	Roseberry,	Wood, L. H.,
Curran,	Krise,	Rosenfeld,	Wood, N.,
Dalrymple,	Lee,	Rothenberger,	Woodside,
Denman,	Leisey,	Royer,	Yeakel,
Dick,	Levy,	Sarge,	Turner,
Dix,	Leydic,	Scanlon,	Speaker.
Donahue,	Lichtenwalter,		

NAYS—10

Andrews,	Holland,	Sarraf,	Westrick,
Falkenstein,	Mooney,	Welsh, M. J.,	Williams,
Finnerty,	Moran.		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 437, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by establishing a Department of Commerce and defining its powers and duties placing the State Planning Board within the department as a departmental administrative board making certain changes in its membership and defining its powers and duties making available to the department for the use of the board the current appropriation to the board and repealing inconsistent acts or parts of acts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred one of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and

employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand eight hundred sixty-five) the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand three) and the act approved the twenty-ninth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand four hundred thirty-six) is hereby further amended to read as follows

Section 201 Executive Officers Administrative Departments and Independent Administrative Boards and Commissions The executive and administrative work of this Commonwealth shall be performed by the Executive Department consisting of the Governor Lieutenant Governor Secretary of the Commonwealth Attorney General Auditor General State Treasurer Secretary of Internal Affairs and Superintendent of Public Instruction by the Executive Board and the Pennsylvania Motor Police by the following administrative departments Department of State Department of Justice Department of the Auditor General Treasury Department Department of Internal Affairs Department of Public Instruction Department of Military Affairs Insurance Department Department of Banking Department of Agriculture Department of Forests and Waters Department of Mines Department of Highways Department of Health Department of Labor and Industry Department of Welfare Department of Property and Supplies, Department of Revenue [and] Department of Public Assistance and Department of Commerce and by the following independent administrative boards and commissions Pennsylvania Game Commission Board of Fish Commissioners and the Pennsylvania Public Utility Commission

All of the provisions of this act which apply generally to administrative departments or generally except to the Department of the Auditor General and the Treasury Department shall apply to the Executive Board and to the Pennsylvania Motor Police

Section 2 Section two hundred two of the said act as last amended by the act approved the twenty-ninth day of November one thousand nine hundred thirty-eight (Pamphlet Laws ninety-two) is hereby further amended to read as follows

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

In the Department of Justice
Board of Pardons
Board of Commissioners on Uniform State Laws
In the Treasury Department
Board of Finance and Revenue
State Employes' Retirement Board
In the Department of Internal Affairs
Board of Property
In the Department of Public Instruction
State Council of Education
Pennsylvania State Board of Censors
Public School Employes' Retirement Board
Pennsylvania Historical Commission
Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Pennsylvania Soldiers' Orphans School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers' College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers' College
Board of Trustees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Slippery Rock State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
State Board of Medical Education and Licensure
State Board of Pharmacy
State Dental Council and Examining Board
State Board of Optometrical Examiners
State Board of Osteopathic Examiners
Osteopathic Surgeons' Examining Board
State Board of Examiners for the Registration of Nurses
State Board of Veterinary Medical Examiners
State Board for the Examination of Public Accountant
State Board of Examiners of Architects
Anthracite Mine Inspectors' Examining Board
Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania
State Registration Board for Professional Engineers
In the Department of Military Affairs
Armory Board of the State of Pennsylvania
Board of Trustees of Pennsylvania Soldiers' and Sailors Home
In the Department of Banking
Board to License Private Bankers
Pennsylvania Securities Commission
In the Department of Agriculture
State Farm Products Show Commission
In the Department of Forests and Waters
Water and Power Resources Board
Geographic Board
Lake Erie and Ohio River Canal Board
Pennsylvania State Park and Harbor Commission of Erie
Washington Crossing Park Commission
Valley Forge Park Commission
Fort Washington Park Commission
In the Department of Mines
Anthracite Mine Inspectors
Bituminous Mine Inspectors
In the Department of Highways
State Bridge Commission
In the Department of Health
Sanitary Water Board
State Board of Undertakers
In the Department of Labor and Industry
Workmen's Compensation Board
Workmen's Compensation Referees
State Workmen's Insurance Board
The Industrial Board
In the Department of Welfare
State Council for the Blind
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial School which upon the completion of the present Pennsylvania Industrial School at Huntingdon for the reception care maintenance detention employment and training of defective delinquents shall thereafter be known as the Board of Trustees of Pennsylvania Institution for Defective Delinquents
Board of Trustees of State Industrial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Farview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital

Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrance State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg State Hospital
Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Pennhurst State School
Board of Trustees of Polk State School
Board of Trustees of Selinsgrove State Colony for Epileptics

In addition to the foregoing there are hereby created as departmental administrative boards in the Department of Welfare boards of trustees for the respective institutions which are acquired by the Commonwealth from counties cities or institution districts for actual use as State mental hospitals under the provisions of act number twenty-one approved the twenty-ninth day of September one thousand nine hundred thirty-eight Each respective board of trustees shall be known as the Board of Trustees of the .....
(descriptive name of political subdivision in which institution is located)
.....State hospital

In the Department of Property and Supplies
Board of Commissioners of Public Grounds and Buildings
State Art Commission
In the Department of Revenue
State Athletic Commission
In the Department of Public Assistance
State Board of Public Assistance
In the Department of Commerce
State Planning Board

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

Section 3 Section two hundred six of the said act as amended by the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand three) is hereby further amended to read as follows

Section 206 Department Heads Each administrative department shall have as its head an officer who shall either personally by deputy or by the duly authorized agent or employe of the department and subject at all times to the provisions of this act exercise the powers and perform the duties by law vested in and imposed upon the department

(a) The following officers shall be the heads of the administrative departments following their respective titles

Secretary of the Commonwealth of the Department of State
Attorney General of the Department of Justice
Auditor General of the Department of the Auditor General
State Treasurer of the Treasury Department
Secretary of Internal Affairs of the Department of Internal Affairs
Superintendent of Public Instruction of the Department of Public Instruction
Adjutant General of the Department of Military Affairs
Insurance Commissioner of the Insurance Department
Secretary of Banking of the Department of Banking
Secretary of Agriculture of the Department of Agriculture
Secretary of Forests and Waters of the Department of Forests and Waters
Secretary of Mines of the Department of Mines
Secretary of Highways of the Department of Highways
Secretary of Health of the Department of Health
Secretary of Labor and Industry of the Department of Labor and Industry
Secretary of Welfare of the Department of Welfare
Secretary of Property and Supplies of the Department of Property and Supplies
Secretary of Revenue of the Department of Revenue
Secretary of Public Assistance of the Department of Public Assistance
Secretary of Commerce of the Department of Commerce

Section 4 Section two hundred seven of the said act as last amended by the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand three) and the act approved the twenty-ninth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand four hundred thirty-six) is hereby further amended to read as follows

Section 207 Appointment The Governor shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate appoint

(a) The Secretary of the Commonwealth the Attorney General the Superintendent of Public Instruction the Adjutant General the Insurance Commissioner the Secretary of Banking the Secretary of Agriculture the Secretary of Forests and Waters the Secretary of Mines the Secretary of Highways the Secretary of Health the Commissioner of the Pennsylvania Motor Police the Secretary of Labor and Industry the Secretary of Welfare the Secretary of Property and Supplies the Secretary of Revenue and Secretary of Public Assistance the Secretary of Commerce and the members of all independent administrative boards and commissions

The Adjutant General shall have the rank of Brigadier General of the Adjutant Generals' Department in the Pennsylvania National Guard No Adjutant General shall be appointed who shall not have served at least ten years as a commissioned officer in the Pennsylvania National Guard or equivalent length of service in the United States Army at least five years of which service shall have been as a commissioned officer In ascertaining the service herein required the time a person served in the army of the United States during any war in which the United States was engaged shall be computed double

(b) Except as in this act otherwise provided the members of all departmental administrative bodies boards and commissions and the officers who shall fill the departmental administrative offices mentioned in this article

(c) Except as in this act otherwise provided the members of all advisory boards and commissions

Section 5 Section two hundred nine of the said act as amended by the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand three) is hereby further amended to read as follows

Section 209 Compensation of the Governor Lieutenant Governor and the Heads of Departments Annual salaries shall be payable in equal semi-monthly installments as follows

To the Governor eighteen thousand dollars
To the Lieutenant Governor eight thousand dollars
To the Secretary of the Commonwealth ten thousand dollars
To the Attorney General twelve thousand dollars
To the Auditor General twelve thousand dollars
To the State Treasurer twelve thousand dollars
To the Secretary of Internal Affairs ten thousand dollars
To the Superintendent of Public Instruction twelve thousand dollars
To the Adjutant General ten thousand dollars
To the Insurance Commissioner ten thousand dollars
To the Secretary of Banking ten thousand dollars
To the Secretary of Agriculture ten thousand dollars
To the Secretary of Forests and Waters ten thousand dollars
To the Secretary of Mines ten thousand dollars
To the Secretary of Highways twelve thousand dollars
To the Secretary of Health ten thousand dollars
To the Secretary of Labor and Industry ten thousand dollars
To the Secretary of Welfare ten thousand dollars
To the Secretary of Property and Supplies ten thousand dollars
To the Secretary of Revenue twelve thousand dollars
To the Secretary of Public Assistance ten thousand dollars

To the Secretary of Commerce ten thousand dollars

Neither the Governor Lieutenant Governor nor the heads of any administrative department shall receive any additional compensation for any services rendered to the Commonwealth in any capacity

Section 6 At the end of article four of the said act the following new section is hereby added

Section 451 State Planning Board The State Planning Board shall consist of nine members and the Secretary of Commerce ex officio who shall be chairman of the board Four of the nine members shall be appointed from among the heads of the chief executive officers of the administrative departments and the remaining five members shall be appointed from among the citizens of the State who during their terms shall hold no other State office to which any salary is attached

The term of office of members of the board shall be five years and until their successors are appointed and qualified Provided however That members who also are heads or chief executive officers of administrative departments shall not serve as members of the board beyond their term of office in such other State service Of the members of the board first appointed three shall be appointed for a term of one year three for a term of three years and three for a term of five years Thereafter all appointments shall be made for a term of five years In case of a vacancy the Governor shall make an appointment for the unexpired term

Six members of the board shall constitute a quorum

The members of the board shall serve without compensation but shall be entitled to receive traveling expenses incurred in the discharge of their duties

The board may with the approval of the Secretary of Commerce appoint and fix the compensation of a Secretary who shall act as executive director of the board and who shall conduct the work of the board under its supervision The secretary shall hold no other position in the service of the Commonwealth or any political subdivision thereof and shall be technically qualified for the duties of his office

Section 7 After article twenty-five-A of the said act the following new article is hereby added

Article XXV-B

Powers and Duties of the Department of Commerce and Its Departmental Administrative Board

Section 2501-B Powers and Duties of the Department of Commerce The Department of Commerce shall have the power and its duty shall be

(a) To administer and carry out the provisions of the Commerce Law

(b) To take any other action authorized or required by this or any other law

Section 2502-B Powers and Duties of the State Planning Board The State Planning Board shall have the power and its duty shall be

(a) Subject to the provisions of this act to continue to administer and carry out the provisions of the State Planning Board Law

Section 8 (a) The members of the State Planning Board in office on the effective date of this act shall continue in office until the term for which they were respectively appointed shall expire or until they shall die resign or be removed from office

(b) All employes of the State Planning Board on the effective date of this act shall become employes of the Department of Commerce and shall continue to perform their usual duties upon the same terms and conditions as theretofore until removed or appointed to other positions by the Secretary of Commerce Persons who upon the effective date of this act are employes of the State Planning Board shall retain all retirement rights that shall have accrued or would thereafter accrue to them and their services shall be deemed to be continuous as if the State Planning Board had not been created as a departmental administrative board in the Department of Commerce

(c) The unexpended balance existing on the effective date of this act in any appropriation made to the State Planning Board is hereby transferred and appropriated to the Department of Commerce for the use of the State Planning Board in the performance of its work

Section 9 Sections two and three of the act approved the thirtieth day of July one thousand nine hundred thirty-six (Pamphlet Laws eighty-one) entitled "An act to create a State Planning Board prescribing its powers and duties imposing certain duties upon political subdivisions and making an appropriation" are hereby repealed

All other acts or parts of acts inconsistent with this act are hereby repealed

Section 10 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ALSPACH. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. ALSPACH. Mr. Speaker, I would like to know whether the appropriation which will eventually be sought for this Department of Commerce is provided for in the budget?

Mr. WOODSIDE. Mr. Speaker, there is no item in the budget submitted by the Governor directly for the Department of Commerce because the Department of Commerce is not in the budget. There is however listed in the budget an item for the Planning Board of $112,500 which the Governor suggests should be transferred to the Department of Commerce.

Mr. ALSPACH. Mr. Speaker, would this result in increasing the amount of the budget?

Mr. WOODSIDE. Mr. Speaker, that is a matter that is determined at the time the budget is passed. This particular bill, as I understand it, increases the budget by the salary of the Secretary. In other words, twenty thousand dollars for the biennium, but it is a matter for the general appropriation bill as to how much, if any, this amount increases the budget. I might point out that is a matter for determination at the time the appropriation bill is passed.

Mr. ALSPACH. Mr. Speaker, does the present budget contemplate an expenditure for the Department of Commerce?

Mr. WOODSIDE. Mr. Speaker, this is really a suggestion of the Governor. The suggestion was that $300,000 be appropriated from the General Fund for the purpose of carrying on the work of the Department, and also an appropriation of $400,000 from the Motor License Fund, to be transferred to this Department to carry on the work which formerly carried by the Publicity Commission—I don't know the exact name of it, in the Highway Department.

Mr. ALSPACH. Mr. Speaker, am I correct in assuming that this Commerce Department would increase the budget by $300,000?

Mr. WOODSIDE. Mr. Speaker, if that amount is contained in the General Appropriation Bill, in accordance with the suggestion made by the Governor, it would, yes.

Mr. ALSPACH. Mr. Speaker, am I correct in saying that of this four hundred thousand dollars from the Motor License Fund, the sum $312,500 has already been earmarked for the World's Fair publicity?

Mr. WOODSIDE. Mr. Speaker, I do not think that is

correct. This is only a suggestion by the Governor that four hundred thousand dollars be appropriated from the Motor License Fund instead of the five hundred thousand dollars which was previously appropriated from the Motor License Fund for publicity. There has been no amount earmarked by any law. This four hundred thousand dollars is not earmarked, and as a matter of fact there has been no bill as yet introduced to make that appropriation. It is simply a suggestion.

Mr. ALSPACH. Mr. Speaker, I would like to know whether the total granted to this Department runs around eight hundred thousand dollars?

Mr. WOODSIDE. Mr. Speaker, that is a question and a problem which will have to be decided by the Legislature at the time the general appropriation bill, or the special appropriation from the Motor License Fund is before us. The Governor suggested a reasonable amount to operate the department in the manner he suggested. There was three hundred thousand dollars from the General Fund, four hundred thousand dollars from the Motor License Fund, and $112,500 transferred from the Planning Board. As I say, that includes the taking over of all of the functions formerly handled by the Publicity Commission in the Department of Highways of this state, and it would be out of the Motor Fund.

Mr. ALSPACH. Mr. Speaker, not wishing to be obstructive in any manner I was wondering whether this would not in general necessitate increased taxes because of the Department of Commerce. Am I wrong or am I right?

Mr. WOODSIDE. Mr. Speaker, in my opinion the gentleman is wrong. There is no increase in taxes.

Mr. ALSPACH. Mr. Speaker, do I understand that the gentleman would rather have the Department of Commerce than decreased taxes?

Mr. WOODSIDE. Mr. Speaker, I do not think that is the issue at all. I think the Department is worth three hundred thousand dollars. I do not want taxes any more than you do.

Mr. ALSPACH. Mr. Speaker, I would like to know whether business in general wants this department? I haven't heard a lot of agitation about the thing. I would like to know whether business in general wants this department? Has these been any active agitation therefor on the part of business?

Mr. WOODSIDE. Mr. Speaker, I think that business in general is very much in favor of some agency, such as a Department of Commerce in the government, to help carry on certain types of work as set forth in this bill.

Mr. ALSPACH. Mr. Speaker, I have no further interrogation or no further statement. I wish to state that I am merely seeking the answers to these questions as a matter of information, not wishing to obstruct, as I intend to vote for this bill when it comes up for passage. I simply want this as a matter of information for my own purposes and for the record.

Mr. ANDREWS. Mr. Speaker, the rising Son of York, the minority leader, is unfortunately not with us this afternoon. Hs very much desired to address the House on this particular measure. He had prepared himself at great length and I am quite sure had he been here he would have said words which undoubtedly would have caused this House, at least the majority side, to abide by some of his opinions and change its course. However, since the leader is not here the hired help will have to say a few words about this particular measure.

Now, Mr. Speaker, in line with the standards that have so far been set, the line of action to which this House is committed, the pending measure is the sort of measure that the House will have to pass. It creates some jobs, and it is particularly attractive in view of the fact that the number of jobs it creates is a bit mysterious. There are enough jobs involved, however, to attract the interest of a job-hungry party. It is in line with the policy instituted to which this House is committed. We talk of reduction of taxes. We reenact the Earle emergency taxes, which is a little bit of substitution. We talk about doing something for real estate and then we veer off in the opposite direction, fighting for real estate with all the valor of an enraged titmouse, perhaps fighting for real estate with all the valor of three titmouses, I don't know. Then we promised to do something for business. Mr. Businessman comes down to the Capital and says, "How is the program for the relief of business coming along?" and this House proposes to say to the business man, "Why, John, haven't you heard that we have decided to substitute the Department of Commerce for a reduction in the load that business is carrying?" Mr. Businessman says, "The Dickens you say." They say, "Yes, the Department of Commerce, but we cannot give you any reduction in taxes, we cannot do anything for you at all except the Department of Commerce. Isn't it a pretty thing; isn't it about the nicest gadget that we have yet devised? You don't know how we can parade. Goodness knows, if we cannot do anything else for you, at least we can try this publicity department, and you ought to just read the publicity if you want to know what this Department of Commerce is going to do."

It is a clever idea. It means that there is an expenditure of one million three hundred thousand dollars under the cloak of economy. That is a bright idea that has been developed this session,—talk economy and spend money. Now, we haven't had anybody pointing out the reason why we need the Department of Commerce. We have been chided from the other side of the House, and I have chided these people here myself, because they were constantly injecting the State government into business affairs.

Gentlemen if you want to keep up your record, if you want to maintain the standards that you have set, you will have to pass this bill as something which will help business and being just as good as the things you promised during the campaign.

Mr. CALVIN. Mr. Speaker and members of the House, I do not care to prolong this debate any great length of time. Most of the members of the House are now more hungry for food than they are for jobs, but I do want to answer the facetious remarks of the gentleman from Cambria.

This Department of Commerce is the brain-child of the Administration. It is proposed to be created by the Governor. It is proposed to be created for the purpose of doing something for business and industry and commerce in this Commonwealth. It is proposed with the idea that we encourage business and industry to take over some of the unemployment problems that are facing this Commonwealth at the present time.

Mr. Speaker, this is an important measure at this time and it is sound. It is not founded on any political idea of

creating jobs. This bill takes over the assets of the Publicity Commission and it takes over the assets of the Planning Board, which already exist. In fact, there were few jobs over there and no new jobs created here. It does not provide for any appropriation of any kind except the salary of the Secretary of Commerce, which amounts to ten thousand dollars a year and the transfer of the money left by the State Planning Board and the transfer of the money left by the Publicity Commission for the use of this Department, when taken over into the Department of Commerce.

Someone has asked who created this Department of Commerce. We know and practically everybody knows that during the past six years industry in Pennsylvania has been subjected to the most terrible radical taxation that has ever been known in this country. For one hundred and fifty years industry in this country was conducted as a private enterprise, where men were allowed to engage in business and to conduct it only under superficial regulations of the government. During the past six years we have built up a system whereby government has tried to tell business that they know how to run everything in the world, that business was doing everything that was wrong. In 1936 we suspended that for a little while. The President of the United States issued a proclamation whereby he declared that business was going to have a "breathing spell." Business immediately increased and continued to increase until the President changed his mind.

You all know what happened in the spring 1937, what a crushing blow was dealt to business conditions in this country. Four million men lost their jobs during the first seven months of 1937 through a change of heart of the administration. We are now undertaking a similar system, propaganda put out by the federal government at the present time. They are encouraging business and industry and commerce, both big and small.

This Department of Commerce was proposed by the Governor to do something for business in Pennsylvania, to let them know, these business men, that we are interested in them and their work. Sometime ago I attended a banquet of some four hundred industrialists in Pennsylvania, and in our county of Beaver they were very much encouraged, knowing that we would do something to alleviate their tax burden, and that the Commonwealth of Pennsylvania had changed its attitude towards business and industry. They had a spirit of cooperation and hope from this department. I have talked with a great many industralists in my county. They are interested in the Department of Commerce because they feel with that kind of encouragement labor and industry will be brought together for their mutual interest. It is the purpose of this department to encourage industrial cooperation so that private employment will absorb a great many of these men who are now unemployed.

The national income of the United States has fallen now to sixty billion dollars, but under normal conditions it ought to be eighty billion dollars. There are now unemployed in the United States about ten million men, with three million men on WPA. If this Legislature hopes to do anything for this unemployment problem we must encourage industry to absorb those men who are unemployed and take them into private factories, and Republicans in this House who have been talking and campaigning for some time as to what they intended to do for industry have something to do and should support this measure.

We have found a great deal of encouragement in industry from business men along this line of work. Much can be done, much can be hoped for by mere psychological encouragement, if we are unable to do anything else. Mr. Brown, who is interested in this work, has interviewed Mr. Alfred Sloan of the General Motors Corporation and several other business concerns who are contemplating coming to Pennsylvania. Some of you people back in your old home counties are perhaps in the same condition as we are. I live in a fifth class county which once stood third industrially in the Commonwealth of Pennsylvania, and now we are down to seventh place. I have watched industry leaving my home town of Beaver Falls, Pennsylvania, dwindling away one after another, until now there is left only a mere handful. When I first moved to the city of Beaver Falls we had a great many industries and I have watched them depart one by one.

I have watched the Howard Stove Works disappear; I have watched the Rossman Corporation disappear; I have watched the Grasselli Chemical Company disappear; I have watched the Penn Bridge Company disappear; I have watched the Standard Scale and Supply Company disappear; I have watched a branch of the Winchester Arms Company disappear; I have watched the Myers Shovel Works disappear; I have watched the Standard Gauge Steel Company disappear and most of their activities transferred from the Commonwealth of Pennsylvania; I have seen just this week an order to transfer the Ideal Foundry and Machine Company to Newton Falls, Ohio.

I think these problems are the most important that confront the people of the Commonwealth of Pennsylvania. By supporting this measure you will do something to encourage business and industry to take up this work of absorbing these great numbers of people unemployed, and you will be doing something to cure permanently this relief problem in Pennsylvania. If you do not support legislation of this kind, if you do not do something to relieve unemployment conditions, in the next two years when the next legislature meets you will be confronted with the same taxation program again. I ask the members to support this measure.

Mr. KANE. Mr. Speaker and members of the House, I just want to say in behalf of this bill that a lot of the members perhaps have overlooked the fact that the Department of Labor and Industry of the Commonwealth of Pennsylvania has greatly developed into a Department of Labor. I have no objection to that because we have a Department of Labor in the Federal Government. In the Federal Government we also have a Department of Commerce which performs a great many useful functions. This bill would set up in the state of Pennsylvania a Department of Commerce. It seems to me, Mr. Speaker, that there are a great many business people in Pennsylvania, particularly the small business people, who after all employ better then eighty per cent, I believe, of all the people that are employed, who need somebody in the government, whose principal occupation is not to harass and annoy and bedevil industry, but some one to whom they can come when they have trouble with the government and whom they may rely upon to take up their cause and try to straighten out their difficulties.

I might call to the attention of the members of the House the fact that the Governor has been very active in

trying to promote industry here and there. For example, one of the House members who sat back in one of the rear rows during the last session and who operates a factory up in the northern tier, received a letter from the Tennessee Valley Authority, inviting him to remove his factory from Pennsylvania down into the Tennessee valley, because of the great changes which the Federal Government was installing there. They pointed out to him also the disadvantages in the Commonwealth of Pennsylvania. It seems to me, Mr. Speaker, that we might very well establish a Department of Commerce whose sole function would be to encourage business and to encourage employment.

Mr. Speaker, while I think it is true we have not been able to accomplish all the things we wished, at the same time it seems to me there is a benefit, Mr. Speaker, in a gesture, especially when that gesture consists in holding out an open hand of welcome to business in Pennsylvania rather than threatening business with a clenched fist.

Mr. Speaker, I may point out further to the gentleman of the opposition, that the Philadelphia "Record" a day or so ago had an article to the effect that over ten thousand people had been taken off the relief rolls in a single week by reason of a return to private employment. The passage of this bill, members of the House, will go a great ways toward informing business people that Pennsylvania is really on the way to business recovery, and that we are establishing a Department to help business instead of hindering it.

I urge the members to support this bill wholeheartedly.

Mr. ACHTERMAN. Mr. Speaker and members of the House, I wish to add just a few remarks to those made by the gentleman from Beaver. He was speaking of things that he had observed disappearing. I think that I could perhaps add some more to the things that he observed disappearing. I recall the promise of reduction of taxes to business, and that promise has disappeared. Also the promise of economy, and of course that promise has disappeared. With this million dollar bill, I also recall more promises as to an effort to take care of Pennsylvania generally and make us prosperous, and of course that promise is rapidly disappearing.

I can understand, Mr. Speaker, the great concern to at least hand out some false promises, some haven where all these individuals who have been disappointed may meet. I agree with the majority party that certainly promises have a habit of disappearing.

Mr. LEVY. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I will, Mr. Speaker.

Mr. LEVY. Mr. Speaker, I desire to inquire of the gentleman from Dauphin as to how the creation of this Department of Commerce is going to entice business people who have fled from Pennsylvania to return to the soil of the Commonwealth and build up industry once more?

Mr. WOODSIDE. Mr. Speaker, there are many industries that might come to Pennsylvania from other states if they were given proper cooperation and an incentive, and I want to call to the attention of the members of the House that through the efforts of this department there was a single industry that would employ five hundred men or women that would come into this Commonwealth, and it would be possible to save three hundred and sixty thousand dollars in relief alone.

Mr. LEVY. Mr. Speaker and members of the House, I recall very distinctly, and I have in my hand a full text of Governor James' addresses throughout the Commonwealth of Pennsylvania prior to the last general election. In reviewing this book I fail to find at any one time that he ever mentioned anything concerning a Department of Commerce without also stating that one thing must go along with another, and that other thing is a reduction of taxes in Pennsylvania. I say to the majority leader of this House he knows as well as every other Republican member that you cannot induce business to come back into Pennsylvania, if such is the case, by proclaiming to the country at large that we have a Department of Commerce that is going to advertise the Commonwealth of Pennsylvania, without giving them something concrete to come back and rely upon. We know that Mr. James has not fulfilled his promise in regard to reduction of taxes. In fact only today the very Republican newspapers that screamed aloud for a probable reduction in taxes are now apologizing for Mr. James and telling the people of the Commonwealth it cannot be done now, but it may be done two years from now.

Mr. FURMAN. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. FURMAN. Mr. Speaker, did I understand the gentleman from Dauphin to say that a part of the funds to operate this new department would come from revenue out of the Motor License Fund?

Mr. WOODSIDE. Mr. Speaker, there is nothing in either of these bills that relates to that subject. I say a suggestion has been made that the appropriation which was formerly made for advertising the Commonwealth by the Commission, aimed to get the tourists into this State, should be made to the Department of Commerce, and that the Department of Commerce would handle that advertising rather than the Commission. It was only a suggestion. It is not in the bill. It is entirely a separate matter which will come before the House at another time.

Mr. ROSENFELD. Mr. Speaker, I would like to interrogate the sponsor of this bill, Mr. Ackermann.

Mr. ACKERMANN. Mr. Speaker, I yield to the gentleman from Dauphin, Mr. Woodside.

Mr. ROSENFELD. Mr. Speaker, I desire to ask the gentleman how many jobs the department will create?

Mr. WOODSIDE. Mr. Speaker, very few, Mr. Speaker. There are no jobs created in the bill outside of the Secretary of Commerce, therefore so far as this bill is concerned there will be only one.

Mr. ROSENFELD. Mr. Speaker, by reason of the appropriation to this department how many jobs will be created?

Mr. WOODSIDE. Mr. Speaker, there has been no appropriation made to the department. That is a matter that will come before the House at another time.

Mr. ROSENFELD. Mr. Speaker, I desire to ask the gentleman what inducement will be offered to industry outside of the state to come into the state?

Mr. WOODSIDE. Mr. Speaker, that is the exact purpose of the Department of Commerce to do that.

I might say in the little home town in which I live there was a special effort made some years ago and an industry was brought into the town which employed as high as seven or eight hundred people. If the Department of Commerce with all the force of the state back of it, with a Secretary who was qualified and well-versed and well-known throughout the country, we might bring any number of industrial plants into Pennsylvania which might employ many men and take many people off relief, saving the Commonwealth many times the amount of the appropriation to this Department.

Mr. ROSENFELD. Mr. Speaker, does the gentleman feel that the tag called the Department of Commerce will bring industry back into the state instead of the tag called the Publicity Commission?

Mr. WOODSIDE. Mr. Speaker, I think possibly that publicity would help a little bit. If we tore down all the signs with the name of Governor Earle upon them, by reason of the fact that he is no longer Governor of Pennsylvania, it might help to bring industry back into Pennsylvania.

Mr. ROSENFELD. Mr. Speaker, I do not feel sure that the name of Mr. James would bring industry back into the state.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—135.

Ackermann,	Donahue,	Krise,	Self,
Alspach,	Downey,	Lee,	Serrill,
Atkins,	Eckels,	Leisey,	Shearer,
Auker,	Ely,	Leydic,	Simons,
Balliet,	Ewing,	Lichtenwalter,	Sloan,
Bardes,	Fisher,	Lyons,	Snyder,
Bennett,	Fiss,	Madden,	Sollenberger,
Boney,	Fleming,	Marr,	Stambaugh,
Boorse,	Foor,	Matthews,	Stewart,
Boose,	Freed,	McClester,	Stockham,
Bower,	Fullerton,	McGarrity,	Tahl,
Boyd,	Gates,	McKinney,	Taylor,
Bretherick,	Gillan,	McNally,	Thistle,
Broad,	Gillette,	McVay,	Thompson, G. R.,
Bronson,	Goll,	Montgomery,	Tiemann,
Brown, S. W.,	Habbyshaw,	Moser, F. S.,	Tronzo,
Brunner,	Haines,	Moser, J. L.,	Trout,
Cadwalader,	Hall,	Muir,	VanAllsburg,
Calvin,	Hamilton,	O'Dare,	Van Belle,
Carpenter,	Harbeson,	Peacock,	Voorhees,
Check,	Haudenshield,	Peale,	Wagner,
Christler,	Henry,	Preston,	Watkins,
Clark,	Hocke,	Readinger,	Webster,
Clearwater,	Hoffman, J. N.,	Reagan,	Weiss,
Cohen, R. E.,	Hoyt,	Reese, D. P.,	Wilkinson,
Cook,	Huntley,	Rhodes,	Wilson,
Cooper,	Imbrie,	Riley,	Winner,
Cordier,	James,	Robertson,	Wood, H. M.,
Cortese,	Johnston,	Rose,	Wood, L. H.,
Curran,	Jones,	Roseberry,	Wood, N.,
Dalrymple,	Kane,	Royer,	Woodside,
Denman,	Kline,	Sarge,	Yeakel,
Dick,	Knoble,	Schrock,	Turner,
Dix	Kowalski,	Schwab,	Speaker.

NAYS—43.

Achterman,	Fauset,	Malloy,	Sarraf,
Allmond,	Finnerty,	Mihm,	Skale,
Andrews,	Furman,	Mooney,	Stank,
Baker,	Gorski,	Moran,	Tarr,
Boles,	Harkins,	O'Keefe,	Thompson, E. F.,
Brancato,	Hess,	Ominsky,	Walsh,
Burns,	Hindman,	Powers,	Welsh, E. B.,
Burris,	Jirolanio,	Regan,	Welsh, M. J.,
Chervenak,	Keenan,	Rider,	Westrick,
Corrigan,	Levy,	Rooney,	Williams,
Falkenstein,	Lovett,	Rosenfeld,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 436, entitled:

An Act relating to, and providing for, the promotion and development of business, industry and commerce in the Commonwealth; conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth; abolishing the Pennsylvania State Publicity Commission, terminating the terms of its members and conferring its powers upon, and transferring and appropriating the balance of its current appropriation to, the Department of Commerce; and repealing certain laws.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. FURMAN. Mr. Speaker and members of the House, under the terms of this bill the appropriation that was set up for the Pennsylvania Publicity Commission, this money will be transferred to the Department of Commerce. The money for the State Publicity Commission is money out of the Motor License Funds, and by the terms of this bill we abolish the Publicity Commission. I believe when we abolish this Commission this money should go back to the Highway Fund. I think we are treading on dangerous ground by appropriating unexpended balances to another department for other purposes. I think this is a violation of the Federal law known as the Hayden-Cartwright Act, which provides for Federal money to various states of this nation for the purpose of maintaining and building roads.

I believe that the Federal government will classify this as a diversion of a motor license funds and Pennsylvania will not then be in a position to receive her proper share of funds allocated to this state from the Federal government. For that reason I think we should defeat this bill.

Mr. WOODSIDE. Mr. Speaker and members of the House, under the terms of this bill the money which is in the fund can be spent for exactly the same purposes as it would be if it were spent for the Pennsylvania State Publicity Commission. I understand that it is the intention, to spend that money for exactly the same purpose, and being expended for that purpose it is for the benefit of the motorists as a whole. Therefore, I think the objection is not well founded.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—131.

Ackermann,	Eckels,	Lee,	Shearer,
Alspach,	Ely,	Leisey,	Simons,
Atkins,	Ewing,	Leydic,	Sloan,
Auker,	Fisher,	Lichtenwalter,	Snyder,
Balliet,	Fiss,	Lyons,	Sollenberger,
Bardes,	Fleming,	Madden,	Stambaugh,
Bennett,	Foor,	Marr,	Stewart,
Boney,	Freed,	Matthews,	Stockham,
Boorse,	Fullerton,	McClester,	Tahl,
Boose,	Gates,	McGarrity,	Taylor,
Bower,	Gillan,	McKinney,	Terry,
Boyd,	Gillette,	McNally,	Thistle,
Bretherick,	Goll,	McVay,	Thompson, G. R.
Bronson,	Habbyshaw,	Montgomery,	Tiemann,
Brown, S. W.,	Haines,	Moser, F. S.,	Trout,
Brunner,	Hall,	Moser, J. L.,	Van Allsburg
Cadwalader	Hamilton,	Muir,	Van Belle,
Calvin,	Harbeson,	O'Dare,	Voorhees,
Carpenter,	Haudenshield,	Peacock,	Wagner,
Christler,	Henry,	Peale,	Watkins,
Clark,	Hocke,	Preston,	Webster,
Clearwater,	Hoffman, J. N.,	Readinger,	Weiss,
Cohen, R. E.,	Hoyt,	Reagan,	Welsh, E. B.,
Cook,	Huntley,	Reese, D. P.,	Wilkinson,
Cooper,	Imbrie,	Rhodes,	Wilson,
Cordier,	James,	Riley	Winner,
Cortese,	Johnston,	Robertson,	Wood, A. M.,
Curran,	Jones,	Rose,	Wood, L. H.,
Dalrymple,	Kane,	Rosebery	Wood, N.,
Denman,	Kline,	Royer,	Woodside,
Dick,	Knoble,	Schrock,	Yeakel,
Dix,	Kowalski,	Seif	Turner,
Donahue	Krise,	Serrill,	Speaker,

NAYS—43.

Achterman,	Falkenstein,	Melchiorre,	Sarraf,
Allen,	Fauset,	Mihm,	Schrope,
Allmond,	Flanagan,	Mooney,	Schwab,
Baker,	Furman,	Moran,	Stank,
Boles,	Gorski,	O'Keefe,	Tarr,
Brancato,	Harkins,	Ominsky	Thompson, E. F.,
Broad,	Hess,	Powers,	Walsh,
Brown, H. S.,	Hindman,	Reese, R. E.	Welsh, M. J.,
Chervenak,	Holland,	Rider,	Westrick,
Corrigan,	Keenan,	Rooney,	Williams,
Downey,	Lovett,	Rosenfeld,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

COMMITTEE MEETINGS

There will be meetings of the Committees on:

Agriculture, Wednesday, April 12, at 10 a. m., in Room 325.

Cities—Third Class, Wednesday, April 12, at 11 a. m., in Room 546.

Constitutional Amendments, Wednesday, April 12, at 10:30 a. m., in Room 333.

Counties, Wednesday, April 12, at 11:30 a. m., in Room 100.

Elections, Wednesday, April 12, at 10:30 a. m., in Room 546.

Sub-committee on Game, Wednesday, April 12, at 10 a. m., in Room 147.

Labor, Wednesday, April 12th at 11 a. m., in Room 541.

Mines and Mining, Wednesday, April 12th at 11 a. m., in the Senate Caucus Room, Joint committee meeting.

Motor Vehicles, Wednesday, April 12th at 10 a. m., in Room 324.

Public Health and Sanitation, Wednesday, April 12th at 11 a. m., in Room 323.

Welfare, Wednesday, April 12th at 9 a. m., in Room 323.

Sub-committee in charge of the Criminal Cole, Wednesday, April 12th at 10 a. m., in Room B.

ADJOURNMENT

Mr. FISHER. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 7:12 p. m.) the House adjourned until Wednesday, April 12, 1939, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

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SENATE

WEDNESDAY, April 12, 1939.

The Senate met at 1:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

We give Thee our deepest thanks, O Gracious God, this day for Thy Revelation of divine truth unto us in the Holy Bible. Living characters have moved and played upon the stage of life personifying the greatest and best philosophy of living. Vital principles of human endeavor postulating the highest life possible to be lived, are enunciated. Words of sublime beauty and holy magnificence proceed from Thy Holy Word. And withal it speaks unmistakenly to each one of us.

We would suffer it to be a "lamp unto our feet and a light unto our path."

This day may Thy truth, therefore, guide us aright and keep us in the faithful way of perfect liberty, freedom and independence even though other nations may trample it asunder and deny its priceless value. May this nation, and we especially, never be guilty of this awful deed. In Thy holy name, we pray. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. GELDER, the further reading was dispensed with, and the Journal was approved.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, whcih was read as follows:

APPROVED AND SIGNED SENATE BILLS NOS. 12 and 13.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 11, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following :

Senate Bill No. 132, Printer's No. 12, entitled, "An Act to amend sections one two and four of the act approved the sixteenth day of May one thousand nine hundred nineteen (Pamphlet Laws 180) entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims" extending the provisions of said act to include land acquired at county treasurer's sales for unpaid taxes."

Senate Bill No. 166, Printer's No. 13, entitled, "An Act to authorize cities boroughs incorporated towns townships and school districts to file suggestions of nonpayment and averments of default or to sue out writs of scire facias on certain tax on municipal claims and to revive judgments where the liens of such claims or the judgment thereon have been lost and providing for the reinstatement of the liens of such claims and judgmnets."

ARTHUR H. JAMES.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 404, (Senate Bill No. 497), entitled:

An Act to amend sections three and five of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-five (P. L. 644), entitled "An act relating to and regulating the solicitation of moneys and property for charitable, religious, benevolent, humane, and patriotic purposes," as amended, by requiring the corporations, copartnerships and associations affected by the provisions of this act to publish certain facts relative to their organization once a year, and to file proof of such publication with the Department of Welfare.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

House Bill No. 436, (Senate Bill No. 498), entitled:

An Act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriation to the Department of Commerce and repealing certain laws

Which was committed to the Committee on State Government.

House Bill No. 437, (Senate Bill No. 499), entitled:

An Act to amend the act, approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "Administrative Code of 1929" as amended, by establishing a Department of Commerce and defining its powers and duties; placing the State Planning Board within the department as a departmental administrative board, making certain changes in its membership and defining its powers and duties; making available to the department for the use of the board the current appropriation to the board; and repealing inconsistent acts or parts of acts.

Which was committed to the Committee on State Government.

House Bill No. 681, (Senate Bill No. 500), entitled:

An Act providing for the licensing and regulation of tourist camps both privately and municipally owned, by the Department of Health, and prescribing its powers and duties; fixing fees for such licenses, giving the owners of such camps liens in certain cases upon the property of his guests; and providing penalties.

Which was committed to the Committee on Public Health.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 209, entitled:

An Act to amend section two thousand eight hundred forty-two of the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (P. L. 932), entitled "Third Class City Law," by authorizing the city to appeal from reports of viewers, and demand a trial by jury, and making such provisions retroactive so as to apply to cases now pending.

House Bill No. 486, entitled:

An Act authorizing the appointment of a deputy mayor in cities of the second class A, and limiting and prescribing his powers and duties.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Armstrong will state his question of personal privilege.

Mr. SIPE. Mr. President, over a month ago Senator Cavalcante and myself introduced, or sponsored, a resolution which would call upon the Senators to obey the Constitution of Pennsylvania and disclose whether they owned stock in milk companies, or are on the payroll of milk companies.

The Republican Senators, with the exception of Senator Heyburn, sent this resolution to a committee where it has been reposing ever since; and where it is likly intended to repose forevermore.

I wish to serve notice, Mr. President, that if this resolution is not soon brought out upon the floor, Senator Cavalcante and myself will move for the discharge of the committee.

We have heard a great many speeches in this Senate about the sacredness of the Constitution—speeches coming principally from the other side of this chamber. Gentlemen on the other side of this chamber have wrapped themselves in the American flag, have put halos around their heads and wings on their backs, and told us of their undying love for the Constitution.

We want to see, and the farmers of Western Pennsylvania want to see—especially the farmers of my district want to see—whether these gentlemen mean what they say when they tell us of their great love for the Constitution. Every Senator who will vote to pickle this resolution will thereby stand himself up before the gaze of the farmers, the farmers of Western Pennsylvania, especially from my district, to take a look at them; and, of course, they want to take a look at them.

Mr. President, I have just come from the offices of the Milk Control Board where I was advised that yesterday, the farmers of Western Pennsylvania filed a petition for a rehearing to try and get a modification or revocation of the outrageous order of the Milk Control Board, approved by the Governor several months ago, which is compelling the farmers of my district, and the rest of the Pittsburgh district, to sell milk at a loss—the more they sell the more they lose.

I was told by the Milk Control Board, by a member of the said board—specifically, I was told by Mr. Patterson of the Milk Control Board, about an hour ago, in the office—that the trouble with the farmers is that they are unable to go up against the high-powered, high-salaried lawyers and lobbyists of the milk companies.

I might say that as I was going into the office of the Milk Control Board I met a well known, pretty powerful, milk monopoly lobbyist and lawyer coming out, one who was born in Crawford county, and I asked him whether he had taken charge.

Just another word, Mr. President, in order to clear up what sounded to me, coming from the lips of Senator Walker yesterday, as a sort of distortion of the views of Dr. C. Howard Marcy, Secretary and Director of the Tuberculosis League of Pennsylvania, as to the need for the Butler Tuberculosis Sanatorium. In order to correct any misapprehension, any erroneous impression the Senators might have gained from the eloquent lips of Brother Walker, I wish to read Dr. Marcy's own words. I wish to read two paragraphs of his letter, dated April 1, 1939 to Dr. A. O. Hindman, member of the General Assembly, House of Representatives, from Washington County, and read into the Legislative Journal by Dr. Hindman, Page 1108 of the Journal, as follows:

"The proposal of the Governor not to operate the new institution at Butler came as a shock to Pennsylvania agencies and individuals, professional and others, who have been striving for years to secure provision on the part of the State of more adequate hospital facilities for the tuberculous. As a justification for this decision, it is stated in the Budget Message:

" 'The entire present waiting list of sufferers from tuberculosis can be amply accommodated at the present sanatoria. To occupy the Butler institution would be unjustifiable expense.'

"It has been our understanding that approximately 738 new beds are being provided for patients at the Mont

Alto and Hamburg Hospitals. We have been informed by the Secretary of Health that the waiting list stood at 611 on March first.

"The question occurs—is the size of the waiting list of applicants for admission to State sanatoria an accurate or even safe measure for the need of hospital beds? We believe most emphatically that it is not and that it should not be so accepted. The number of deaths occurring annually is the guide used by competent public health authorities in determining tuberculosis hospital needs. At least two beds per annual death is regarded as the minimum requirement.

"There were 4,906 deaths from tuberculosis in Pennsylvania in 1937, and there are today approximately 4,562 beds available in the state for the civilian population. With 738 new beds provided at Mont Alto and Hamburg, Pennsylvania will still need something over 3,000 additional beds to meet the standard requirements of two beds for each annual death. On this basis alone, there can be no question as to Pennsylvania's need for the 550 beds that would be available in the Butler Hospital.

"There is no doubt that the institution would be filled to capacity in a very short time. While in itself, it would not solve our tuberculosis hospital problem, it would accomplish a great deal in providing more adequate care for residents of Western Pennsylvania. At the present time the nearest hospital for the western part of the state is at Cresson. Even after a patient is accepted for admission, it means that he must be sent a long distance from home and friends for treatment. The institution in Butler County would help very much toward correcting this unfortunate situation.

Very sincerely yours,

C. HOWARD MARCY, M.D."

Mr. President, before I sit down, another word.

In this morning's Pittsburgh Post Gazette, there is an article from the pen of the Honorable Mr. Dressler in which he makes the astounding statement that my pleas on the floor of this Senate for the opening of this institution of mercy have unified the Republican members of this Senate, and in which he also makes the statement that my rebukes on the floor of this Senate on shovel-leaning and loafing in high places have unified you Republicans.

Well, what does this mean? It means that my rebukes of loafing and shovel-leaning in high places have caused you gentlemen on the other side to gird your loins in defense of loafing and shovel-leaning. It means that my pleas to you for humanity and the opening of the Sanatorium have made you more inhumane than ever.

Well, gentlemen of the other side, I did not think you were quite that bad; but I am willing to admit that brother Dressler knows you better than I do, and probably he is right about it after all.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, I rise for the purpose of adding a few words to what my friend from Armstrong has said. My few remarks are directed especially to that part of the remarks made by the Senator from Armstrong that referred to the resolution introduced by that gentleman and myself, requiring the members of the General Assembly to disclose their interest in the production, distribution and control of milk in this State.

I want to pointedly add to the remraks of the Senator rom Armstrong that, if we are forced to the expedient of moving to discharge the committee in order to get some action on that resolution, we may have to preface our motion in such a way that we will have to disclose some documentary evidence that may be very embarrassing to some of the gentlemen of the General Assembly, both in the House and in the Senate.

QUESTION OF PERSONAL PRIVILEGE

Mr. MALLERY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Blair will state his question of personal privilege.

Mr. MALLERY. Mr. President, I have always considered the office of State Senator one of honor. In fact, I know of no office in the State of Pennsylvania to which anyone might aspire which, in my opinion, is more honorable; and while we may disagree one with the other, I have never yet questioned the motives that actuated any of my colleagues on the right or on the left. I think every member of this Senate is motivated by just as high ideals as I am.

I think my friends on the left are in every respect just as honorable and fine gentlemen as I am; and I do not believe there is any member of this body who would take any improper activity on behalf of any legislation—we are all intelligent people, we all know what we ought to do and ought not to do, and I do not believe there is any member of this body who would do anything which, under the Constitution, or under the ethics of this body, which he should not do.

REPORTS FROM COMMITTEES

Mr. FARRELL, from the Committee on State Government, reported as committed, Senate Bill No. 488, entitled:

An Act authorizing boards of trustees of State institutions within the Department of Public Instruction, with the approval of the Superintendent of Public Instruction, to contract with municipalities and townships for fire protection, and to pay therefor out of their appropriations for support and maintenance.

Mr. EDMONDS, from the Committee on State Government reported as amended, Senate Bill No. 214, entitled:

An Act requiring retail dealers in liquid fuels to display the price of liquid fuels on signs; specifying the location thereof, maximum size thereof, minimum size of lettering and figures thereon, conferring powers and duties upon the Department of Revenue; and imposing penalties.

RE-REFERRED

Mr. MUNDY, from the Committee on Education, reports Senate Bill No. 484, entitled:

An Act directing the State Council of Education to study and report to the General Assembly and to the Governor what funds are required for the proper support of the public schools of the Commonwealth how the costs of such support should be divided between the Commonwealth and the school districts and the proper distribution of state funds to the several school districts, and making an appropriation to the Department of Public Instruction to pay the expenses of such study and report.

and requests that it be re-referred to the Committee on Appropriations, inasmuch as there was an appropriation included in the bill.

Mr. MUNDY, from the Committee on Public Health, reported as committed, Senate Bill No. 223, entitled:

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L.119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies," by abolishing the Anatomical Board of the State of Pennsylvania; and transferring its powers and duties to the Anatomical Board in the Department of Health.

Mr. WALKER, from the Committee on Public Health, reported as committed, Senate Bill No. 250, (House Bill No. 28), entitled:

An Act to regulate the sale of sulfanilamide and its derivatives in the interest of public health.

Mr. WALKER, from the Committee on State Government, reported as committed, Senate Bill No. 131, entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase, gift, lease or condemnation on behalf of the Commonwealth of Pennsylvania forty acres of land adjacent to "Pennsbury Memorial" or so much thereof as may be necessary to properly honor the founder of the Commonwealth of Pennsylvania on the spot where he made definite plans to spend his life; providing for the control, management, supervision, improvement, preservation and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

and request that it be re-referred to the Committee on Appropriations.

REPORTS FROM COMMITTEES

Mr. WOLFENDEN, from the Committee on Appropriations, reported as committed, Senate Bill No. 430, (House Bill No. 856), entitled:

An Act making a deficiency and emergency appropriation to aid certain school districts.

Mr. FARRELL, from the Committee on Public Health, reported as amended, Senate Bill No. 378, (House Bill No. 410), entitled:

An Act relating to the practice of the occupation or business of opticians and providing for the licensing and registration of opticians and optical technicians and the registration of optician's apprentices and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement defining the powers and duties of the State Board of Examiners of Opticians and the Department of Public Instruction and providing penalties

Mr. TALLMAN, from the Committee on Municipal Government, reported as amended, Senate Bill No. 308, (House Bill No. 480), entitled:

An Act regulating the appointment promotion suspension reduction removal and reinstatement of employes (except chiefs deputy chiefs and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class defining the powers and duties of Civil Service Commisisons for such purpose in said cities and repealng inconsistent legislation

BILL RECOMMITTED

Mr. STEVENSON. Mr. President, I move that Senate Bill No. 308, (House Bill No. 480), the bill just read, be recommitted to the Committee on Municipal Government, as it was reported from the same Committee by mistake.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. HEYBURN, from the Committee on Insurance, reported as amended, Senate Bill No. 317, entitled:

An Act to amend sections four hundred fifteen and four hundred sixteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," as amended; further defining group life insurance to include additional classes of persons.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 300, (House Bill No. 365), entitled:

An Act for the judicial notice of the laws of other jurisdictions and for proof thereof and to make uniform the law with reference thereto.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 299, (House Bill No. 364), entitled:

An Act making business records competent legal evidence under certain conditions and making uniform the law with reference thereto.

Mr. STEVENSON, from the Committee on Judiciary General, reported as amended, Senate Bill No. 259, entitled:

An Act to amend section thirty-eight of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 382), entitled "An act to consolidate, revise and amend the penal laws of this Commonwealth," by permitting the trial for the offense of fornication and bastardy to be held either where the child was begotten or where it was born.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, April 10, 11 and 12, 1939, by His Excellency, the Governor of the Commonwealth, and also for the consideration of unfinished business.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 10, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to

nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Howard G. Rice, Pittsburgh, 128 N. Highland Ave., April 12, 1939.

ERIE COUNTY

Mrs. Eleanor L. Kelch, Girard, April 13, 1939.

PHILADELPHIA COUNTY

James H. Bell, Phila., Land Title Bldg., April 16, 1939.

BUCKS COUNTY

Mrs. Mabel S. Mitchell, Langhorne, April 22, 1939.

ALLEGHENY COUNTY

Walter C. Burton, Pittsburgh, Pgh. Post Gazette Bldg., 110 Grant St., April 28, 1939.

PHILADELPHIA COUNTY

Randall A. Snyder, Phila., Cunard Bldg., 220 S. 16th St., April 30, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 10, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Marion S. Callender, Pittsburgh, 952 Union Trust Bldg.
Miss Elizabeth B. Ferdinger, Pittsburgh, 20 Wabash Ave.
William C. Mahan, Pittsburgh, 2400 Oliver Bldg.
F. N. Riffle, Pittsburgh, Scully Shop, Penna. R. R.
Miss Virginia M. Trozzi, Pittsburgh, 5835 Baum Blvd.
Albert F. Yunker, Stowe Twp., 515 Marwood Ave., McKees Rocks.

BERKS COUNTY

Anthony Zaffiro, Reading.

CAMBRIA COUNTY

Miss Edith F. Foster, Johnstown.

DELAWARE COUNTY

Harry J. Kelleher, Springfield Twp., 49 Wayne Ave., Springfield, R. D., Media.

LACKAWANNA COUNTY

Andrew Brown, Scranton.
Miss Helen A. Conway, Dunmore.
Miss Helen H. Tighe, Scranton.

LANCASTER COUNTY

Lyte O. Buch, Ephrata.

LEHIGH COUNTY

Miss Marianne Iwodz, Allentown.
Miss Thelma A. Minnich, Allentown.
Wilson C. Wenner, Emaus.

PHILADELPHIA COUNTY

Melvin H. Bright, Phila., 4840 Frankford Ave.
Mrs. C. C. Glenn, Phila., 1420 Chestnut St.
Miss Elizabeth P. Hidalgo, Phila., 4007 Chester Ave.
Miss Margaret E. Murphy, Phila., 1227 N. Broad St.
G. N. Nicholson, Phila., 6607 N. 7th St.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 11, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

LEHIGH COUNTY

William C. Jackson, Allentown, April 17, 1939.

LACKAWANNA COUNTY

Frank J. Kirst, Scranton, April 30, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 11, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

John A. Bergstrom, McKeesport.
John C. Crouch, Pittsburgh, The McKay Bldg., 1005 Liberty Avenue.
Sebastian D'Epiro, Pittsburgh, 812 Wylie Avenue.
Theo. Schleid, Bellevue.
Meyer Talenfeld, Pittsburgh, 2131 Center Avenue.

BERKS COUNTY

Mrs. Mattie T. Norton, Reading.

DELAWARE COUNTY

Miss Harriett E. Weed, Radnor Twp., Wayne.

JEFFERSON COUNTY

Saul D. Gearhart, Punxsutawney.

NORTHAMPTON COUNTY

Pasquale Castiello, Bethlehem.

PHILADELPHIA COUNTY

Reuben Pototsky, Phila., 1733 South Fifth Street.

VENANGO COUNTY

Miss Susan H. Miller, Franklin.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 12, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for reappointment as a Notary Public, for a term of four years to compute from the date set opposite her name:

PHILADELPHIA COUNTY

Miss Rose Squires, Phila., 2501 Phila. Savings Fund Bldg., April 20, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 12, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to

nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Nellie B. McPoland, Pittsburgh, 1829 Chislett St.
Miss Helen L. Park, Avalon.
Miss Anne Ross, Pittsburgh, 1202 Beaver Ave., N. S.

BEAVER COUNTY

Miss Phyllis Grzybowski, Ambridge.

BLAIR COUNTY

C. Clyde Barley, Jr., Altoona.

CAMBRIA COUNTY

Miss Maria Leitenberger, Johnstown.

LACKAWANNA COUNTY

Gordon Dimock, Scranton.

PHILADELPHIA COUNTY

T. Walter McGrath, Phila., 1324 N. Broad St.
Mrs. Blanche T. Walker, Phila., 402 Liberty Trust Bldg.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. OWLETT. That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. OWLETT.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrich,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
Ealy,	James,	Pierson,	Walker.
Edmonds,	Kilgallen,	Reed,	Wolfenden,
Kroe,	Kunkel,	Ruth,	Woodward,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

RULING ON POINT OF ORDER

The PRESIDENT. In connection with the point of order raised by the Senator from Fayette, Mr. Cavalcante, on Monday, April 10, 1939, the Chair makes the following ruling:

"That under Rule 38 of the Senate which requires two members who voted with majority to make the motion to reconsider a vote on confirmation of Executive Nominations, the Senator from Tioga, Mr. Owlett, and the Senator from Blair, Mr. Mallery, having voted in the negotive could not make the motion."

The Chair rules the point of order not well taken; and at this time desires to state his reasons in support of the ruling.

In this case there were 26 votes for confirmation and 20 votes against confirmation which was 8 votes less than the constitutional majority required.

The question to be determined is:

"What construction is to be given to the word 'majority' as used in rule 38?

Jefferson's Manual, edition of the 76th Congress, page 374, Section 813, says:

"The provision of the rule that the motion may be made 'by any member of the majority,' is construed to mean any member of the prevailing side either in the case of a tie vote or in the case of a two-thirds vote."

In Hind's Precedents, Vol. 11, page 1133, paragraph 1650, there appears the following:

"Where a two-thirds vote is required, a member on the prevailing side may move to reconsider, even though he may be one of an actual minority. A majority is required to reconsider a vote taken under conditions requiring two-thirds for an affirmative action."

Mason's Manual of Legislative Procedure, page 111 Sec. 87 reads:

"The general parliamentary law requires that a motion to reconsider is made only by a member who voted on the prevailing side of the question."

Reading further; this authority says:

"In practice, the motion to reconsider is often made by a member who at first voted upon the losing side but who changed his vote to the prevailing side before the announcement of the vote, in order to qualify to move to reconsider."

It is clear to the Chair, after a careful examination of the question, that the motion to reconsider must be made by two members who were on the prevailing side—which is the majority within the meaning of the rule.

"Rule 38 does not say a majority of the votes cast—it requires any two Senators voting with the majority."

It is plain that those who voted in the negative defeated the confirmations, and were in the majority on the question. This has been the interpretation in the Congress of the United States (which rules are identical in this respect with ours) and in all Legislative bodies; therefore the Senator from Tioga, Mr. Owlett, and the Senator from Blair, Mr. Mallery, were qualified to make the motion to reconsider both having voted in the negative.

MOTION TO RECONSIDER

Mr. OWLETT. Mr. President, in view of this ruling, I now call up for action the motion which I made, and which was seconded by Mr. Mallery, the Senator from Blair, that the vote by which Mr. Pederson, for nomination to the Farview Hospital, and Mr. Russell, nominated to the Board of Public Assistance, upon both of which nominations both the Senator from Blair, Mr. Mallery, and myself voted "no", be now acted upon by the Senate.

It was agreed to.

MOTION TO RECONSIDER

Mr. OWLETT. Mr. President, I now move that the Senate do now reconsider the vote by which Mr. James Know, nominated to the Board of Public Assistance, and Mr. Frank A. Robbins, Jr., nominated to the same board, as well as the nominations of Mrs. Harriet B. Phillips, to the same board, and the nomination of Mr. John Stevenson, nominated to the same board; and the nomination of Mrs. Edna R. Carroll to the State Board of Moving Pictures Censors, be now reconsidered.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "no".

Mr. HEYBURN. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. HEYBURN. Mr. President, I voted "no".

The motion was agreed to.

MOTION TO RECONSIDER

Mr. EROE. Mr. President, I move that the vote by which confirmation of the nomination of Mr. John Schropp, nominated to the Board of Public Assistance, was defeated, be now reconsidered.

The PRESIDENT. How did the Senator vote?

Mr. EROE. Mr. President, I voted "no".

Mr. LANIUS. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. LANIUS. Mr. President, I voted "no".

The motion was agreed to.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I now rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Tioga will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, I desire to know whether these nominations are now on the table, since they have been reconsidered.

The PRESIDENT. I would say that they are and the Chair so rules.

MOTION TO RECOMMIT

Mr. OWLETT. Mr. President, I move you that the nominations be recommitted to the Committee on Executive Nominations.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

MOTION TO RECONSIDER CONFIRMATION

Mr. CAVALCANTE. Mr. President, I now move that the vote by which the nomination of Mr. John W. Howell as a member of the Board of Public Assistance, was confirmed, be now reconsidered.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga will state his point of order.

Mr. OWLETT. Mr. President, I submit that the approval of Mr. Howell, as a member of the Board of Public Assistance, is no longer in the control of the Senate; the Governor having been notified of his approval, the Senate has no control over this nomination.

The PRESIDENT. The Chair rules that the point of order of the Senator from Tioga is well taken; the nomination is out of the custody of this Senate.

MOTION TO RECONSIDER

Mr. CAVALCANTE. Mr. President, I move that the vote by which Notaries Publics were just confirmed be reconsidered.

Mr. DENT. Mr. President, I second the motion.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga will state his point of order.

Mr. OWLETT. Mr. President, the Senator voted in favor of the nominations just confirmed, and therefore he is not in a position to reconsider.

The PRESIDENT. The Chair cannot sustain that point. The point of order of the Senator from Tioga is not well taken.

The Senator from Fayette moved, seconded by the Senator from Westmoreland, Mr. Dent, that the vote by which Notaries Publics were just confirmed be reconsidered.

Mr. GELDER. Mr. President, I would like to interrogate the Senator from Fayette, Mr. Cavalcante.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, with the greatest of pleasure.

Mr. GELDER. Mr. President, I would like to ask the Senator the purpose of his motion.

Mr. CAVALCANTE. Mr. President, the purpose of the motion is to show the fallacy of the ruling of the Chair on the previous point, in which he pulled a Houdini act, by proving by his remarks that a majority is actually a minority.

MOTION TO LAY ON THE TABLE

Mr. OWLETT. Mr. President, I move that the motion made by the Senator from Fayette be laid upon the table.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

BILLS INTRODUCED

Mr. WALKER read in his place and presented to the Chair, Senate Bill No. 501, entitled:

An Act to amend route number six hundred and seventy-seven of section one of the act, approved the fifth day of May, one thousand nine hundred and twenty-seven (P. L. 787), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

Which was committed to the Committee on Highways.

Mr. HALUSKA read in his place and presented to the Chair, Senate Bill No. 502, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled, "An act establishing certain township

roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Cambria.

Which was committed to the Committee on Highways.

Mr. MUNDY read in his place and presented to the Chair, Senate Bill No. 503, entitled:

An Act requiring all physicians, clinics, hospitals, police departments, agencies or social investigators connected with any State bureau to report to the Department of Health of the Commonwealth of Pennsylvania, the name, age, sex and address of all persons having a tendency to commit sex crimes, and providing penalties.

Which was committed to the Committee on Judiciary General.

Mr. OWLETT read in his place and presented to the Chair, Senate Bill No. 504, entitled:

An Act to make available the services of retired judges by providing for the establishment of an Auxiliary Court, the judges thereof to consist of the retired judges of the Supreme, Superior, Common Pleas and Orphans' Courts, and to perform auxiliary judicial services in the several courts of the Commonwealth, and providing for their necessary expenses, and for the continuation of their retirement pay while performing such services.

Which was committed to the Committee on Judiciary General.

Mr. HOMSHER read in his place and presented to the Chair, Senate Bill No. 505, entitled:

An Act validating purchases heretofore made by bank and trust companies, trust companies and national banking associations as fiduciaries of mortgages or other assets from their own commercial departments.

Which was committed to the Committee on Judiciary General.

Mr. EDMONDS read in his place and presented to the Chair, Senate Bill No. 506, entitled:

An Act to amend section four hundred and eleven of the act, approved the twenty-second day of May, one thousand nine hundred thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," giving owner of mansion house divided by county line, right to choose situs of assessment.

Which was committed to the Committee on County Government.

Mr. JAMES read in his place and presented to the Chair, Senate Bill No. 507, entitled:

An Act to further amend the first paragraph of section three hundred and five of the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," by permitting the issuance of ex-medical insurance policies.

Which was committed to the Committee on Labor and Industry.

Mr. EALY read in his place and presented to the Chair, Senate Bill No. 508, entitled:

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth," establishing an additional route in the Borough of Stoyestown.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair, Senate Bill No. 509, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing the construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provsions of said act," establishing an additional route in the County of Somerset.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair, Senate Bill No. 510, entitled:

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth,' establishing an additional route in the Borough of Stoyestown.

Which was committed to the Committee on Highways.

Mr. THOMAS read in his place and presented to the Chair, Senate Bill No. 511, entitled:

An Act to amend clause (b) of section nine hundred thirteen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled 'An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," changing and classifying the fees to be charged for filing nomination petitions for city offices.

Which was committed to the Committee on Elections.

He also, by request, read in his place and presented to the Chair, Senate Bill No. 512, entitled:

An Act to further amend section ten of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," providing that the moneys from the Liquid Fuels Tax Fund, heretofore paid to the counties of the Commonwealth, shall be proportioned among and paid to the cities, boroughs and townships of the Commonwealth.

Which was committed to the Committee on Finance.

REPORT FROM COMMITTEE

Mr. STEVENSON. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STEVENSON, from the Committee on Municipal Government, reported as committed, Senate Bill No. 266. (House Bill No. 444), entitled:

An Act to amend section nine of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (P. L. 1050) entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" by changing the amount and method of contributions for and payment of death benefits.

RESOLUTION TO INCLUDE SPEECHES OF UNITED STATES SENATORS DAVIS AND GUFFEY IN LEGISLATIVE JOURNAL

Mr. DENT offered the following resolution which was twice read as follows:

In the Senate, April 12, 1939.

Whereas, The House of Representatives by resolution invited the two United States Senators, James J. Davis and Joseph F. Guffey, to appear before the General Assembly to report on the state of the nation; and

Whereas, The gentlemen of the United States Senate did appear in reply to the resolution gave their version on conditions in the nation and matters of interest to Pennsylvania in general; and

Whereas, Copies of their speeches have not been printed in the Legislative Journal; and

Whereas, It is important that the remarks of the gentlemen of the Senate be made a matter of record for the future edification and enlightenment of Pennsylvanians in general.

Whereas, Therefore Be It Resolved, That copies of said speeches be obtained and same be printed in the Legislative Journal to be made a permanent record of this General Assembly and

Further Be It Resolved, That copies of this resolution be sent to the gentlemen of the United States, James J. Davis and Joseph F. Guffey.

Mr. DENT. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. EDMONDS. Mr. President, I object.

Mr. DENT. Mr. President, I should like to interrogate the Senator from Montgomery, Mr. Edmonds.

The PRESIDENT. Will the Senator from Montgomery permit himself to be interrogated?

Mr. EDMONDS. Mr. President, I will.

Mr. DENT. Mr. President, I should like to inquire on what the Senator from Montgomery bases his objection.

Mr. EDMONDS. Mr. President, I base my objection on the vote I had to give yesterday for a Deficiency Appropriations for Printing.

Mr. DENT. Mr. President, I desire permission to make a short statement.

The PRESIDENT. The Senator from Westmoreland will proceed.

Mr. DENT. Mr. President, and members of this Senate, I think you carry your economy a little bit too far when you object to the printing of the remarks of United States Senators in the Journal, when you consider a few dollars a matter of such importance that you establish a precedent.

I think further that you invited the two United States Senators to come here from Washington, at their own expense, to give their version of the state of the nation and in matters of interest to Pennsylvania in general, and then you arbitrarily refuse to print the subject matter of their speeches and their remarks in the Journal so that the people of Pennsylvania, who are interested, may know just what the conditions are in the state and nation at this time.

I think that is carrying your economy a little too far when you refuse to print those speeches in the Journal.

You have printed a lot of speeches in this Journal, and in every Journal, since the beginning of this State that were of far less importance than those two speeches. I think it is a direct reflection upon the two gentlemen who came from Washington to this State to give their version of conditions; and if this General Assembly now refuses to make a record of the remarks they made, that is certainly assinine.

Mr. MUNDY. Mr. President, for the purpose of edification and education of the new generation, I move that we dispense with expending any money on this part because I do not believe the speeches would serve any purpose—either one of the speeches—except to confuse the minds of the younger generation.

Mr. SHAPIRO. Mr. President, there is another reason why I should not like to see this speech printed in the Senate Journal, because I remember listening to Senator Davis and he said in his speech that he was going to vote for the $150,000,000 Appropriation Bill when it came up in Washington; and I read the newspapers yesterday and I found he did not vote for it. He voted against it; he voted against amendments increasing the appropriation from $100,000,000 to $150,000,000.

I don't want my children to read a record which says Senators from Washington came into Harrisburg and made promises which they violated, in matters of such great importance to the world and nation.

I say, that speech should not be printed. I have nothing

against Senator Davis; but I would not like my children to learn anything like that about him; I would like to go home and tell them he is a fine Senator—and I do not want them to find that out.

Mr. SIPE. Mr. President, I appreciate the remarks my friend from Philadelphia has made about a United States Senator breaking his promises. We must not be too hard on them. It occurs to me, and a good many millions of others, that the precedent for breaking promises was established right here in Pennsylvania.

Mr. DENT. Mr. President, I take a different idea of this matter. I do not think it is a laughing matter, I think it is a serious proposition. Those gentlemen come here and then there is a general condemnation of the Democratic party and New Deal policies.

To have the United States Senators come here and express their views and then say, in order to save $1.99, we are not going to print their remarks.

I think the question of whether the children read it and become enlightened or not is a matter for one Senator, who may be a little biased in his own mind regarding the views of the Senator, and should not have any bearing on the proposition whatsoever.

I submit, Mr. President, that these men came here in good faith and we are acting like a group of heels by not spreading what they said upon the record of the Journal of the Senate of the State of Pennsylvania.

Mr. GELDER. Mr. President, I now see that we are not going to save any money by the suggestion of the Senator from Montgomery; but I would like to call attention of the Senator from Westmoreland to the fact that it was not the Senate but the House of Representatives that invited the Senators from Washington to come here. I feel, as a matter of courtesy, we, perhaps, ought to allow the House to move to have the speeches included in the Legislative Journal, of the House if they so desire.

However, I want to say it appears as though the Senator from Westmoreland simply wants to have those remarks embalmed, because he has asked that they be put into the Senate's Journal, which will not be printed until along toward the end of the year—until long after this Session of the Legislature is over; and at that time, perhaps, only a few people will be interested in searching through the Journal to find those remarks.

Mr. DENT. Mr. President, I believe the Journal is printed weekly, and contains all speeches, in the Senate Section of the Legislative Journal.

Mr. GELDER. Mr. President, for the information of the Senator from Westmoreland, the Legislative Journal is printed weekly, but the Senate Journal is printed at the end of the Session, in bounded volumes.

The PRESIDENT. That is correct.

MOTION TO AMEND RESOLUTION

Mr. DENT. Mr. President, I ask leave to amend my resolution, in order to have the remarks of the United States Senators spread on the Legislative Journal of this Senate.

The PRESIDENT. If there is no objection the amendment suggested by the Senator from Westmoreland will be accepted.

Mr. DENT. Mr. President, I should like to interrogate the Senator from Montgomery.

The PRESIDENT. Will the Senator from Montgomery permit himself to be interrogated?

Mr. DENT. Mr. President, will the Senator from Montgomery withdraw his objections if I promise not to make any more speeches on the matter, because I assure him if he does not withdraw his objection I am going to talk; and it will cost just as much and maybe more.

Mr. EDMONDS. Mr. President, the temptation is very great, but this is a question of principle. Our Legislative Journal is devoted to State affairs. The addresses made by those two gentlemen from Washington dealt with National affairs and if they so desire they may have them printed in the Journal of Congress, "The Congressional Record." No doubt they have already done so.

As a matter of fact our Journal is limited to State affairs, and I do not believe we ought to encumber it unduly; and in addition to that we have on the calendar now an item of $380,000 for printing during the Legislative session, and I think even a few pennies might be gratefully saved.

Mr. DENT. Mr. President, I should like to further interrogate the Senator from Montgomery.

The PRESIDENT. Will the Senator from Montgomery permit himself to be further interrogated?

Mr. EDMONDS. Mr. President, I will.

Mr. DENT. Mr. President, does the Senator from Montgomery know what his answer to my question just cost the State of Pennsylvania?

Mr. EDMONDS. Mr. President, I imagine it cost less than the question of the Senator from Westmoreland.

Mr. DENT. Mr. President, I am serious in this matter.

Last Session, Senator Lewis, I believe from Illinois, was invited here and his remarks are contained in the Journal of the Senate.

Can the Senator from Montgomery tell me, without a record—can the Senator from Montgomery, standing here, tell me that they spoke only on National affairs?

If I am not mistaken, Senator Guffey covered the budgetary message of the Governor of Pennsylvania. If I am not mistaken Senator Lewis also covered affairs of the State of Pennsylvania, concerning WPA; and how would you know that if you did not have a record?

I think it is imperative that we do have a record because we must know what is in those speeches.

Mr. EDMONDS. Mr. President, I am prepared to leave it without knowing what is in the record.

Mr. DENT. Mr. President, it is my honest opinion the speeches were intended to be printed in the Journal.

A member of the House of Representatives, from my district, introduced a resolution which was acceptable to the Speaker of the House of Representatives. He gave him permission to introduce the resolution, as a privileged resolution; but after the reading of the resolution the Republican floor leader objected on the grounds that it would cost too much; and, just as we are going here they also did in the House—they spent more money printing the remarks made relative to the resolution than the cost would have been if they had printed the original speeches.

I think we are being, as I said before, rather small.

The PRESIDENT. The resolution will be referred to the Committee on Federal Relations.

RESOLUTION URGING CONSIDERATION OF PENNSYLVANIA COAL PROBLEM

Mr. THOMAS offered the following resolution which was twice read:

In the Senate, April 12, 1939.

The Mines and Mining Committee of the Senate and of the House of Representatives of Pennsylvania in joint session do hereby resolve:

1. To declare to the Assembly our united determination to carefully consider and fully support a reasonable program of legislation aimed to cure the troubles of the coal mining industry of this Commonwealth.

2. That we believe this problem has been under consideration long enough and that some legislation should now be enacted and tried out while the Governor is a man familiar and sympathetic with the industry.

3. That we urge all members of the House and Senate of Pennsylvania and all Pennsylvanians who are members of the United States Congress to unite in a determined effort to put the full power of our great Commonwealth behind a determined drive to secure justice and restored prosperity for Pennsylvania's coal industry, and to that end we urge that all party differences be laid aside and our ten million people unite in demanding an end to discrimination by the Interstate Commerce Commission against Pennsylvania coal.

Mr. THOMAS. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceeded to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. DENT. Mr. President, I object.

The PRESIDENT. The resolution is referred to the Committee on Mines and Mining.

REPORT FROM COMMITTEE

Mr. OWLETT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT, from the Committee on Finances, reported as committed, Senate Bill No. 339, entitled:

An Act to further amend subparagraph two of subsection (a) of section five hundred five of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by further regulating the security for the deposits of State moneys.

BILLS INTRODUCED

Mr. GELDER. Mr. President, I ask unanimous consent to introduce (bills) at this time.

The PRESIDENT. Is there objection. The Chair hears none.

Mr. GELDER read in place and presented to the Chair Senate Bill No. 513, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 289), entitled "An act relating to nonprofit corporations; defining and provdiing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," as amended, by modifying, changing and clarifying the provisions of the act relating to the corporate name.

Which was committed to the Committee on Corporations.

He also read in his place and presented to the Chair, Senate Bill No. 514, entitled:

An Act to amend sections three hundred eight and three hundred nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners; county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," changing the conditions for borrowing money for current expenses; and authorizing a supplemental budget and the borrowing of money to operate institutions for mental patients heretofore transferred to the Commonwealth.

Which was committed to the Committee on County Government.

He also read in his place and presented to the Chair, Senate Bill No. 515, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and condi-

tions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the court of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," as amended, by modifying changing, and clarifying certain provisions of the act relating to the corporate name.

Which was committed to the Committee on Corporations.

SENATE MEMBERS APPOINTED ON AERONAUTICS INVESTIGATING COMMITTEE

The PRESIDENT. On behalf of the President Pro Tempore, the Chair appoints, as Senate members, to the Joint Legislative Investigating Committee on Aeronautics the following: Messrs. Bartlett, Wolfenden and DiSilvestro.

COMMITTEE ON MILK CONTROL

The PRESIDENT. The Chair, on behalf of the President Pro Tempore, appoints members of the Senate on the Joint Legislative Committee to inquire into Milk Control. The members are as follows: Messrs. Heyburn, Geltz and Reed.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 129, entitled:

An Act regulating marriages and the issuance of licenses to marry; imposing duties upon the clerks of the orphans' courts and persons who perform marriage ceremonies; providing for the annulment of marriage for certain violations of this act; and fixing other penalties.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
Ealy,	James,	Pierson,	Walker,
Edmonds	Kilgallen,	Reed,	Wolfenden,
Eroe,	Kunkel,	Ruth,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 138, entitled:

An Act authorizing counties cities boroughs townships of the first and second class and school districts to issue and sell bonds for certain purposes and for a certain period of time providing for a trust fund and a sinking fund for the payment thereof and defining the duties of the officers and governing bodies of the said municipalities or quasi municipalities in relation to said funds and fixing a penalty for the violation thereof.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. REED. Mr. President, I desire to interrogate the sponsor of this bill, Senator Homsher.

The PRESIDENT. Will the Senator from Lancaster, Mr. Homsher, permit himself to be interrigated?

Mr. HOMSHER. Mr. President, I will.

Mr. REED. Mr. President, if the bill should become a law, would it be necessary to levy additional taxes in order to permit the utilization of it by a municipality?

Mr. HOMSHER. Mr. President, this bill provides that a municipality may borrow up to 80% of its delinquent taxes. If sufficient money is not collected from delinquent taxes to pay the borrowed amount, it would be necessary to levy additional taxes to take care of the loan.

Mr. REED. Mr. President, I desire to further interrogate the Senator from Lancaster.

The PRESIDENT. Will the Senator from Lancaster permit himself to be further interrogated?

Mr. HOMSHER. Mr. President, I will.

Mr. REED. Mr. President, referring to Section 2, line 26, on page 2 of the bill, I would like the Senator from Lancaster to explain this clause:

"Levy and collect in addition to the other taxes a tax sufficient to pay the interest and principal of said indebtedness."

Mr. HOMSHER. That is construed to mean, Mr. President, that if the tax collection itself, the delinquent tax, is insufficient, they must levy taxes to pay the loan.

Mr. CAVALCANTE. Mr. President, this is a very important bill and I trust that the members of this Senate will not vote strictly on party lines in this matter.

The bill authorizes the municipalities to borrow on delinquent taxes. Now, we must bear in mind that it is probable that in many of these municipalities bonds have already been issued and other indebtedness incurred on the strength of those taxes, yet this bill permits more borrowing on that same tax duplicate—those taxes in arrears.

In other words, this bill will circumvent or get around the constitutional limitation on the borrowing by municipalities. There is also a more serious objection to this bill. Most of us, or nearly all of us here in this Senate, have, in one way or another, expressed a desire to give these property owners who are greatly in arrears on their taxes an opportunity to redeem themselves.

We have discussed here on numerous occasions our desire to wipe the record clean of these taxes in arrears. Now, I say to you, Mr. President and members of this Senate, that if this Assembly proposes to give the distressed home owners an equitable abatement, adjustment or compromise of all the accumulated taxes of the past years, this bill should be deferred until such time as the legislative program or this subject has been definitely determined.

Unless this is done any equitable program of abatement, adjustment, or compromise will be seriously endangered by the passage of this bill. If, as authorized in this bill, a municipality issues bonds predicated upon the delinquent taxes, it then follows that the lien of such bonds will not only cover the delinquent tax but may also cover the penalties and interest due on such taxes, and the issue of bonds, as authorized by the bill, will necessarily render invalid any subsequent legislative action intended to give the home owners an equitable abatement, adjustment or compromise of these delinquent taxes, to which they are rightly and conscientiously entitled.

This latter proposition follows because I feel that no Court in this Commonwealth will sustain an Act which will materially affect and diminish the lien of such bonds to the serious loss of the bondholders.

Now, I trust that we weigh that situation clearly; and, merely in a summary way, I think it ought to be plain to all of us that if we take these delinquent taxes and impress upon these delinquent taxes the issue of these bonds and then say that the lien of these bonds attached to those delinquent taxes must primarily be paid out of delinquent taxes, you can readily see the jam we are going to get into when we attempt to pass legislation aimed at giving the relief that we have been giving in the last few sessions. I doubt very seriously, if this bill is passed, whether we can in the future in any way give an abatement on those delinquent taxes.

I say that we can at this time defer action on this bill until we are in some way clear as to a definite program that we are going to adopt toward the owners of these properties that are so heavily burdened with delinquent taxes.

I say that, after we have arrived at some definite program on that problem, I will have no reluctancy whatsoever to give this bill due consideration and give it approval and vote in favor of this bill, if we come to the conclusion that this General Assembly is not going to give these home owners and farm owners, burdened with these delinquent taxes, and relief whatsoever.

Mr. REED. Mr. President, I believe that the motives back of this bill are good—I understand that this bill is here for the purpose of assisting distressed municipalities; but, irrespective of the explanation the Senator from Lancaster has made, I still maintain that this bill, if passed, will add additional burdens on the tax payers.

The bill provides that the money to be borrowed is to be borrowed against uncollected taxes. Now, you know the nature of uncollected taxes today—the collections are very slow; and in order to obviate that danger Section 2 was evidently put in the bill.

Now, what will happen if a loan is made under this bill, should it pass, is this: taxes will be pledged for the payment of the loan; those taxes will not come in, and then the municipality will be compelled to levy additional taxes, and those taxes will be levied primarily against real estate. If there is any time when we should take a firm stand against levying additional taxes on real estate it is now.

The time has come—it is here today—when we should stand up like men and tell our officials in the various municipalities that they must now commence a program of economy, and if we keep on passing bills like this they will still believe they have our sanction to keep on adding burdensome taxes to the citizens and taxpayers of the various municipalities of this state.

I think this is a bad bill and it ought to be defeated.

Mr. KILGALLEN. Mr. President, there is another element in this matter which has me somewhat disturbed. At the last session I remember that we went into the question of allowing compromising of delinquent taxes, and I think that that matter is going to be discussed during this session. In fact, right at this moment I think we have a committee working on that proposition, and it seems to me that if we pass this bill we take away our right to compromise delinquent taxes, because certainly if we compromise delinquent taxes we lessen the sum total of the delinquency, and I think that is a matter to be considered. I do not see how we can compromise taxes which are delinquent and which have been pledged for a loan.

MOTION TO PLACE BILL ON POSTPONED CALENDAR

Mr. HOMSHER. Mr. President, I have no other interest in this bill except that I introduced it—we do not need this bill in Lancaster County—I introduced it by request. I have no objection at all to having the bill placed on the postponed calendar at the present time and I so move.

Mr. OWLETT. Mr. President, I second the motion.

Mr. SHAPIRO. Mr. President, this bill has been on the postponed calendar and I should like to have this matter settled definitely. I do not think that this bill ought to be put on the postponed calendar; I think this bill ought to be put back into committee.

In 1937 we passed the Dent Bill, which with the consent of the court, gives tax collectors the right to compromise the tax, in fact, give away the whole tax if the assessed value, the real value of the property is not equal to the mortgage plus taxes, and that we forgive anything over and above the real value of the property.

Today the Senator from Somerset, Mr. Ealy, reported out from the Appropriations Committee a bill for one million dollars to distressed school districts. Senate Bill 34, by Mr. Mallery, gives the right to cities to temporary borrowing which include uncollected taxes for a period of five years.

This bill does not provide that taxes shall be levied in the event there is not sufficient to pay the bonds issued as against the security of these taxes, delinquent taxes, but it provides that when the money is borrowed and the bonds are issued, the moment this is done there must be levied—not there may be, but there must be levied, according to section 2, a tax which will be sufficient to pay the debt, the sinking fund and interest over a period of ten years, for the total amount borrowed.

Now, it seems to me that there has got to be a halt somewhere in these proceedings. We are getting into confusion; we are allowing on the one hand borrowing for five years, a temporary borrowing for five years, upon delinquent taxes. We are now permitting the issuing of city bond against delinquent taxes and compelling an increase in real estate taxes.

Now, let me give you our experience in Philadelphia. In 1936-1937 the mayor included in the budget as anticipated cash $9,000,000 from delinquent taxes. We have taxes delinquent for over a period of twenty years, which we never hope to be able to collect, and those taxes would come under the provisions of this bill.

Now, when we put the $9,000,000 in the budget and then put in on the other side anticipated disbursements, what happens? What happened was that no single banker or person would loan on that $9,000,000. The result was that the budget was overbalanced, short changed, with $9,-

000,000; it is in there yet, and today we are carrying it as part of a $40,000,000 deficit.

If this bill were in effect at that time, instead of putting it in the budget, they would have borrowed the money, they would have had the money, and today we would be paying additional taxes.

I think a halt must be called somewhere. In Philadelphia today the school system costs us $32,000,000 a year, almost as much as it costs to run the City of Philadelphia, without the debt service. In other words our budget is somewhere around $68,000,000 or $73,000,000—depending on who is making the figures. If the Democrats are making the figures it is $73,000,000, and if the Republicans are making the figures then it is $68,000,000. Our debt service is $31,000,000, so it costs $37,000,000 a year to run the government of Philadelphia, yet the school district has spent $32,000,000, not counting the amount of money they get from the State of Pennsylvania towards the Edmonds salary, if we got any, I don't think we well get very much.

I think the time has come to treat this scientifically and properly. The whole thing needs revision. I do not think we should clutter up the books with enabling taxes which do only one thing in solving the problem and that is to give them the right to borrow and continue borrowing. It is like taking a bankrupt concern and saying we are sorry you are in that condition, I will tell you what we will do—borrow some more money.

Why don't you send this back to committee for further study and settle the matter once and for all.

POINT OF ORDER

Mr. OWLETT. Mr. President, there is a motion to place this bill on the postponed calendar. May we have a vote on that?

On the question,

Will the Senate agree to the motion?

Mr. EALY. Mr. President, I desire to interrogate the Senator from Washington, Mr. Reed.

The PRESIDENT. Will the Senator from Washington permit himself to be interrogated?

Mr. REED. Mr. President, I will.

Mr. EALY. Mr. President, I understood the Senator from Washington to say that this bill would permit borrowing up to eighty per cent of delinquent taxes, notwithstanding the loans which have already been made on delinquent taxes; is that correct?

Mr. REED. Mr. President, in answer to the Senator from Somerset, I made no reference to that at all—I think that was referred to by the Senator from Fayette.

Mr. EALY. Mr. President, the way the bill is drawn, I am not sure but what it would permit that very thing now.

Mr. PRESIDENT, I should like to interrogate the Senator from Fayette.

The PRESIDENT. Will the Senator from Fayette permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, I will.

Mr. EALY. Mr. President, I should like the Senator from Fayette to advise if that is the view he takes on this bill.

Mr. CAVALCANTE. Yes, Mr. President. I made the statement that I think there are many municipalities which have already borrowed against the tax duplicates represented by these delinquent taxes, and this bill would permit further borrowing against the same taxes. That is my view on it.

Mr. EALY. Mr. President, I quite agree with much that has been said by the members on the other side. I desire to clear up that question because the bill is drawn in such a way it might permit municipalities and school districts to borrow without regard to their form of borrowing.

Mr. SHAPIRO. Mr. President, the bill is even worse in that respect, because it first provided borrowing shall be only eighty percent of the total taxes; and then in the new amendment it now provides that there must be twenty-five percent more of taxes pledged than bonds issued. I do not understand that, if you can only borrow up to eighty percent and then issue twenty-five percent more taxes, more than the bonds. I think that is confusing.

Mr. CAVALCANTE. Mr. President, I want to state that if the gentleman from Lancaster, who made the motion, would amend it so that the bill be placed on the postponed calendar and the Committee on Education be given the power to conduct a public hearing on it, if the Committee should deem it necessary, that that would be the best thing to do.

The PRESIDENT. If the bill goes on the postponed calendar then it goes out of the possession of the Committee.

Mr. CAVALCANTE. Mr. President, that is why we are making the motion here in the body of the Senate, in order to give the Committee power to hold a public hearing if it desires.

Mr. EDMONDS. Mr. President, I believe it is worthwhile to clear up a few of the misunderstandings that have occurred with reference to this bill. This bill is in the same form as the Mansfield Act enacted in 1933, for a period of five years.

The Department of Public Instructions stated that that Act, having expired in 1938, there was a very general desire to have it renewed for a period of five or six years, assuming that the depression might last that long.

This subject of the disposition of delinquent taxes is one that is before many communities. There are many states which allow public sales of delinquent taxes, and perhaps in many resepcts that is the best way. That brings in current income and puts it back into the budget and then places the taxes in the hands of a third party to collect.

We in Pennsylvania have never approved of that practice, but in this State we have authorized by the Mallery Bill the borrowing of money from banks on delinquent taxes, and now, by this proposed act the issuance of bonds.

The Senator from Fayette raises the point that in one of the committees there is pending at the present time this question as to adjustments that may be made in the future. If there should be a bill reported on this subject unquestionably this bill ought to be in harmony with it and therefore I agree with the motion of the Senator from Lancaster, Mr. Homsher, that this bill should be placed on the postponed calendar.

This whole question is distressing, and I do not think we have as yet exhausted all the possibilities of this subject, but I do want to say that the Mansfield Act was on the statute books for five years, and utilized by a great

many school districts in particular, and as far as I know there has been no complaint of its terms.

In the first part of this bill it allows borrowing up to eighty percent on delinquent taxes, but then in the next paragraph, section 3, it refers to the fact that the amount of the borrowing, this eighty percent of delinquent taxes, provides for an excess of twenty-five percent more than the amount of the borrowing. Those two figures are in agreement.

Mr. SHAPIRO. Then, Mr. President, I can see where a hundred thousand dollars of delinquent taxes would allow you to borrow eighty thousand dollars, but you would have to put up $105,000 as security—twenty-five percent more than the bond.

Mr. EDMONDS. Mr. President, twenty-five percent of the $80,000—that is correct, may I say to the Senator from Philadelphia, the mathematics are correct.

The PRESIDENT. The question is to place Senate Bill 138 on the postponed calendar.

It was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 248, entitled:

An Act to amend section fifteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "An act relating to the organization, jurisdiction, and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," by further clarifying the provisions of said act, as to the powers of the judges of orphans' court to administer the business of the court and to issue process in vacation.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrich,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
Ealy,	James,	Pierson,	Walker,
Edmonds,	Kilgallen,	Reed,	Wolfenden,
Eroe,	Kunkel,	Ruth,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 249, entitled:

An Act to amend section twenty-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "An act affecting martial relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," further clarifying the provisions of said act as to the issuance of subpoenas by a judge at chambers during vacation.

An said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
Ealy,	James,	Pierson,	Walker,
Edmonds,	Kilgallen,	Reed,	Wolfenden,
Eroe,	Kunkel,	Ruth,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 260, on third reading, entitled:

An Act to further amend section four hundred four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P.L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws." by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 268, entitled:

An Act to amend paragrah (c) of section four hundred nine and paragraphs (a) and (c) of section four hundred eleven of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulating of public utilities defining as public utilities certain corporations companies associations and persons providing for the regula-

tion of public utilities included to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicles conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof of public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations of municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such liens and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by providing a more equitable method for the apportionment of damages and expenses occasioned by or resulting from the construction relocation alteration protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways limiting in certain cases the amount to be borne by the public utilities concerned and providing for the recovery by the commission on behalf of the Commonwealth of the amount of expenses occasioned by or resulting from such crossing improvement, as well as the amount of damages or compensation awarded to the owners of adjacent property.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bartlett,	Eroe	Kunkel,	Ruth,
Cavalcante,	Farrell,	Lanius,	Scarlett,
Chapman,	Frey,	Letzler,	Sipe,
Coleman,	Gelder,	Mallery,	Snowden,
Crowe,	Geltz,	McCreesh,	Stevenson,
Dando,	Gilson,	McGinnis,	Tallman,
Deitrick,	Haluska,	Miller,	Thomas,
Dent,	Heyburn,	Mundy,	Walker,
Ealy,	Homsher,	Owlett,	Wolfenden,
Edmonds,	James,	Pierson,	Woodward,

NAYS—4

Kilgallen,	Reed,	Shapiro,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 309, (House Bill No. 483), entitled:

An Act regulating the appointing or election of deputy controllers in cities of the second class A and prescribing their powers and duties.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. COLEMAN. Mr. President, I ask unanimous consent to amend Sec. 1, page 1, line 2, by striking out the words: "is hereby authorized to" and inserting in lieu thereof: "shall, within thirty days after this act becomes effective"; amend Sec. 1, page 1, line 2, by inserting after the word "appoint" the following: S "an employe in the office as"; amend Sec. 1, page 1, line 3, by striking out the words: S "death resignation removal"; amend Sec. 1, page 1, line 6, by inserting after the word "controller" the following: S "without any additional salary"; amend Sec. 2, page 1, line 11, by inserting after the word "occurs" the following: S "by reason of death, resignation or removal"; amend Sec. 2, page 2, line 17, by inserting after the partword "troller" the following: S "shall receive the same salary".

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 310, (House Bill No. 610), entitled:

A Supplement to the act, approved the twenty-first day of July, one thousand nine hundred and thirty-seven (Appropriation Acts page 74), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," by lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation, and re-appropriating such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Tallman,
Deitrick,	Heyburn,	Mundy,	Thomas,
Dent,	Homsher,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Kilgallen,	Reed,	Woodward,
Eroe,	Kunkel,	Ruth,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 320, entitled:

An Act to amend section seven of the act, approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," by changing the provisions thereof as to the contents of record to be furnished wardens by clerks of the courts of quarter sessions.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
Ealy,	James,	Pierson,	Walker,
Edmonds,	Kilgallen,	Reed,	Wolfenden,
Eroe,	Kunkel,	Ruth,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 375, entitled:

An Act authorizing the Commonwealth political subdivisions and certain institutions to purchase blind-made commodities and services from organizations for the blind without contract or advertisement providing for the fixing of fair market prices for such commodities and services by a committee composed of heads of certain departments and representatives of institutions where blind-made commodities are manufactured and imposing certain duties upon the Department of Property and Supplies and the State Council for the Blind.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
Ealy,	James,	Pierson,	Walker,
Edmonds,	Kilgallen,	Reed,	Wolfenden,
Eroe,	Kunkel,	Ruth,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. OWLETT. Mr. President, I desire to rise to a question of personal privilege.

The PRESIDENT. The Senator from Tioga will state his question of personal privilege.

Mr. OWLETT. Mr. President, my attention has been called to an editorial in the Pittsburgh Press headed "'Loot' Packages," reading as follows:

'LOOT' PACKAGES

At a time when Pennsylvania faces the most desperate financial crisis in its history, members of the Legislature revived a petty graft which had been carried on until eight years ago.

Members of both houses presented themselves with what has come to be known as "loot packages," containing such articles as a Bible, billfold, pocketbook, key case, engagement book, dictionary, fountain pen, etc. Total cost of these presents for the Legislature is $3981, or an average of $13.68 for each senator and $12.49 for each representative.

Of course there is no more reason why the taxpayers of Pennsylvania should present legislators with fountain pens, Bibles, dictionaries and similar articles than there is for them to buy personal belongings for every other employe of the State. The only reason the legislators are thus singled out is, of course, the fact that they have it in their own power to vote themselves this petty loot.

The amount, of course, is not large, but the principle is. For this was done under an administration which had pledged itself to economy and a reduction of taxes—a pledge, incidentally, which it is unable to carry out. Perhaps one of the reasons it cannot do so is that the will to economise is weak. At least, the revival of "loot packages" would so indicate.

Mr. President, I have been told that another Democratic paper in this State published a similar article—here in Harrisburg—in which it was represented that this Ad-

ministration and the present majority of the House and Senate provided these "loot packages." Everybody in this Senate knows that those who got those pacakages—and I don't know how many got them—knows they were bought by the last Administration. There were many of them, I am told, passed out before the first of the year. They were furnished by Mr. Morlock, as far as the Senate was concerned, purchased by him, the Democratic Secretary of the Senate, and I know that great surprise was expressed by many of the Republicans that that expenditure had been made without the knowledge of any of us.

I think, for the purpose of this record, of this Journal, that the fact ought to be before the public as an evidence of the extent to which the opposition is going on matters concerning which this Administration has absolutely nothing to do. That was an expenditure made by the Earle administration and those in control of the Earle administration, and the Republican majority had nothing whatsoever to do with it.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Tioga.

The PRESIDENT. Will the Senator from Tioga permit himself to be interrogated?

Mr. OWLETT. Mr. President, I shall be very glad to be interrogated.

Mr. SHAPIRO. Mr. President, did the Senator from Tioga give back his package?

Mr. OWLETT. Mr. President, I did not.

Mr. SHAPIRO. Mr. President, did the Senator from Tioga know how many Republican senators gave back their packages?

Mr. OWLETT. Mr. President, I do not know of anybody that gave back his package.

Mr. WOODWARD. Mr. President, I would like to suggest that we all return our packages to Mr. F. Claire Ross, State Treasurer. I am in favor of returning these packages for two reasons, and the first reason is that the dictionary is deficient, according to the Senator from Armstrong—I think that the Senator from Armstrong finds the dictionary defective as to the distinction between "sanatorium" and "sanitarium"; and the Bibles are printed in such fine print that I am unable to read mine, and therefore I would like to send them both back to the Treasurer.

Mr. SIPE. Mr. President, I should like to interrogate the good doctor from Philadelphia.

The PRESIDENT. Will the Senator from Philadelphia, Dr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, yes, sir.

Mr. SIPE. Mr. President, did I understand the doctor correctly in saying that he would be perfectly willing to return his package to the State Treasurer.

Mr. WOODWARD. Mr. President, yes, sir.

Mr. SIPE. Mr. President, may I further interrogate the gentleman from Philadelphia?

The PRESIDENT. Will the Senator from Philadelphia, Dr. Woodward, permit himself to be further interrogated?

Mr. WOODWARD. Mr. President, yes, sir.

Mr. SIPE. Mr. President, is the Senator from Philadelphia willing, as a matter of economy, that the Governor return to the State Treasurer the $15,000 that he drew from the taxpayers for ten months in which he did no work in the Superior Court?

Mr. WOODWARD. Mr. President, I do not wish to express myself for fear of embarrassing my colleague from Luzerne, Dr. Mundy, who seems to be in the same boat.

I would also like to say I also am opposed to these "loot packages"—they were very inferior to what we got under the Republican administration. I used to receive hair brushes—I still have two of them—and they were excellent.

Mr. SHAPIRO. Mr. President, I also wish to place my remarks on the record alongside the remarks made by the Senator from Tioga—that he has unduly become exercised and sheds himself too easily of the responsibility. Up until and including 1933, under the Republican control of this State for, I think, thirty years, every session when the members of this Senate convened and they opened their desks they found a very nice package, some of them containing even brief cases— not very good brief cases, but brief cases.

Now, I remember in 1933, when I came here, I was agreeably surprised to find that I was so well provided for. I thought it was customary, part of the large salary that we got, and I thought nothing of it until a Republican reform Governor named Pinchot—I think you still remember him—got worked up and said we should have no packages; and it was just like the old story, "Yes, we have no bananas." I remember that with a great deal of confusion, consternation and chagrin we felt as though we had suffered a great loss—until we began to use some of those things; the brief case fell apart, the fountain pen would not work; the Bible we could not read; and the dictionary did not help. At this time I want to say, however, that the fountain pen I got this year was the best fountain pen I ever had, under Republicans or Democrats. The dictionary does not concern me because I know the meaning of most of the words—at least those that are used here. As far as the Bible is concerned, every night when I go back to my hotel—the Gideon Society supplies us with a very fine Bible, and we do not have to worry about that. The scratch pads are practically useless and do not amount to very much because we have very little to write—we do more listening. Paper and stamps have nothing to do with it—they come from another source. The pens we do not need because we have fountain pens, and I suggest that in the future the pens be eliminated; and the paper clips—if they were a little wider—could be used for the mouths of some of the Senators.

Mr. TALLMAN. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia permit himself to be interrogated?

Mr. SHAPIRO. Very reluctantly, Mr. President.

Mr. TALLMAN. Mr. President, am I correct in my assumption that the Senator from Philadelphia, Mr. Shapiro, in view of the absolute necessity for the use of an eraser because of mistakes mades, did not return that particular thing in that package?

Mr. SHAPIRO. Mr. President, I tried to use the eraser to correct the mistakes of the Democrats, but I found all I could do was to erase what they did, I could not get them to do any correcting; and the same thing applies to the Republicans.

Mr. MUNDY. Mr. President, I do not know who gave the packages, but I wish to acknowledge my thanks to whoever is responsible; and to the Senator from Philadelphia I want to say that is the first time I have been absolved without my consent.

I ask unanimous consent at this time, without taking p time in answering the Senator from Montgomery, Mr. dmonds, if he will just waive a bit of economy, I would ke to have read into the record an editorial under Strictly Politics," written by John M. Cummings, in the 'hiladelphia Inquirer. I will not take up the time of ie Senate to read this editorial—if it is desired, the clerk an read it—but I would like to have it included in the ecord.

STRICTLY POLITICS
UFFEY AND MELCHIORRE 'BATTLE OF CENTURY' LOOMS

outh Philadelphian's Plans Pose Dilemma for the Voters
By John M. Cummings

Since there appears to be no doubt that Senator Joseph '. Guffey will be a candidate for Democratic renomina-ion at the primary election next spring, it is interesting o note he is assured of a foeman worthy of his steel. Charley Melchoirre, a Democratic Representative from South Philadelphia district, has proclaimed to the world e will aspire to the Guffey seat. His candidacy, if car-ied into the primary election, would place Democratic lectors in a very ticklish situation. They would be up gainst the proposition of choosing between two men of qual capability. Under such circumstances it is always ifficult to make a choice.

Physically the two gentlemen have nothing in common. lelchoirre is short, thin and wiry. Senator Guffey is of verage height and inclined to be stoutish. Melchoirre veighs about nine stone or about six stone less than Guffey in fighting trim.

Fortunately for the welfare of the Nation Senators re not chosen by the pound. We like to think our Sen-tors are selected for their intellectual capacity and their eneral fitness to grapple with the problems which con-inually confront a free-born people.

* * *

Rep. Melchoirre has had his name in the papers on requent occasions. Last year, when the Seven Decent Dukes were doing business at Harrisburg, former At-orney General Margiotti accused the lawmaker of per-orming his duty to the public on a cash basis. This was irogously and emphatically denied by Mr. Melchoirre nd his constituents had such faith in his integrity they ent him back to Harrisburg for a new term.

Having given himself a clean bill of health, Mr. Mel-hoirre, naturally, felt no moral restraint when he de-ided to go after Brother Joe. He directed at the noble rother divers and sundry charges which demonstrated, mong other things, that not all Democrats of the Com-ionwealth have forgotten the bitterness of the 1939 pri-iary fracas.

"The diabolical scheming that unquestionably defeated ur ticket last November I cannot overlook," said the outh Philadelphia purist in a letter to Senator Guffey. The tactics were degrading," he continued in an author-ative vein, "and of such low ebb that I must take a firm and against certain factions that brought about these nditions."

Mr. Melchoirre accused the Senator of "sabotaging the ntire Democratic ticket."

The faction with which Brother Joe was associated, i will be recalled, was dominated by no less a gentleman an John L. Lewis, the big chief of CIO. It is assumed erefore that in challenging Guffey Melchoirre also de-ded to take on Lewis, Tom Kennedy, Phil Murray and ther CIO leaders who rallied to the support of the Guffey ng of the party.

* * *

It's too early to forecast the result of next year's Dem-cratic primary election. Still, it is consoling to be in-rmed that a brace of intellectual giants will lock horns r the Senatorship. We hope, for the sake of posterity, t Mr. Melchoirre will not change his mind. Just as fervently we hope the Senator will not flee the field on the approach of the pee-wee from the downtown bull-rushes.

Lofty and exalted are the political, moral and ethical standards of the prospective contestants. Their battle, unless we are badly mistaken in our estimate of the gladiators, should be fought on a plane so elevated it will be necessary to call out the ladder trucks of the fire department so that ringsiders may get to their seats.

From a tailor's bench to the Hall of the House has been the meteoric rise of Melchoirre. Up from the dismal swamps of factional and partisan politics to a seat in the Senate, Guffey has come.

* * *

Democrats of Pennsylvania are to be felicitated, congratulated and complimented on having within their party a Senator and a challenger so competent to go before the public and discuss intelligently the outstanding issues of the dav.

They have in fact, put the Republicans on their mettle. They have established a precedent which the Republicans cannot ignore. If the leaders of the Republican Party are in a mood for advice we suggest that they look at the maneuvering in the ranks of their political foe.

Times have changed in politics. Gone is the day of the political hack. Candidates in this new and better era must be of proven worth. They must be of high calibre. They must be Guffeys and Melchoirres.

BILL ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 22, as follows:

An Act to prohibit the sale offering or exposing for sale of fireworks defining fiireworks and authorizing cities boroughs towns and townships to regulate the manner of using fireworks therein and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The term "fireworks" shall mean and include any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion explosion deflagration or detonation and shall include blank cartridges toy pistols toy cannons toy canes or toy guns in which explosives are used the type of balloons which require fire underneath to propel the same firecrackers torpedoes skyrockets Roman candles Daygo bombs sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound or any tablets or other device containing any explosive substance The term "fireworks" shall not include toy pistols toy canes toy guns or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion These provisions shall not apply to the sale or use of toy paper cap pistols and toy pistol paper caps which contain less than .20 grains of explosive mixture the sale and use of which shall be permitted at all times

The term "municipalities" shall include cities boroughs incorporated towns and townships

Section 2 Except as hereinafter provided it shall be unlawful for any person firm copartnership or corporation to offer for sale expose for sale at retail or use or explode any fireworks Provided That the governing body of any city borough town or township shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks to be held therein by municipalities fair associations amusement parks and other organizations or groups of individuals Every such display shall be handled by a competent operator to be approved by the governing body of the municipality in which the display is to be held

and shall be of such a character and so located discharged or fired as in the opinion of the Chief of the Fire Department or such other officer as may be designated by the governing body of the municipality after proper inspection shall not be hazardous to property or endanger any person or persons Application for permits shall be made in writing at least fifteen (15) days in advance of the date of the display After such privilege shall have been granted sales possession use and distribution of fireworks for such display shall be lawful for that purpose only No permit granted hereunder shall be transferable.

Section 3 The governing body of the municipality shall require a bond deemed adequate by the municipality from the licensee in a sum not less than five hundred dollars ($500) conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the licensed display and arising from any acts of the licensee his agents employees or subcontractors

Section 4 Nothing in this act shall be construed to prohibit any resident wholesaler dealer or jobber to sell at wholesale such fireworks as are not herein prohibited or the sale of any kind of fireworks provided the same are to be shipped directly out of state or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination or when used in quarrying or for blasting or other industrial use or the sale or use of blank cartridges for a show or theater or for signal or ceremonial purposes in athletics or sports or for use by military organizations or organizations composed of Veterans of the United States Army or Navy

Section 5 The Pennsylvania Motor Police or any sheriff police officer or constable shall seize take remove or cause to be removed at the expense of the owner all stocks of firworks or combustibles offered or exposed for sale stored or held in violation of this act

Section 6 Any person firm copartnership or corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars ($100) or by imprisonment in the county jail not exceeding ninety (90) days or by both such fine and imprisonment

Section 7 All acts and parts of acts inconsistent herewith are hereby repealed

Section 8 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

BILL RECOMMITTED

Mr. REED. Mr. President, this bill having been read the second time, in conformity with the agreement we had with the Chairman on the Committee on Judiciary Special, I now move that this bill, Senate Bill No. 22 (Printer's No. 58) be recommitted to the Committee on Judiciary Special for the purpose of a public hearing.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 77, entitled:

An Act providing for a Legislative Controller and for his election and removal by the General Assembly defining his powers and duties authorizing the employment of assistants by the Legislative Reference Bureau for the use of the Legislative Controller imposing c tain duties and responsibilities upon the executive a administrative departments and agencies of the St government and upon agencies receiving State appr priations and making an appropriation

The first section of the bill was read as follows:

Section 1 As soon as may be after the passage of t act the Senate and House of Representatives in jo session shall elect a Legislative Controller who shall h office for five years and until a successor shall be elect and qualified and shall perform the duties herein forth and such other duties as the General Assembly m by law or resolution prescribe

On the question,

Will the Senate agree to the section?

Mr. WOODWARD. Mr. President, I move to ame Section 1, page 1, line 4 by striking out the word "fiv and inserting in lieu thereof the word "six"

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections of the bill were re as follows and agreed to:

Section 2 The Legislative Controller shall be qualifi by experience knowledge and ability to collect classi analyze correctly and interpret facts as to public finan and accounts including all revenues and expenditures shall give bond in the sum of ten thousand dolla ($10,000) for the faithful performance of his duties a shall receive a salary of nine thousand dollars ($9,00 per annum

Section 3 The Legislative Controller may be remov at any time by joint resolution of the Senate and Hou of Representatives after notice and hearing when in t judgment of the General Assembly he has become pe manently incapacitated or has been inefficient or guil of neglect of duty or of malfeasance in office or of a felony or conduct involving moral turpitude and for other cause and in no other manner except by impeac ment

The fourth section of the bill was read as follows:

Section 4 If any vacancy shall occur in the office Legislative Controller when the General Assembly is n in session the President pro tempore of the Senate a the Speaker of the House of Representatives shall fill t vacancy by making an appointment the appointee to ho office until a successor shall be elected for a full ter of five years by the General Assembly at the next regul or special session thereof Should the President pro ter pore of Senate and the Speaker of the House of Repr sentatives fail to agree on an appointment to fill t vacancy within thirty days after its occurrence each them shall forthwith nominate one person for the vacan The persons so nominated shall draw lots whereupon t nominee determined thereby shall assume the office Legislative Controller

On the question,

Will the Senate agree to the section?

Mr. WOODWARD. Mr. President, I move to ame Section 4, page 2, line 25 by striking out the word "fiv and inserting in lieu thereof the word "six"

Mr. MALLERY. Mr. President, I second the moti

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifth to the twelfth sections inclusive of the bill ere read as follows and agreed to:

Section 5 The Legislative Controller shall be in the egislative Reference Bureau and the Director of the id bureau may appoint such assistants for such Legis- tive Controller as may be deemed necessary and fix eir compensation payable from appropriations made for ch purposes

Section 6 The Legislative Controller shall investigate the seat of government and elsewhere any or all mat- rs relating to the receipt disbursement and application public funds including the disbursement and applica- on of moneys appropriated or disbursed by the Com- onwealth for public assistance In such investigations e Legislative Controller shall upon request by him made the head of the Department be furnished with reason- le assistance by the Pennsylvania Motor Police the epartment of Highways and other departments of the tate government and for such purposes the departments requested shall temporarily assign such of their per- nnel to assist the Legislative Controller in his work s will not unduly interfere with the normal functioning such departments

The Legislative Controller shall make to the General ssembly at each regular session of the General Assembly ot later than February first a report in writing of the ork of his office containing findings with respect to past ansactions and recommendations for improvements and gislation relating to the receipt disbursement and appli- ation of public funds as he deems advisable for the in- rmation of the General Assembly. He shall from time time when he deems the same advisable communicate e results of any of his investigations to the President ro tempore of the Senate and the Speaker of the House Representatives when the General Assembly is not in ssion He shall furnish to members of the General ssembly such information as they may from time to me request In any regular or special report to the eneral Assembly or its officers he shall make recom- endations looking to greater economy and efficiency in ublic expenditures He shall keep well versed in the nancial affairs of the state government and collect data nd information and keep the same available for the in- rmation of the General Assembly and its committees

Section 7 The Legislative Controller shall make such vestigations and reports as shall be ordered by either ouse of the General Assembly or by any committee of ither House having jurisdiction over revenue or appro- riations He shall also at the request of any such com- ittee direct assistants from his office to furnish the mmittee such aid and information as it may request The Legislative Controller shall attend in the office of e Budget Secretary during the preparation and assem- ling of the material for the biennial budget and dur- g the hearings of the heads of the various departments ards and commissions before the Budget Secretary For ch purposes he shall be permitted to attend in the fice of the Budget Secretary and make copies of any cords and take notes of any testimony but he shall not privileged to attend any meetings between the Gov- nor and the Budget Secretary nor have any voice in e preparation of the budget. He shall compile classify d have available in convenient form all information cts and statistics which he may gather relative to the dget and keep the same available for the use of the eneral Assembly or any committee of either House

Section 8 It is hereby declared that the duties and wers of the Legislative Controller are separate and stinct from the duties imposed upon and the powers anted to the Auditor General the State Treasurer the dget Secretary or any other officer of the Common- alth

Section 9 All departments boards commissions and encies of the state government and all institutions and encies receiving State appropriations shall furnish to e Legislative Controller such information regarding their powers duties activities organization financial trans- actions and methods of business as he may from time to time require of them and he shall for the purpose of securing such information have access to and the right to examine any books documents papers or records of any such department board commission institution or agency

Section 10 The information collected by the Legislative Controller shall be preserved permanently as a part of the records of the Legislative Reference Bureau and shall be at the disposal of the General Assembly

Section 11 The sum of forty thousand dollars ($40,- 000) or so much thereof as may be necessary is hereby specifically appropriated for the remainder of the fiscal biennium ending May thirty-first one thousand nine hun- dred and thirty-nine and for the two fiscal years be- ginning June first one thousand nine hundred and thirty- nine to the Legislative Reference Bureau for the payment of the salaries of Legislative Controller and his assist- ants whether emergency or otherwise and for all other necessary and incidental expenses of the Legislative Con- troller and his assistants and of the Legislative Reference Bureau in connection with the administration of this act

Section 12 This act shall become effective immediately upon final enactment

The title of the bill was read as follows and agreed to:

An Act providing for a Legislative Controller and for his election and removal by the General Assembly de- fining his powers and duties authorizing the employment of assistants by the Legislative Reference Bureau for the use of the Legislative Controller imposing certain duties and responsibilities upon the executive and administra- tive departments and agencies of the State government and upon agencies receiving State appropriations and making an appropriation

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and con- sideration of Senate Bill No. 117, as follows:

An Act to amend the title and section two of the act approved the twenty-sixth day of May one thousand eight hundred and ninety-seven (Pamphlet Laws 106) entitled "An act prohibiting the discharge from public positions of Union soldiers without a reasonable cause and prohibiting the abolishment of or changing the emoluments of public offices occupied by Union soldiers except for good reason" by extending the provisions thereof to veterans and nurses of any war in which the United States has engaged

The General Assembly of the Commonwealth of Penn- sylvania hereby enacts as follows

Section 1 The title and section two of the act ap- proved the twenty-sixth day of May one thousand eight hundred and ninety-seven (Pamphlet Laws 106) entitled "An act prohibiting the discharge from public positions of Union soldiers without a reasonable cause and pro- hibiting the abolishment of or changing the emoluments of public offices occupied by Union soldiers except for good reason" are hereby amended to read as follows

An Act prohibiting the discharge from public positions of Union soldiers without a reasonable cause and pro- hibiting the abolishment of or changing the emoluments of public offices occupied by [Union soldiers] veterans and nurses of any war in which the United States has engaged except for good reason

Section 2 That no office position or employment under or in connection with the State County or City Govern- ment or management now or at any time hereafter held or occupied by any honorably discharged [Union] soldier sailor [or] marine or nurse who served in [the late civil war of the United States] any war in which the United

States engaged shall be discontinued or abolished in name or in fact or the salary wages or emoluments thereof reduced or rescinded during the occupancy of the same by any said soldier sailor [or] marine or nurse unless for a good sufficient reasonable or just cause Any person or persons who shall violate or cause to be violated the provisions of this section shall be guilty of a misdemeanor and upon conviction in any court of record shall be sentenced to pay a fine not exceeding two hundred dollars

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 168, as follows:

An Act to amend paragraph six of section two and paragraph four of section five of the act approved the twenty-ninth day of April one thousand nine hundred thirty-seven (Pamphlet Laws 551) entitled "An act prohibiting the employment of miners as herein defined in the bituminous coal mines unless certificated by a miners' examining board providing for the appointment of such boards and defining their powers and duties providing penalties and making an appropriation" by providing for the suspension of examination and certificates by the Secretary of Mines and for the issuance of new certificates to replace lost certificates

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph six of section two of the act approved the twenty-ninth day of April one thousand nine hundred thirty-seven (Pamphlet Laws 551) entitled "An act prohibiting the employment of miners as herein defined in the bituminous coal mines unless certificated by a miners' examining board providing for the appointment of such boards and defining their powers and duties providing penalties and making an appropriation" is hereby amended to read as follows

The number of miners' examining boards may be reduced at the pleasure of the Secretary of Mines after the first day of March one thousand nine hundred and thirty-eight Provided That when in the opinion of the Secretary of Mines a sufficient number of miners have been certified to amply supply the demands of the bituminous mines of this Commonwealth he shall suspend entirely the activities of the Miners' Examining Boards and direct that any additional miners shall be examined and granted certificates by the district mine inspector under such rules and regulations as the Secretary of Mines shall prescribe This examination by the mine inspector shall be given without any additional cost to the Commonwealth and a fee of one dollar ($1.00) shall be charged for the issuance of a certificate

Section 2 Paragraph four of section five of said act approved the twenty-ninth day of April one thousand nine hundred thirty-seven (Pamphlet Laws 551) is hereby amended to read as follows

A certificate granted by a board shall not be transferable and a transfer shall be deemed a violation of this act

In case of the loss or destruction of a certificate the Secretary of Mines shall upon presentation of satisfactory evidence of the loss or destruction issue a copy of the certificate to the original possessor on the payment of the sum of fifty cents ($.50)

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. HALUSKA. Mr. President, I wish to offer amendments to this bill, but before I offer these amendments, I would like to explain what they contain. Senate Bill No. 168 was known as the Miner's Certificate Bill. I would like to acquaint my colleagues with this bill, which became law in the Session of 1937, and a number of my colleagues recall how we agreed on this bill. We had a public hearing at which both the coal operators and the coal miners were present and they agreed with the contents of this bill. This is one of the few bills that has brought in revenue for this Commonwealth. I think that it is necessary to explain what has happened so that my colleagues may know the importance of these amendments.

We have a Miner's Certificate Board functioning in the bituminous mines—we have three boards with three men on each board. These men have served for the last two years, and according to the record released by the present Secretary of Mines, March 14th, they have certified 108,459 miners at the rate of one dollar each and they have certified 12,555 miners at the rate of two dollars per man.

In other words, they have brought in revenue to this Commonwealth $133,559. In return we have appropriated —the Department of Mines—when the bill was first enacted, the sum of $70,000. We have expended the sum of $55,000 to administer this act. Therefore, we have cleared, over and above all expenses, some $80,000.

And now, Mr. President, for some unknown, reason it is the intention of someone to amend this act. And the miners of the bituminous pay the bill. They certainly have the right to have their own representatives on this board. I think my colleagues to the right, Senator Ealy, Senator Wolfenden, Senator Geltz and Senator Walker and others that reside in the coal fields certainly will agree with me that this is an important piece of legislation.

I am offering amendments that will not affect the contents of the bill to any great extent. I am seeking to provide that the Secretary of Mines will have under his discretion at all times power to cut down these boards when he deems it necessary, if he thinks three boards are too many, under my amendments he may cut them down to one; if he feels that five days a week are not necessary he may, if he so cares, cut down the number of days to one. At all times these boards will be under his discretion.

Certainly I feel that this is a fair amendment and the miners and the operators are fully agreed that that bill in this form will be satisfactory to both, but under the bill as it is drawn now, Mr. President, it will take away the board entirely from the miners; they will be subject to an examination by a mine inspector, if he cares to approve the examination he may; if he cares not to, he will not; the miner has no appeal—and certainly this is their bill. I feel they have the right to maintain these boards in the future as they have in the past, but I also realize up until now we have had sufficient work for three boards, but I must agree with the Secretary of Mines in the future there will be less work—he may cut down the boards from three to one if he cares and he can cut down the number of days' work.

I am offering the amendments and ask that they be read and I ask my colleagues to approve them.

Mr. THOMAS. Mr. President, I think, since this is an

economy measure we ought not to have this amendment —practically all the coal miners are registered, and we are going to save some money by not having it amended.

Mr. EALY. Mr. President, I would like to give the view of the Secretary of Mines on this matter before action is taken on this amendment. He said:

"This bill is an amendment to Act No. 135, approved April 29, 1937, which provided for the certification of bituminous coal miners. An appropriation of $70,000 was made.

Three Boards, consisting of three members each, were appointed by the Secretary of Mines to carry out the provisions of this Act. Each member received $10 per day and expenses. Full time of five days per week was the practice.

Until April 1, 1938, Service Certificates were issued to the applicants upon proof of their mining experience and age. Applicants were not required to appear personally for examination. A fee of $1 was charged for the issuance of this Service Certificate. The mining companies submitted the information required from payroll records. 108,459 Service Certificates were granted.

Since April 1, 1938, until February 27, 1939, when the activities of these Boards were suspended, all persons desiring certificates were required to appear personally before the Boards for an oral examination. A fee of $2 was charged for issuance of a certificate.

The Three Boards during this period examined 12,255 miners, thus making a grand total of Miners' Certificates issued of 120,714. This number of miners will amply supply the needs of the butuminous coal mines, and I feel the work of these Boards has practically been completed as outlined in the Act. Those persons who still desire certificates may be classed as miners who work intermittently at the mining trade; young miners working out their apprenticeship of two years; and also those migratory miners who have been negligent in appearing for examination. The number of these three classes probably will not be more than 3,000 during the coming year.

These three Boards are costing the state approximately $4,000 per month. The last full month in which they worked, but 741 miners were examined. The appropriation is exhausted with the exception of $15,000.

Additional miners can be examined and certified by the district Mine Inspectors without any cost to the Commonwealth and the records of examinations and the issuance of certificates can be taken care of by the Department at Harrisburg without any additions to the present force. The Mine Inspectors at the present time examine applicants for mine foreman, assistant mine foreman, fire boss, machine runner, shot firer, and mine electrician; and the additional added duties of examining the miners will not in any way impair their inspection activities.

No provision was made in the original Act to provide for duplicate certificates. This matter is taken care of by an amendment which is self-explanatory.

Should this Bill not be approved, it will be necessary for the Department of Mines to ask for an additional sum of $13,000 to carry out the minimum requirements of the Act."

Now, Mr. President, if this matter is pressed for an amendment I should like the Secretary of Mines to be permitted to appear before the committee before this amendment is acted upon. Perhaps some change can be made but I do not think we ought to act hastily on these amendments without getting his further views.

Mr. HALUSKA. Mr. President, I desire to interrogate the Senator from Somerset, Mr. Ealy.

The PRESIDENT. Will the Senator from Somerset, Mr. Ealy, permit himself to be interrogated?

Mr. EALY. Mr. President, I will.

Mr. HALUSKA. Will the Senator from Somerset agree that up until the present time the certification of these miners has not cost the Commonwealth one cent?

Mr. EALY. Mr. President, I would not say that; any service that is rendered has cost the people of the Commonwealth money, whether you get from one pocket or another, the people have to pay it.

Mr. HALUSKA. Mr. President, is it not a fact that 108,459 miners paid, according to the statement the Senator from Somerset read, one dollar to be certified; is that right?

Mr. EALY. Mr. President, I believe that is right.

Mr. HALUSKA. And is it correct that the Senator from Somerset also stated that 12,255 miners paid two dollars per man to be certified; is that right?

Mr. EALY. Whatever the figures are, Mr. President, I am assuming that the Senator is correct.

Mr. HALUSKA. Is it not a fact that the total sum collected from the miners has been $133,559 to date?

Mr. EALY. Mr. President, the miners might have paid the amount to the examining board, or to the Commonwealth, but they did not pay it out of their own pockets, they paid it out of wages that were paid them, and from the sums they got while on relief and from other sources —it came out of the pockets of the people.

Mr. HALUSKA. Mr. President, I certainly must take issue with the Senator from Somerset when he states that the miners do not pay this out of their own pockets. How else could they pay? These men are coal miners, working in the bowels of the earth, and pay their own dollars; and no relief organization or any other person has gone on record to state that they have paid any amount of the moneys paid. Does the Senator from Somerset, Mr. Ealy, know of anybody paying for any miner to be certified?

Mr. EALY. Mr. President, I think I have answered that. I do not want to prolong this discussion; but what I suggest is that this matter could be held over for further consultation to ascertain the view of the Department which knows how much money it is going to take, and how much the Commonwealth will be asked to contribute in the future. If there are only a very few miners to be certified the Boards will be continuing to function at an expense which will come out of an appropriation.

Mr. HALUSKA. Mr. President, as I explained a few moments ago, in order to further clarify my position, the present Secretary of Mines estimates that in the future there will be about, in the neighborhood of, three thousand miners to be certified in the next year.

In talking over the matter with other persons, I have been informed that, according to the death rate of coal miners, within the next twenty years the average number

of miners to be certified will be six thousand; and they shall pay at the rate of one dollar per man.

Now under my amendment, the Secretary of Mines can make the Boards fit this pattern. If he sees we are taking in five or six thousand dollars a year and the board is not expending more than two or three thousand dollars, at all times the Boards will take care themselves.

At his discretion he can have one, two or three Boards or more; he can place on the Boards one or two men. At no time must he spend more money than we are taking in; so I cannot see where the Commonwealth will spend any money to maintain this system.

MOTION FOR BILL TO LAY ON TABLE

Mr. CAVALCANTE. Mr. President, in order that the request of the Senator from Somerset may be honored, I move that this bill and the amendment lay on the table until such time as the Secretary of Mines has been consulted.

Mr. OWLETT: Mr. President, I second the motion.

The PRESIDENT. The Chair thinks, perhaps, it would be better if the Senator from Cambria would withdraw his amendments at this time.

Mr. HALUSKA. Mr. President, I now withdraw my amendments offered in connection with Senate Bill 168, Printer's No. 41, and ask that the bill go over in its order.

The PRESIDENT. Is there objection?

The Chair hears none.

BILLS OVER IN ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 168 on second reading, entitled:

An Act to amend paragraph six of section two, and paragraph four of section five of the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 551), entitled "An act prohibiting the employment of miners, as herein defined, in the bituminous coal mines, unless certificated by a miners' examining board; providing for the appointment of such boards, and defining their powers and duties; providing penalties; and making an appropriation," by providing for the suspension of examinations and certifications by the Secretary of Mines and for the issuance of new certificates to replace lost certificates.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mrs President, I ask unanimous consent that Senate Bill No. 267, (House Bill No. 449), on second reading, entitled:

An Act to amend clause (a) of section one and section four of the act approved the thirty-first day of March one thousand nine hundred and thirty-seven (P. L. 160) entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission defining in part the powers and duties of such commission abolishing The Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof and transferring to the Pennsylvania Public Utility Commission the records employes property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings legal or otherwise instituted before by or against The Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulations of the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to the Public Service Commission of the Commonwealth of Pennsylvania" by changing method of appointing and removing members of the Commission and making political activity a grounds for their removal

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 269 as follows:

An Act to add section one thousand nine hundred and four to the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments board and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" providing for the expenditure of moneys by the Pennsylvania State College under the supervision of the Department of Mines to conduct researches to discover a by-product for the use of anthracite and bituminous coal and to develop new scientific chemical and other uses and new and extended markets for anthracite and bituminous coal and its products and granting the right to the Commonwealth to accept and receive gifts contributions bequests and devises of real or personal property for such purposes designated for the use of Pennsylvania State College

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article nineteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments

oards and commissions shall be determined" is hereby nended by adding thereto a new section to read as fol-ws

Section 1904 Research for New Uses of Anthracite and ituminous Coal The Department of Mines shall super-se the expenditure by the School of Mineral Industries Pennsylvania State College of appropriations made for ie purpose of conducting researches to discover a by-roduct for the use of anthracite and bituminous coal and develop new scientific chemical and other uses and new nd extended markets for anthracite and bituminous coal nd its products

The Commonwealth through the Department of Mines nall have the right to accept and receive gifts contribu-ons bequests and devises of real or personal property ade by any person for the above purposes which shall e designated as being for the use of the School of Mineral ndustries of Pennsylvania State College to be expended y it under the supervision of the Department of Mines

Section 2 This act shall become effective the first day f June one thousand nine hundred and thirty-nine

And said bill having been read at length the second me and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee f the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consid-ration of Senate Bill No. 389, (House Bill No. 574), en-itled:

A Supplement to the act, approved the second day of uly, one thousand nine hundred thirty-seven, (Appro-riation Acts, page seventy-four), entitled "An act to pro-ide for the ordinary expenses of the Executive, Legis-ative, and Judicial Departments of the Commonwealth, nterest on the public debt, and the support of the public chools for two years beginning June first, one thousand ine hundred and thirty-seven; and for the payment of ills incurred and remaining unpaid at the close of the scal year ending May thirty-first, one thousand nine undred and thirty-seven," providing for deficiencies in ertain appropriations for the fiscal biennium ending May hirty-first, one thou nd nine hundred thirty-nine and roviding for the payment of certain of the deficiency ppropriations out of revenues of the fiscal biennial period eginning June first, one thousand nine hundred thirty-ine.

And said bill having been read at length the second time nd agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee the Whole being in this case dispensed with,

The Senate proceeded to the second reading and considera-on of Senate Bill No. 392, (House Bill No. 291), entitled:

An Act to amend section one of the act approved the st day of July one thousand nine hundred and thirty-even (P. L. 2681) entitled "An act relating to and regu-ing the manufacture storing and possession of explosives quiring permits for magazines and prescribing permit es and providing penalties" by excluding from the pro-ions of said act explosives used in clay mining or in k or stone quarries.

And said bill having been read at length the second time ad agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 397, (House Bill No. 546), entitled:

An Act to further amend section six of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" by eliminating certain provisions relating to retirement age of a major general in command of the National Guard.

And said bill having been read at length the second time:

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I call attention of the members of this Senate to the fact that most of these bills on the calendar do not have any effective dates. That might not be important in some bills, but it may be important in others.

In this particular bill it may be important that there be an effective date, and the reason I am calling attention to the members of the Senate now is that some of these bills are two hundred pages long and in order to correct them you would have to reprint the bill.

I think that should be noted when the bill is first printed, in order to prevent that waste.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 399, (House Bill No. 576), entitled:

An Act to further amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-three (P. L. 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" as amended extending the time during which application may be filed for veterans' compensation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 402, (House Bill No. 639), entitled:

An Act to repeal certain obsolete acts relating to military history records and historical works.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 429, (House Bill No. 549), entitled:

An Act to amend section nine of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," as amended, by increasing clothing allowances and requiring a report by commanding officers.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 433, as follows:

An Act to amend section seven of the act approved the eleventh day of May one thousand nine hundred and five (Pamphlet Laws 42) entitled "An act for the appointment and maintenance of a board to be known as the Armory Board of the State of Pennsylvania and for the payment of its expenses and for providing managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same authorizing the State Armory Board to receive from counties cities municipalities and other sources donations or contributions for the purpose of this act" authorizing the Armory Board to accept donations and contributions from boroughs and townships and authorizing boroughs and townships to make such donations and contirbutions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven of the act approved the eleventh day of May one thousand nine hundred and five (Pamphlet Laws 442) entitled "An act for the appointment and maintenance of a board to be known as the Armory Board of the State of Pennsylvania and for the payment of its expenses and for providing managing and caring for armories for the use of the National Guard of Pennsylvania through the Commonwealth of Pennsylvania and making an appropriation for the same authorizing the State Armory Board to receive from counties cities municipalities and other sources donations or contributions for the purpose of this act" is hereby amended to read as follows

Section 7 That such Armory Board shall have power to receive from counties cities boroughs townships municipalities or other sources donations of land or contributions of money to aid in providing or erecting armories throughout the Commonwealth for the use of the National Guard of Pennsylvania and which shall be held as other property for the use of the Commonwealth of Pennsylvania and such counties cities boroughs townships or other municipalities are hereby authorized to make such contributions for the purpose of this act

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 473, as follows:

An Act to regulate the sale storage offering or exposing for sale of fireworks defining commercial and display fireworks and providing for licensing and regulation of the manner of using fireworks and providing license fees and penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions The following words and phrases when used in this Act shall have the following definition and meaning

(a) "Fireworks" shall mean and include any combustible or explosive compositions or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion explosion deflagration or detonation Toy Pistol Paper Caps and paper cap pistols are excluded from the provisions of this act

(b) "Commercial Fireworks" include all items commonly sold at retail over the counters of local merchants for individual consumption and are made packed and shipped under strict regulations promulgated by the Interstate Commerce Commission of the United States

(c) "Display Fireworks" include all items of heavy type necessary in the production of public displays such as are sponsored by Corporations Organizations County Fairs etc

Section 2 Packing and Transportation Regulations All fireworks offered for sale within this Commonwealth shall be paced and marked in accordance with the regulations promulgated by the Interstate Commerce Commission

Section 3 Certain Storage of Fireworks Prohibited Fireworks shall not be stored or kept for sale in a store

(a) Where paints oils or varnishes are manufactured or kept for use or sale unless the paints or varnishes are in original unbroken containers

(b) Where matches (other than approved safety matches) resin turpentine gasoline or inflammable substances or substances which may generate vapors are used stored or offered for sale or

(c) Where there are not two chemical fire extinguishers approved by the Department of Labor and Industry or six pails of water ready available and equipped for use in extinguishing fires

Section 4 Separate Room for Storage of Fireworks Required Fireworks to be sold at wholesale shall be kept in a room set aside for the storage of fireworks only Over each entrance to this room shall be displayed a sign in conspicuous type "CAUTION FIREWORKS NO SMOKING" No person shall be permitted to be in this room while carrying matches or a lighted cigar cigarette or pipe

Section 5 Discharge of Fireworks at Certain Places Prohibited No fireworks shall be discharged ignited or exploded at any point in the state within six hundred (600) feet of any medical and surgical or mental hospital.

Section 6 Sale and Use of Fireworks Between June twenty-fifth and July fifth both inclusive of each year and at no other time except as otherwise provided in Section eight of this act shall it be lawful to sell at retail fireworks in this Commonwealth

Fireworks may be used except as otherwise provided in Section eight of this act only on two days preceding the Fourth of July on the Fourth of July and until noon of the Fifth of July But in any year when the Fourth of July falls on Sunday and the succeeding Monday is officially observed the use of fireworks on July fifth and until noon on July sixth and for two days preceding such Sunday shall be permitted This section shall not apply to the sale or use of toy pistols paper caps and toy paper cap pistols the sale and use of which shall be permitted at all times and without license fee

Section 7 Prohibition of Certain Fireworks Except as hereinafter provided in section eight it shall be unlawful for any person firm partnership or corporation to offer for sale to store expose for sale at retail use or explode the following articles of fireworks

(a) Toy torpedoes of all kinds

(b) Firecrackers and salutes containing black powder exceeding two (2) inches in length and one half (½) inch in diameter and firecrackers and salutes containing

flash composition exceeding 1¾ inches in length and five sixteenths (5/16) inch in diameter

(c) Skyrockets larger than those commercially designated as one pound size or any other skyrockets without sticks

(d) Balloons or parachutes which require fire underneath to propel same or carry a lighted substance

(e) Toy cannons canes pistols or other devices designed for use otherwise than with paper caps

(f) Any fireworks containing a compound or mixture of yellow or white phospherous or mercury

(g) Fireworks containing an ammonium salt and chlorate

(h) Fireworks compositions that ignite spontaneously or undergo decomposition when subjected for forty-eight (48) consecutive hours to a temperature of one hundred sixty-seven degrees (167) Fahrenheit

(i) Any fireworks that contain a detonator or blasting cap

(j) Explosive fireworks in which the explosive compound is contained in a casing composed of a material harder than an ordinary paper case

(k) Roman candles exceeding twelve (12) balls

(l) Large bombs or shells or any fireworks of large type or any fireworks not approved by the Bureau of Explosives or any fireworks not approved for transportation by the Interstate Commerce Commission of the United States

Section 8 Permits for Use of Dislay Fireworks Responsibility Upon written permission secured from the Treasurer of the Local Taxing District fireworks may be sold and used at other times than those specified in Section six of this act for public or private exhibitions of fireworks in connection with fairs carnivals or other celebrations Every such special public display shall be handled by a competent operator duly licensed as herein provided Before issuing such permit the Treasurer shall be satisfied that the proposed special public display shall be of such character and so located discharged or fired as in the opinion of the Treasurer after proper inspection shall not be hazardous to property or endanger any person or persons In such cases the parties in charge of such exhibitions shall be held strictly responsible for any damage to person or property resulting from the fireworks so used Fireworks being held in storage for such exhibitions must be kept in a closed spark-proof container until they are to be used

Section 9 An Approved Bond The Treasurer of the Local Taxing District shall require an approved bond from the licensee of each public display in a sum not less than Five Hundred Dollars ($500.00) conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of any licensed public display and arising from any acts of the licensee his agents employes or subcontractors

Section 10 Display of Fireworks by Dealer All retail dealers are forbidden to expose fireworks in windows where the sun shines through glass onto the merchandise displayed and all fireworks kept for sale on counters must remain in original packages

Section 11 Smoking Forbidden No smoking shall be allowed in a store where fireworks are offered for sale Over each entrance to such store a sign in large letters not less than four inches in height shall be displaved reading "FIREWORKS FOR SALE NO SMOKING ALLOWED"

Section 12 Storage or Use of Railroad Signals Nothing in this act shall be construed so as to prohibit any person firm partnership or corporation from storing for the purpose of selling at wholesale and selling at wholesale fireworks of any kind provided the same are to be shipped out of this state or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination or the use of colored torches or colored fire for social and political purposes or the sale or use of blank cartridges for a show or theatre or for signal or ceremonial purposes in athletics or sports or for use by military organizations or for any lawful commercial or industrial use

Section 13 Sale of Fireworks to Children Unlawful It shall be unlawful for anyone to sell fireworks of any kind at any time to children under the age of twelve (12) years

Section 14 Licenses to Dealers and Operators Every dealer in fireworks excluding toy pistol paper caps and toy paper cap pistols retail and wholesale and every operator of a special display shall in addition to any license or licenses required by existing law or ordinance be licensed under the provisions of this act Applications for licenses shall be made annually to the Treasurer of the Local Taxing District by each retail and wholesale dealer and by each operator of special public displays at least fifteen days before the date for each display All licenses issued to dealers retail or wholesale shall be prominently displayed on the premises where fireworks are to be sold Licenses to dealers and operators shall be issued by the Treasurer of the Local Taxing District wherein such dealer or operator desires to deal or operate Permits for special displays shall be issued by the Treasurer of the Local Taxing District wherein such special display is to be made If a license or permit shall be denied by such Treasurer an appeal shall lie to the Court of common pleas of the County in which such application shall have been made and denied which court shall determine whether or not such license shall be issued

License fees shall be payable to the Treasurer of the Local Taxing District in which such license or permit shall be granted and all fees derived therefrom shall go into the General Fund of the treasury of said Local Taxing District License fees under this act shall be as follows For a Wholesale Dealer $25.00 Annually For a Retail Dealer $2.50 Annually For Operator's License and permit to conduct a special display $1.00 For each display

Section 15 Penalties Any person firm partnership corporation lodge society fraternal organization or other organizations violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not more than One Hundred ($100.00) Dollars and in default of the payment thereof the person responsible for the violation of the provisions of this act may be sentenced to imprisonment in the county jail for not more than ninety (90) days

Section 16 Enforcement The Treasurer of the Local Taxing District shall be authorized and empowered to call upon any sheriff or police officer or constable within the Commonwealth directing him to seize take remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale stored or held in violation of this act and hold the same subject to order of the court

Section 17 Nothing in this act contained shall prevent any municipality from regulating the retail sale of fireworks within its boundaries

Section 18 Effective Date This act shall become effective on the first day of August one thousand nine hundred and thirty-nine

Section 19 Repeals The following acts and parts thereof are hereby repealed aboslutely

The act approved the nineteenth day of June one thousand nine hundred and one Pamphlet Laws 577 entitled "An act to prohibit the manufacture and sale of firecrackers containing dynamite"

The act approved the twenty-fourth day of March one thousand nine hundred and five Pamphlet Laws 49 entitled "An act to prohibit the sale or use of certain fireworks firecrackers pistols explosive canes and ammunition and providing penalties of violations thereof"

The act approved the first day of June one thousand nine hundred and eleven Pamphlet Laws 542 entitled "An act to regulate the use of firecrackers fireworks blank cartridges pellets tablets et cetera in any county in this Commonwealth and providing penalties for the violations thereof"

The act approved the first day of June one thousand nine hundred eleven Pamphlet Laws 554 entitled "An act to restrain and regulate the sale and manufacture of certain firecrackers fireworks and certain explosive materials used in canes cannons pistols or any toy and providing penalties for the violation thereof"

The act approved the sixth day of May one thousand

nine hundred and fifteen Pamphlet Laws 260 entitled "An act relating to balloons and imposing a penalty"

All other acts and parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the second time and agreed to,

On the question,

Will the Senate agree to the bill?

BILL RECOMMITTED

Mr. EROE. Mr. President, I move that Senate Bill No. 473, the bill just read, be recommitted to the Committee on Judiciary Special, for the purpose of a Public Hearing.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

EXECUTIVE SESSION

By nanimous consent,

A motion was made by Mr. EALY and Mr. WOODWARD,

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session for the purpose of acting on Notaries Public from April 10, 11 and 12, 1939.

Which was agreed to.

MOTION TO RECONSIDER

Mr. EALY. Mr. President, I move that we take from the table the motion to reconsider the confirmation of notaries public made by the Senator from Fayette County, Mr. Cavalcante.

Mr. GELDER. Mr. President, I second the motion.

Mr. OWLETT. Mr. President, I suggest that the Senate vote "no" on this motion to reconsider.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of Parliamentary Inquiry.

The PRESIDENT. The Senator from Tioga will state his question of Parliamentary Inquiry.

Mr. OWLETT. Mr. President, as I understand it, the motion now before the Senate is the motion of the Senator from Fayette, Mr. Cavalcante, that we reconsider the votes by which the nominations for notaries public were confirmed; am I correct in that understanding?

Mr. SHAPIRO. Mr. President, as I understand it, I think the Senator made a motion to take it from the table.

The PRESIDENT. That is the understanding of the Chair: The statement made by the Senator from Philadelphia is correct.

Will the Senate agree to the motion?

It was agreed to.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of Parliamentary Inquiry.

The PRESIDENT. The Senator from Tioga will state his question of Parliamentary Inquiry.

Mr. OWLETT. Mr. President, there is now, I take it, before the Senate the motion of the Senator from Fayette to reconsider the vote by which notaries public were confirmed; am I correct?

The PRESIDENT. The Chair so understands.

Mr. OWLETT. Mr. President, I therefore ask that the Senate vote "no" on this motion to reconsider said confirmations.

Mr. SHAPIRO. Mr. President, I just want to call attention to the fact that the Senator from Tioga made this motion in the absence of the Senator from Fayette, Mr. Cavalcante; and I have an idea he was afraid to make that motion when the Senator was present.

On the question,

Will the Senate agree to the motion?

The motion was not agreed to.

Mr. EALY. Mr. President, I move that the Executive Session do now rise.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS INTRODUCED

Mr. HALUSKA. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA read in place and presented to the Chair Senate Bill No. 516, entitled:

An act to amend sections seven and eight, clause (c) of section eleven, clause (e) of section twelve and section thirteen of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to, and regulations of persons and entities selling milk and milk products; conferring powers, and imposing duties on the Secretary of Health, the Advisory Health Board; and otherwise providing for the administration of the act; and imposing penalties," by changing the application of the act to "Natural Milk" in place of "Raw Milk."

Which was committed to the Committee on Agriculture.

Mr. CROWE Mr. Presndent, I ask unanimous consent to introduce a bill at this time.

The President is there objjection? The Chair hears none.

Mr. CROWE read in place and presented to the Chair, Senate Bill No. 517, entitled:

An act to amend section 6 of the act approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2603), entitled "An act relating to vocational education, creating vocational school districts for the purpose of conducting systems of vocational schools, departments or classes; providing for their government; prescribing their powers and duties; conferring powers and imposing duties on school districts and on the State Board for Vocational Education and providing for referendum in certain cases," by making further provision for the levy and assessment of taxes and for reimbursements by the Commonwealth in certain cases.

Which was committed to the Committee on Education.

MOTION TO RECONSIDER AND RECOMMIT

Mr. RUTH. Mr. President, in the Calendar of Tuesday, April 4, Senate Bill No. 11 was defeated.

Mr. RUTH. Mr. President, I move you that the Senate do now reconsider the vote by which Senate Bill No. 11 was defeated and that that bill be recommitted to the Committee on Judiciary General, for further study.

Mr. SHAPIRO. Mr. President, I second the motion.

Will the Senate agree to the motion.

The motion was agreed to.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 214, entitled:

An act requiring retail dealers in liquid fuels to display the price of liquid fuels on signs; specifying the location thereof, maximum size thereof, minimum size of lettering and figures thereon, conferring powers and duties upon the Department of Revenue; and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 223, entitled:

An act to further amend section one of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purpose through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies;" by abolishing the Anatomical Board of the State of Pennsylvania; and transferring its powers and duties to the Anatomical Board in the Department of Health.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 250, (House Bill No. 28), entitled:

An Act to regulate the sale of sulfanilamide and its derivatives in the interest of public health.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 259, entitled:

An Act to amend section thirty-eight of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 382), entitled "An act to consolidate, revise and amend the penal laws of this Commonwealth," by permitting the trial for the offense of fornication and bastardy to be held either where the child was begotten or where it was born.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 266, (House Bill No. 444), entitled:

An Act to amend section nine of the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-three, (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," by changing the amount and method of contributions for, and payment of death benefits.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 299, (House Bill No. 364), entitled:

An Act making business records competent legal evidence under certain conditions and making uniform the law with reference thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 300, (House Bill No. 365), entitled:

An Act for the judicial notice of the laws of other jurisdictions and for proof thereof and to make uniform the law with reference thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading of Senate Bill No. 317, entitled:

An act to amend sections four hundred fifteen and four hundred sixteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," as amended; further defining group life insurance to include additional classes of persons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 339, entitled:

An act to further amend subparagraph two of subsection (a) of section five hundred five of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, and collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision

of the State, and certain officers of such subdivisiosn, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by further regulating the security for the deposits of State moneys.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 378, (House Bill No. 410), entitled:

An Act relating to the practice of the occupation or business of opticians and providing for the licensing and registration of opticians and optical technicians and the registration of optician's apprentices and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement defining the powers and duties of the State Board of Examiners of Opticians and the Department of Public Instruction and providing penalties

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 430, (House Bill No. 856), entitled:

An Act making a deficiency and emergency appropriation to aid certain school districts

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 488, entitled:

An Act authorizing boards of trustees of State institutions within the Department of Public Instruction, with the approval of the Superintendent of Public Instruction, to contract with municipalities and townships for fire protection, and to pay therefor out of their appropriations for support and maintenance.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL INTRODUCED

Mr. CHAPMAN. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN read in place and presented to the Chair Senate Bill No. 518, entitled:

An Act to further amend section one, and a part of section two of the act approved the thirteenth day of June, one thousand eight hundred and eighty three, (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies," changing the membership of the board and the functions of the Secretary of Health with reference thereto; requiring audits by the Auditor General, and reports of the activities of the board; and increasing the maximum amount that may be expended for burial of unclaimed bodies unfit for anatomical purposes.

Which was committed to the Committee on Public Health.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Monday, April 17, 1939 at 9:00 o'clock, p. m.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:11 o'clock, p. m., until Monday, April 17, 1939, at 9:00 o'clock p. m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, April 12, 1939.

The House met at 1 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

Infinite, eternal and unchanging God, visit us this day and make us very conscious of Thy presence.

Give us a growing faith and an ever increasing confidence in Thy providence which guides and shapes the destinies of nations. Impress us with the Biblical injunction: "Except the Lord build the house, they labor in vain who build it."

Bless us with a loyal holding on life, and work through us for the glory of our Commonwealth and the good of our country.

Give us wise direction in all we do this day. In every situation enable us to acquit ourselves like men and prove ourselves worthy of the honorable place and dignified position, to which in Thy grace, we have been elevated.

Impress us with the gravity of our positions as Legislators and our responsibility to all the people of this Commonwealth. Cast upon our path of duty the shadows of Washington and Lincoln whose patriotism ever eclipsed their partisanship. May our devotion to public service be without fear or hesitation.

Make of us, O Father, the kind of men we want our sons to be: "Physically strong, mentally awake, morally straight."

Let thy truth flood our hearts and nourish there the roots of every good thing that our aims may be good and open, our vows sacred and wisely kept, and all our desires heaven bent.

We ask it for the sake of Him whose heart was broken for us. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. MORAN, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. KANE. HOUSE BILL No. 1267.

An Act providing for the closing and discontinuance of and removal of all liquor from the State Liquor Stores in political subdivisions having voted against the issuance of

liquor license therein under the local option privileges of the Pennsylvania Liquor Control Act.

Referred to the Committee on Liquor Control.

By Mr. KANE. HOUSE BILL No. 1268.

An Act authorizing cities, boroughs, and town, by ordinace passed by three-fourths of the members of council to revoke liquor licenses issued to hotels, restaurants and clubs, which e considered injurious to the welfare of the community and providing appeals and penalties.

Referred to the Committee on Liquor Control.

By Mr. KANE. HOUSE BILL No. 1269.

An Act to further amend section four hundred three of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended, "An act to regulate and restrain the sale, manufacture, possession, transportion, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties; providing that no liquor license shall be hereafter granted or transferred to any location within three hundred feet of any church, hospital, charitable institution, school, either public or parochial, Young Men's Christian Association, or other educational or religious, or semi-educational or semi-religious institution or establishiment.

Referred to the Committee on Liquor Control.

By Mr. KANE. HOUSE BILL No. 1270.

An Act providing that cities of the third class, boroughs and towns shall, within six months from the effective date of this act, establish liquor zones within their municipal limits, prohibiting the sale of liquor outside of such zones, and providing penalties.

Referred to the Committee on Liquor Control.

By Mr. KANE. HOUSE BILL No. 1271.

An Act prohibiting the issuance of liquor licenses in townships having less than one thousand population, except to hotels having at least ten rooms for rent to the public.

Referred to the Committee on Liquor Control.

By Mr. KANE. HOUSE BILL No. 1272.

An Act requiring every person registering a motor vehicle in the Commonwealth to state, under oath or affirmation, that he is not receiving any public assistance.

Referred to the Committee on Welfare.

By Mr. KANE. HOUSE BILL No. 1273.

An Act making an appropriation to the Department of Mines for the purpose of developing the increased sale and consumption of bituminous coal.

Referred to the Committee on Appropriations.

By Mr. KANE. HOUSE BILL No. 1274.

An Act providing for the taxing of additional costs in appeals taken to the Supreme and Superior Courts.

Referred to the Committee on Judiciary General.

By Mr. KANE. HOUSE BILL No. 1275.

An Act to further amend section two of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," by extending the provisions of the act to include certain ambulance drivers.

Referred to the Committee on Military Affairs.

By Mr. KANE. HOUSE BILL No. 1276.

An Act prohibiting any state employe from joining any organization whose interests are antagonistic to the interests of the Government of this Commonwealth.

Referred to the Committee on State Government.

By Mr. KANE. HOUSE BILL No. 1277.

An act to amend sections four hundred and thirteen and seven hundred and ten, and to further amend section five hundred and ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by changing the registration year, and adjusting registration fees.

Referred to the Committee on Motor Vehicles.

By Mr. KANE. HOUSE BILL No. 1278.

An Act to amend sections one thousand two hundred and five, and one thousand two hundred and five A, of the act approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L.309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local or any parts thereof, that are or may be inconsistent therewith," as amended; further regulating the employ-

ment, dismissal, suspension and demotion of professional employes.

Referred to the Committee on Education.

By Mr. KANE. HOUSE BILL No. 1279.

An Act providing for the construction of an appropriate approach to the western entrance of the State Capitol building; providing for the selection of a suitable name therefor; conferring powers on the Department of Property and Supplies; and making an appropriation.

Referred to the Committee on State Government.

By Mr. KANE. HOUSE BILL No. 1280.

An Act to restore the Public Service Commission; creating a commission to be known as the Pennsylvania Public Service Commission; defining in part the powers and duties of such commission; abolishing the Pennsylvania Public Utility Commission; terminating the terms of the members thereof, and transferring to the Pennsylvania Public Service Commission the records, employes, property, and equipment of the Pennsylvania Public Utility Commission; authorizing the Pennsylvania Public Service Commission to appear in and complete all pending proceedings, legal or otherwise, instituted before, by or against the Pennsylvania Public Utility Commission; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Service Commission, and transferring and appropriating to the Pennsylvania Public Service Commission any unexpended balance of any existing appropriation to the Pennsylvania Public Utility Commission.

Referred to the Committee on Public Utilities.

By Mr. KANE. HOUSE BILL No. 1281.

An Act providing for the regulation of aeronautics within this Commonwealth; conferring powers and imposing duties upon the Department of Highways in respect thereto, which powers and duties were heretofore vested in the Department of Revenue; providing for the licensing and registration of airmen and aircraft; establishing the legal status of air navigation; providing for sovereignty in, and ownership of space; providing for lawfulness of flights; regulating civil causes of action arising out of operation of aircraft; fixing the status of contracts, crimes, and torts in, by, or by means of operation of aircraft; imposing duties upon officers, burgesses, magistrates, aldermen, justices of the peace, the courts and clerks thereof; providing for denial or revocation of licenses; providing for certain penalties and their disposition; and repealing certain existing laws.

Referred to the Committee on Aeronautics.

By Mr. KANE. HOUSE BILL No. 1282.

An Act making an appropriation to the Department of Internal Affairs for use in research work intended to develop additional sources of oil and gas in the Commonwealth.

Referred to the Committee on Appropriations.

By Mr. KANE. HOUSE BILL No. 1283.

An Act limiting and regulating the issuance of orders, rules and regulations by departments, boards, commissions and agencies of the Commonwealth.

Referred to the Committee on State Government.

By Mr. LEYDIC. HOUSE BILL No. 1284.

An Act to further amend section one of the act, approved the twenty-eighth day of June, one thousand nine hundred seventeen (P. L. 645), entitled "An act making it unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name, style, or designation, unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary; requiring county commissioners, at the expense of the county, to provide books for the entry of such certificates; fixing the fees of the Secretary of the Commonwealth and prothonotary; and providing penalties," excepting limited partnerships from the provisions thereof.

Referred to the Committee on Judiciary General.

By Mr. DICK. HOUSE BILL No. 1285.

An Act to amend section two thousand four hundred thirteen of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing creating reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers, fixing the salaries of the Governor Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions, shall be determined," assigning certain rooms in the State Capitol to the General Assembly.

Referred to the Committee on State Government.

By Mr. LEYDIC. HOUSE BILL No. 1286

An Act to amend sections one and two of the act, approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 542), entitled "A supplement to an act, approved the twenty-eighth day of June, one thousand nine hundred and seventeen (Pamphlet Laws six hundred and forty-five), entitled 'An act making unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name, style, or designation, unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary; requiring county commissioners, at the expense of the county, to provide books for the entry of such certificates; fixing the fees of the Secretary of the Commonwealth and prothonotary; and providing penalties': permitting the cancellation of such certificate or an entry to be made on the margin of the book in which such certificate was entered showing who have withdrawn from the business; providing a method therefor; and prescribing a penalty; making further provision for cancellation of certificate

Referred to the Committee on Judiciary General.

By Mr. BRETHERICK. HOUSE BILL No. 128

An Act to further amend sections one and two of the act, approved the eighteenth day of July, one thousand nine hundred and thirty-five (P. L. 1286), entitled as amended "An act empowering cities, boroughs, incorporated towns, and townships to charge and collect annu

entals for the use of certain sewers, sewage systems nd treatment works, including charges for operation, nspection, maintenance, repair, depreciation, and the mortization of indebtedness and interest thereon;" au-horizing the imposition and collection of ready to serve harges; and extending the purposes for which rentals nd charges may be made.

Referred to the Committee on Municipal Corporations.

By Mr. ROYER. HOUSE BILL No. 1288.

An Act to amend the second paragraph of section ighteen of the act, approved the twenty-eighth day of lay, one thousand nine hundred and thirty-seven (P. L. 55), entitled "An act to promote public health, safety, norals, and welfare by declaring the necessity of creat-ng public bodies, corporate and politic, to be known as ousing authorities to engage in slum clearance, and to ndertake projects, to provide dwelling accommodations or persons of low income; providing for the organization f such housing authorities; defining their powers and uties; providing for the exercise of such powers, includ-ng the acquisition of property by purchase, gift or emi-ent domain, the renting and selling of property, and in-luding borrowing money, issuing bonds, and other ob-gations, and giving security therefor; prescribing the emedies of obligees of housing authorities; authorizing ousing authorities to enter into agreements, including greements with the United States, the Commonwealth, nd political subdivisions and municipalities thereof; de-ning the application of zoning, sanitary, and building aws and regulations to projects built or maintained by uch housing authorities; exempting the property and se-urities of such housing authorities from taxation; and mposing duties and conferring powers upon the State oard of Housing, and certain other State officers and de-artments," providing for the payment of fees for certi-cation to the Department of Internal Affairs in connec-on with the issue of bonds.

Referred to the Committee on State Government.

By Mr. THISTLE. HOUSE BILL No. 1289.

An Act to amend clause (6) of section three of the act, pproved the sixteenth day of May, one thousand nine undred and twenty-nine (P. L. 1784), entitled "An act oncerning newspapers; creating uniformity in the pub-cation of legal notices and advertisements; defining the ewspapers in which official and legal advertising shall be ublished, prescribing methods for computing the charges erefor, and providing that the expenses for publishing gal advertising or notices shall be taxable and collectible court costs are now taxed and collected in all matters d proceedings," by changing the definition of "Legal ewspaper."

Referred to the Committee on Judiciary General.

By Mr. SIMONS. HOUSE BILL No. 1290.

An Act to amend sections two thousand six hundred ur, two thousand six hundred twenty-three and two ousand six hundred and twenty-eight, as amended, of e act, approved the eighteenth day of May, one thousand ne hundred and eleven (P. L. 309), entitled "An act to tablish a public school system in the Commonwealth of nnsylvania, together with the provisions by which it all be administered, and prescribing penalties for the olation thereof; providing revenue to establish and intain the same, and the method of collecting such venue; and repealing all laws, general, special, or local, any parts thereof, that are or may be inconsistent there-h," by providing for the audit of accounts of fourth ss school districts by the borough or township con-ller or auditors; and fixing the compensation of such troller.

Referred to the Committee on Education.

By Mr. WAGNER. HOUSE BILL No. 1291.

An Act to amend the title and sections one, four and six of the act, approved the twentieth day of May, one thousand nine hundred and thirty-seven (P. L. 728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the board; and fixing the compensation of members and employes thereof; providing that the awards of such board shall be final; providing for the payment of awards: and authorizing an appropriation," extending the jurisdiction of the Board of Arbitration of Claims against the Commonwealth.

Referred to the Committee on State Government.

By Mr. KANE. HOUSE BILL No. 1292.

An Act making an appropriation to the Department of Highways of the Commonwealth of Pennsylvania for the purpose of making investigations and surveys for the construction of a super highway from a point near Pottsville in a southeasterly direction by as direct route as possible to tidewater on the Delaware River, south of the City of Philadelphia; designating the same the Benjamin Franklin Highway.

Referred to the Committee on Appropriations.

By Mr. KANE. HOUSE BILL No. 1293.

An Act making an appropriation to the Department of Highways of the Commonwealth of Pennsylvania for the purpose of making investigations and surveys for the construction of a super-highway from a point near Washington, Pennsylvania in a northwesterly and northerly direction, approximately parallel with the Ohio boundary to the confluence with U. S. Route No. 20 on the shore of Lake Erie designating the same the "George Washington Highway."

Referred to the Committee on Appropriations.

By Mr. KANE. HOUSE BILL No. 1294.

An Act authorizing the naming of State highways and bridges after distinguished individuals.

Referred to the Committee on Highways.

By Messrs. KANE and SETH W. BROWN.

HOUSE BILL No. 1295.

An Act making an appropriation to the Department of Highways of the Commonwealth of Pennsylvania for the purpose of making investigations and surveys for the construction of a direct freight highway from a point near Hazleton toward a point near New York Harbor and designating the same the John Mitchell Highway.

Referred to the Committee on Appropriations.

By Mr. HABBYSHAW. HOUSE BILL No. 1296.

An Act to amend Sections 518, 532, and 541, Section 802 as amended, Sections 1112, 1156, 1160, 1170, and Subdivision (d) of Article 13, and Sections 1401 and 1525 of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," transferring certain functions relating to the affairs of such townships, heretofore performed by the Department of Highways, to the Department of Internal Affairs.

Referred to the Committee on Townships.

By Mr. LLOYD H. WOOD. HOUSE BILL No. 1297.

An Act to further amend section five, and to amend section six, of the act, approved the third day of May, one thousand nine hundred and nine, (P. L. 395), entitled "An act regulating the sale of concentrated commercial feeding-stuffs, also of condimental stock and poultry-food, and patented, propriatary or trade-mark stock and poultry-food, possessing nutritive value combined with medicinal properties; defining concentrated commercial feeding-stuffs; prohibiting the adulteration of any feeding-stuff, sold, offered, or exposed for sale, in this State, with oat hulls, ground corn cobs, flax plant refuse, elevator chaff, cotton-seed hulls, ground corn stalks, rice hulls, peanut hulls, weed seeds, or other similar adulterants; providing for the collection of samples, and analysis thereof by the Department of Agriculture, and the publication of information concerning the same; providing also for the expenses of the enforcement of the law, fixing penalties for its violation, and repealing act number two hundred and eleven (Pamphlet laws, one thousand nine hundred and seven, page two hundred and seventy-three), entitled 'An act regulating the sale of wheat-, rye-, corn- and buckwheat-bran and middlings, or any admixture thereof,' et cetera, approved the twenty-eighth day of May, one thousand nine hundred and seven," authorizing the Secretary of Agriculture to make rules and regulations and establish standards; further regulating the taking of samples; and changing and providing penalties.

Referred to the Committee on Agriculture.

By Messrs. RHODES and CORTESE.
HOUSE BILL No. 1298.

An Act to amend section two, sub-sections (b), (c), and (d) of section three, sub-sections (a), (b), and (c) of section four, sub-sections (a), (e), and (h) of section five, section six, sub-section (b) of section eight, section eleven, section fourteen, sub-section (c) of section fifteen, sub-sections (a), (d) and (e) of section seventeen, sub-sections (a), (c), and (f) of section twenty, section twenty-one, section twenty-two, section twenty-three, section twenty-five, section twenty-eight, section twenty-nine, section thirty, sub-section (c) of section thirty-one, section thirty-two, section thirty-four, section thirty-five, section thirty-six, sub-sections (a) and (d) of section thirty-eight, sub-section (d) of section thirty-nine, section forty, section forty-two, sub-section (c) of section forty-three and section forty-five of the act approved the thirtieth day of March, one thousand nine hundred thirty-seven (Pamphlet Laws, one hundred fifteen), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commission, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," by decreasing the number of commissioners, providing that vacancies in the commission shall remain unfilled under certain circumstances, changing the terms of office of commissioners appointed during certain times to fill vacancies, extending the power of the commission to make regulations, changing the manner of notice required to be given city chairmen of political parties in certain cases, changing the time for appointment of registrars, the time for filing and hearing petitions for the appointment of registrars and the procedure relating thereto, eliminating certain powers an duties of inspectors of registration, permitting the com mission to establish additional officers for the registratio of electors and their convenience, limiting the right watchers to be present at registration places and the office of the commission under certain circumstances, premittin the commission to fix the number of watchers of any par who may be present at the same time at any registratio place or office of the commission, changing the days f and places of registration and the manner of giving publ notice thereof, prescribing certain changes in the form registration affidavits requiring certain additional dat from applicants for registration in certain cases, elimi ating the provisions permitting the transfer of registratio of electors who have removed from the districts where the were registered, permitting the filing of removal notic by electors in person at registration places and offices the commission and substituting, in such cases, an oath b fore the registrar, clerk, or commissioner for the requir ment of two witnesses to the removal notice, requirin with certain exceptions, all electors to re-register for ele tions upon removing from the districts in which they we originally registered, changing the time for filing a hearings on petitions to the commission from refusals to r gister applicants and changing the procedure at su hearings, eliminating certain provisions for challengi party enrollments, limiting the time within which electo may change their party enrollments and restricting su changes in certain cases, making use by the commission certain reports by utility companies optional, eliminati the requirement that check ups by mail or postman of ea registered elector be conducted at least once in each fo years, changing the time for comparison and correcti of registers and the time for preparation and distributi of street lists, changing the time for filing and the pr cedure on petitions filed with the commission to cancel r gistrations, changing the procedure on appeals to the cou of common pleas from decisions of the commission, i posing additional penalties, clarifying certain provisio of the act and coordinating the provisions of the act amended.

Referred to the Committee on Cities—First Class.

By Messrs. RHODES and CORTESE.
HOUSE BILL No. 12

An Act to amend section one of the act approved t twenty-eighth day of June, one thousand nine hundred a seventeen, (P. L. 645), entitled "An act making it unlaw for any individual or individuals to carry on or conduct a business under an assumed or fictitious name, style, or des nation, unless upon the filing of a certificate to that eff in the office of the Secretary of the Commonwealth and the prothonotary; requiring county commissioners, at t expense of the county, to provide books for the entry such certificates; fixing the fees of the Secretary of t Commonwealth and prothonotary; and providing penaltie as amended; excluding from the provisions of said act limited partnerships and members thereof for which certificate is filed in the office of the recorder of deeds.

Referred to the Committee on Judiciary General.

By Messrs. RHODES and CORTESE.
HOUSE BILL No. 13

An Act to amend sections 3, 13, 18, 19 and 20, to rep sections 21 to 30, both inclusive, including both sections nu bered 24, and to amend sections 33 and 34, of the act, a proved the fifteenth day of June, one thousand nine hund thirty-seven (P. L. 1743), entitled "An act relating to mag trates and magistrates' courts in the city of Philadelph imposing certain duties upon, and prohibiting cert practices by, magistrates; imposing certain duties on city controller in regard thereto; authorizing the empo ment by him of additional clerks and fixing their co pensation; regulating the practice in magistrates' cou the entering of bail, and the issuance of discharges criminal cases in the county of Philadelphia; conferr

certain powers over magistrates and magistrates' courts, and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the county of Philadelphia; providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates; fixing salaries of persons employed by authority of this act, providing penalties for violations of the provisions thereof; and repealing certain prior acts," changing the qualification of magistrates; removing certain powers and duties of the city controller, and conferring them upon the clerk of quarter sessions; authorizing said clerk to employ additional clerks and fixing their salaries; further restricting the power to release persons without bail; eliminating the provisions of said act which established a civil division of said courts; and clarifying the duties of the court of common pleas relative to magistrates' courts.

Referred to the Committee on Cities—First Class.

By Mr. WILSON. HOUSE BILL No. 1301.

A Supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," as reenacted and amended, providing for the payment of compensation to volunteer firemen or their dependents.

Referred to the Committee on Workmens Compensation.

By Mr. WILSON. HOUSE BILL No. 1302.

A Supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled, as amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," as reenacted and amended; to exempt domestic servants and agricultural workers from the provisions thereof, except in certain cases.

Referred to the Committee on Workmens Compensation.

By Mr. TROUT. HOUSE BILL No. 1303.

An Act to amend the definition of "tractor" in Section 102, as amended, sub-section (a) of Section 404 and Section 605, and Section 607, as amended, of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1005), entitled "An act relating to and regulating tractors and trailers and their operation; providing for their registration, and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of tractors and trailers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated town, and townships, within the Commonwealth, liability for damages caused by the negligent operation of tractors and trailers; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation; and providing for refunds," further regulating the brakes, size and load of tractors and trailers, and prohibiting the issuance of an operator's license to persons under sixteen years of age.

Referred to the Committee on Motor Vehicles.

By Mr. TROUT. HOUSE BILL No. 1304.

An Act to amend Section 202, Clause (a) of Section 203, Clause (a) of Section 405, Clause (a) of Section 828, Clause (b) of Section 902, Clause (e) of Section 903, and Clause (c) of Section 1002, of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended; further regulating the certificates of title, registration and speed limits, and, in certain cases, the weight limits of motor buses.

Referred to the Committee on Motor Vehicles.

By Mr. TROUT. HOUSE BILL No. 1305.

An Act to amend sections eight, eleven and twenty-five of the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 553), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles, and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, as herein defined; providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revenue, the State Treasurer, and prothonotaries, and prescribing penalties," as amended, providing certain exemptions and changing the provisions of said act relating to the suspension of operators and registration privileges for the nonpayment of judgments.

Referred to the Committee on Motor Vehicles.

By Mr. TROUT. HOUSE BILL No. 1306.

An Act to amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as variously amended, further amplifying and changing the provisions of said act relating to certificates of title, the correction, cancellation and assignment thereof, notices contained therein and the rights of persons to apply for, receive and possess such certificates as agents; further regulating

the registration and operation of certain motor vehicles, trailers and semi-trailers, the application for, and suspension of, operators' licenses, the use of registration tags, in certain cases, and the lawful weight, size equipment and speed of such vehicles; removing certain exemptions and providing new exemptions from the various provisions of said act; providing for the suspension of inspection stations, and the appointment and regulation of new ones by the Secretary of Revenue, and providing additional powers for the collection of bad checks received by the secretary; restricting the transportation of explosives; authorizing the arrest and prosecution of, and the entry of bail by, offenders on Sunday; changing the time when prosecution may be brought for certain offenses, making certain certificates from inspection stations competent and prima facie evidence in prosecution proceedings; removing certain fees; and changing and imposing new penalties.

Referred to the Committee on Motor Vehicles.

By Mr. O'DARE. HOUSE BILL No. 1307.

An Act to repeal the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2778), entitled "An act providing that all appointments made by the county commissioners in counties of the first class shall be divided between the majority and minority commissioners."

Referred to the Committee on Cities—First Class.

By Mr. VOORHEES. HOUSE BILL No. 1308.

An Act to add section two hundred three and one-tenth, and to amend section two hundred eight as amended, of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," providing that the issuance of a certificate of title showing a lien or encumbrance, shall be lawful notice of such lien or encumbrance, and determining the effect of such liens and encumbrances.

Referred to the Committee on Motor Vehicles.

By Mr. VAN ALLSBURG. HOUSE BILL No. 1309.

An Act to further amend section one thousand two hundred seven of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by requiring magistrates to report to local authorities fines and penalties collected; and providing penalties.

Referred to the Committee on Motor Vehicles.

By Mr. BOORSE. HOUSE BILL No. 1310

An Act authorizing county commissioners to prepare and issue the justices of the peace and aldermen, at the cost of the county, forms used in criminal proceedings before them.

Referred to the Committee on Counties.

By Mr. BROAD. HOUSE BILL No. 1311

An Act requiring services in divorce proceedings to be made by constables.

Referred to the Committee on Judiciary General.

By Mr. BOORSE. HOUSE BILL No. 1312

An Act making an appropriation to the Department of Pennsylvania Grand Army of the Republic.

Referred to the Committee on Appropriations.

By Mr. BOORSE. HOUSE BILL No. 1313

An Act to amend section one of the act approved the twelfth day of July, one thousand nine hundred and thirty-five, (P. L. 708), entitled "An act prohibiting other than members of the Bar to practice law and providing penalties," making an exception in favor of justices of the peace and aldermen.

Referred to the Committee on Judiciary General.

By MR. THISTLE. HOUSE BILL No. 1314

An Act to amend section eleven, and to repeal section ten, of the act, approved the fifteenth day of June, one thousand nine hundred and thirty-seven (P. L. 1743), entitled "An act relating to magistrates and magistrates' courts in the city of Philadelphia; imposing certain duties upon, and prohibiting certain practices by, magistrates; imposing certain duties on the city controller in regard thereto; authorizing the employment by him of additional clerks and fixing their compensation; regulating the practice in magistrates' courts, the entering of bail, and the issuance of discharges in criminal cases in the county of Philadelphia; conferring certain powers over magistrates and magistrates' courts, and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the county of Philadelphia; providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates; fixing salaries of persons employed by authority of this act; providing penalties for violations of the provisions thereof; and repealing certain prior acts, providing for assignment of magistrates for duty between certain hours; and abolishing central police court.

Referred to the Committee on Cities—First Class.

By Mr. KENEHAN. HOUSE BILL No. 1315

An Act providing for the payment from time to time of certain moneys in the Motor License Fund to the vari

ous political subdivisions of the Commonwealth for street, road and bridge maintenance and construction; and making an appropriation.

Referred to the Committee on Highways.

By Mr. KENEHAN. HOUSE BILL No. 1316.

An Act to amend section four as amended, and section seventeen of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by exempting from such tax liquid fuels used for the operation of engines, vehicles, tractors, machinery and equipment owned by political subdivisions and fire equipment used by volunteer fire companies; and providing refunds of taxes paid on such liquid fuel.

Referred to the Committee on Ways and Means.

By Mr. RUSSELL E. REESE. HOUSE BILL No. 1317.

An Act providing a certain exemption from taxation for homesteads.

Referred to the Committee on Municipal Corporations.

By Messrs. COOK and VAN ALLSBURG. HOUSE BILL No. 1318.

An Act to further amend section three of the act, approved the fifth day of December, one thousand nine hundred and thirty-three (P. L. 38-1933-34), entitled An act imposing State taxes, payable by those herein defined as manufacturers and importers, on the privilege of manufacturing, selling, or using in this Commonwealth alcohol usable for beverage purposes and certain spirituous and vinous liquors; providing for the collection of the taxes, and the manner of making payment thereof; conferring powers and imposing duties on certain State officers and departments, and upon manufacturers, importers and upon those using or engaging in the sale of such alcohol and such spirituous and vinous liquors; authorizing refunds or exemptions in certain cases, and making an appropriation therefor; and providing penalties," by increasing tax on wine.

Referred to the Committee on Liquor Control.

By Mr. CORTESE. HOUSE BILL No. 1319.

An Act to amend section five of article four, and sections one and two (b) of article thirteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and fifteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," to provide for the election and qualifications of the city solicitor, and fixing his compensation.

Referred to the Committee on Cities—First Class.

By Mr. FREED. HOUSE BILL No. 1320.

An Act to amend the act, approved the fifteenth day of July, one thousand nine hundred nineteen (Pamphlet Laws, one hundred fifty-four), entitled "An act providing for the collection and payment over to the Commonwealth by private and public corporations of State taxes on scrip, bonds, certificates, and evidences of indebtedness issued or assumed by such corporations, and requiring certain reports in connection therewith," conforming said act to existing law relating to the payment and collection of the State tax on corporate indebtedness.

Referred to the Committee on Ways and Means.

By Mr. GATES. HOUSE BILL No. 1321.

An Act cancelling certain debts due the Commonwealth by townships and the agreements under which such debts were created.

Referred to the Committee on Highways.

By Mr. FREED. HOUSE BILL No. 1322.

An Act to amend the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand three hundred thirty-three), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections."

Referred to the Committee on Elections.

By Messrs. LICHTENWALTER and BALLIET. HOUSE BILL No. 1323.

An Act limiting the jurisdicition of The Public Service Commission over carriers of property on the public highways.

Referred to the Committee on Public Utilities.

By Mr. TAYLOR. HOUSE BILL No. 1324.

An Act providing for, and requiring in certain cases, preference in appointments to public position for honorary discharged persons who served in the military or naval service during any war in which the United States was engaged.

Referred to the Committee on Military Affairs.

By Mr. LOVETT. HOUSE BILL No. 1325.

An Act to provide for the appointment of county and city inspectors of meters; providing for their compensation and expenses; prescribing their duties; prohibiting public service companies from using false meters; imposing cetain duties on the Public Utility Commission; and fixing the penalties for the violation of the provisions thereof.

Referred to the Committee on Public Utilities.

By Mr. LOVETT. HOUSE BILL No. 1326.

An Act prohibiting members of the General Assembly, during their term of office, from appearing before any department, board, commission or agency of this Commonwealth as counsel in any proceedings pending therein.

Referred to the Committee on State Government.

By Mr. WEBSTER. HOUSE BILL No. 1327.

An Act to amend section one thousand three hundred and one of the act, approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and main-

tain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," prohibiting the issuance of certificates to teach to persons not citizens, except in certain cases.

Referred to the Committee on Education.

By Mr. TAYLOR. HOUSE BILL No. 1328.

An Act to amend Sections 201 and 210, as amended, Section 302, Section 431, as amended, Sections 434 and 439, Clause (d) of Section 448, as amended, Section 712, as amended, and Articled 27, of the act approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined;" eliminating the Board of Fish Commissioners; creating and extending the provisions of the Code to its successor, the Pennsylvania Fish Commission; and further prescribing its powers and duties.

Referred to the Committee on State Government.

By Mr. POWERS. HOUSE BILL No. 1329.

An Act to amend clause (a) of section twenty-nine of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration, commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by changing the time during which a change in party enrollment may be made and limiting the number of times such changes can be made by any one person in any one year.

Referred to the Committee on Elections.

By Mr. TAYLOR. HOUSE BILL No. 1330.

An Act making an appropriation to the Department of Pennsylvania American Legion for educating and training the youths of the Commonwealth in conducting the ordinary function of government.

Referred to the Committee on Appropriations.

By Mr. SEIF. (By request). HOUSE BILL No. 1331.

An Act making an appropriation to the Department of Highways for payment on account of personal injuries sustained on a state highway, and resulting from the negligence of employes of said department.

Referred to the Committee on Appropriations.

By Mr. McGARRITY. HOUSE BILL No. 1332.

An Act to further amend sections three hundred five, four hundred three and four hundred eleven of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties;" by providing for discounts to certain licensees; prohibiting issuance of new licenses by the board for a period of two years; permitting certain licensees to sell liquor for consumption off the premises; and changing hours for sale by certain licensees.

Referred to the Committee on Liquor Control.

By Mr. WESTRICK. HOUSE BILL No. 1333.

An Act to amend sections two, three and eight and to repeal section ten of the act, approved the nineteenth day of July, one thousand nine hundred and thirty-five (P. L. 1356), entitled "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of Internal Affairs; and providing penalties," by providing for the weighing of such fuel at the source of production, changing the penalties for violation of the act and eliminating provisions restricting the application of the act.

Referred to the Committee on Mines and Mining.

By Mr. DALRYMPLE. HOUSE BILL No. 1334.

An Act to further amend section four, and to amend section seventeen of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by exempting from such tax liquid fuels used for the operation and propelling of motorboats and water-craft on the waters of the Commonwealth or the boundaries thereof; and providing for refund of taxes paid on such liquid fuel.

Referred to the Committee on Ways and Means.

By Mr. SARGE. HOUSE BILL No. 1335.

An Act making an appropriation to The General State uthority, to defray the costs and expenses of the said Au- nority in connection with the organization, administra- on, and operation thereof.

Referred to the Committee on Appropriations.

By Mr. SARGE. HOUSE BILL No. 1336.

An Act making an appropriation to the Department of roperty and Supplies, for the payment of rates, rentals, nd other charges that may become due on leases and other ntracts executed by such department with The General tate Authority, for the use and occupancy by the Com- nonwealth of various projects, structures, buildings, and cilities of the Authority, or for the services rendered by ie Authority or its projects.

Referred to the Committee on Appropriations.

By Messrs. CURRAN and ROYER.
HOUSE BILL No. 1337.

An Act limiting the number of licenses for the retail le of liquor and malt or brewed beverages, or malt and rewed beverages to be issued by the Pennsylvania Liquor ontrol Board; defining hotels and prescribing the accom- odations required of hotels in certain municipalities.

Referred to the Committee on Liquor Control.

By Mr. CHERVENAK. HOUSE BILL No. 1338.

An Act requiring employers of mine labor to give a bond or the payment of wages which may become due their mployes.

Referred to the Committee on Mines and Mining.

By Mr. JONES. HOUSE BILL No. 1339.

An Act requiring various administrative departments, oards, commissions and agencies of this Commonwealth o avoid needless duplications of inspections of various laces of business.

Referred to the Committee on State Government.

By Mr. ALLEN. HOUSE BILL No. 1340.

An Act prohibiting provisions authorizing cancellation t the instance of the insurer of policies of insurance gainst loss from sickness or loss or damage from bodily in- ury or death of the insured by accident, and prohibiting uch cancellations.

Referred to the Committee on Insurance.

By Mr. BRETHERICK. HOUSE BILL No. 1341.

An Act to further amend the act, approved the first day f May, one thousand nine hundred and twenty-nine (P. . 905), entitled "An act for the protection of the public fety; regulating the use of highways, and the operation vehicles, tractors, street cars, trackless trolley omnibuses, cycles, pedestrians, and the riding of animals upon the ghways of this Commonwealth; providing for the tling, including liens, encumbrances and legal claims; gistration of certain vehicles and licensing the operators ereof, upon payment of prescribed fees; prescribing and niting the powers of local authorities to deal with the bject matter of this act; conferring powers and impos- g duties upon the Department of Revenue, the Depart- ent of Highways, peace officers, mayors, burgesses, agistrates, aldermen, justices of the peace, the courts id the clerks thereof, owners of vehicles, and garage epers; providing that records are admissible as evi- nce; imposing upon owners, counties, cities, boroughs, corporated towns, townships, within the Commonwealth, bility for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing cer- tain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; mak- ing an appropriation and providing for refunds;" extend- ing the jurisdiction and powers of mayors, burgesses, magistrates, aldermen, justices of the peace and other officers having the power of committing magistrates in criminal proceedings, and of magistrates, aldermen and justices of the peace in civil proceedings under said act; and changing penalties and the circumstances under which operating privileges shall be revoked.

Referred to the Committee on Motor Vehicles.

By Mr. GATES. HOUSE BILL No. 1342.

An Act to repeal the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 599), entitled 'An act relating to motion picture exhibi- tions and sound motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection in connection with or incidental thereto on Sunday; pro- hibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws."

Referred to the Committee on Law and Order.

By Mr. FALKENSTEIN. HOUSE BILL No. 1343.

An Act to amend clause (a) of section three of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of pub- lic moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; pro- viding for the arrest and seizure and sale of the property of deserters; and providing procedure," by exempting certain minimum earnings from liability for support.

Referred to the Committee on Welfare.

By Mr. HARKINS. HOUSE BILL No. 1344.

A Joint Resolution proposing an amendment to article two, and to sections one, four, nine, ten, seventeen, twen- ty-six, and thirty-three of article three, and to sections two, four, eight, twelve, fourteen, and fifteen of article four, and to sections one, two, and four of article six, and to section one of article seven, and to section one of article eighteen of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amend- ments.

By Mr. JOHNSTON. HOUSE BILL No. 1345.

An Act to amend section two of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 599), entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other in- strumental musical or mechanical musical accompaniment,

prelude, playing, or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws," by prohibiting the admission of certain children to motion picture exhibitions on Sunday.

Referred to the Committee on Law and Order.

By Mr. HARKINS. HOUSE BILL No. 1346.

An Act to further amend section eight of the act approved the nineteenth day of June, one thousand nine hundred and thirty-one (P. L. 589), entitled "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops, barber schools and barber colleges, and apprentices and students therein; conferring certain powers and duties on the Departmentof Public Instruction; and providing penalties," by reducing the fee for renewals of certificates of registration.

Referred to the Committee on Professional Licensure.

By Mr. HARKINS. HOUSE BILL No. 1347.

An Act to amend section two thousand eight hundred one of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," making it unlawful to require, and for certain persons to solicit teachers to become members of certain organizations; and prohibiting the solicitation of dues for certain organizations during school hours.

Referred to the Committee on Education.

By Mr. HARKINS. HOUSE BILL No. 1348.

An Act providing that certain townships of the first class may elect township commissioners at large; changing the number of commissioners for such townships, prescribing the procedure to be followed; and repealing existing laws.

Referred to the Committee on Townships.

By Mr. HARKINS. HOUSE BILL No. 1349.

An Act to amend article two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for the creation of boroughs from townships of the first class upon petition to the court of common pleas and a referendum, and prescribing the procedure therefor.

Referred to the Committee on Boroughs.

By Mr .CHECK. HOUSE BILL No. 1350.

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by conferring on such counties the power to adopt ordinances and resolutions to govern and regulate the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings and land appurtenant thereto; and providing for the enforcement of such ordinances.

Referred to the Committee on Counties.

By Mr. CHECK. HOUSE BILL No. 1351.

An Act to further amend section one of the act, approved the twelfth day of May, one thousand nine hundred and twenty-five (P. L. 613), entitled "An act regulating the recording of certain deeds, conveyances, and other instruments of writing, and fixing the effect thereof as to subsequent purchasers, mortgagees, and judgment creditors," by requiring deeds to be recorded in county where executed.

Referred to the Committee on Judiciary General.

By Mrs. FAUSET. HOUSE BILL No. 1352.

An Act to amend section twenty-three of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 955), entitled "An act to promote public health, safety, morals, and welfare by declaring the necessity of creating public bodies, corporate and politic, to be known as housing authorities to engage in slum clearance, and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercise of such powers, including the acquisition of property by purchase, gift or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds, and other obligations, and giving security therefor; prescribing the remedies of obligees of housing authorities; authorizing authorities to enter into agreements, including agreements with the United States, the Commonwealth, and political subdivisions and municipalities thereof; defining the application of zoning, sanitary and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation; and imposing duties and conferring powers upon the State Board of Housing, and certain other State officers and departments," by exempting from taxation the bonds issued by such authorities, the transfer thereof and the income therefrom.

Referred to the Committee on State Government.

By Mrs. FAUSET. HOUSE BILL No. 1353.

An Act making an appropriation to the Department of Health for the care and treatment of persons afflicted with syphilis.

Referred to the Committee on Public Health and Sanitation.

By Messrs. HARKINS and KANE. HOUSE BILL No. 1354.

An Act creating a joint legislative commission to be known as the Vocational Education Commission; to investigate the reasons for the successful operation of private vocational schools; providing for the appointment of its members; and defining its powers and duties; and making an appropriation.

Referred to the Committee on Education.

By Mr. ECKELS. HOUSE BILL No. 1355.

An Act to repeal article eight of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and per-

sons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations,including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; auhorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission powers to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by eliminating contract carriers from the provisions of the act.

Referred to the Committee on Public Utilities.

By Mr. ECKELS. HOUSE BILL No. 1356.

An Act to amend clause (e) of section six hundred and nine of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State Government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," as reenacted and amended, permitting hotel, restaurant, and club licensees to own land, but not the buildings thereon, where such land is leased and the buildings owned by a holder of a retail dispenser's license under the beverage license law.

Referred to the Committee on Liquor Control.

By Mr. LONG. HOUSE BILL No. 1357.

An Act to further amend section two hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by providing for the accumulation of unused days of leave.

Referred to the Committee on State Government.

By Mr. TRONZO. HOUSE BILL No. 1358.

An Act relating to foods drugs and cosmetics regulating the manufacture sale transportation possession advertisement and labeling of such commodities creating an administrative department to be known as the Department of Food Drugs and Cosmetic Control designating the head of such department prescribing his powers duties and compensation and imposing penalties.

Referred to the Committee on State Government.

By Mr. HENRY. (By request). HOUSE BILL No. 1359.

An Act to amend section seven hundred twenty-eight of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," making it unlawful to kill birds or game animals in the presence of dogs under certain circumstances, and to use dogs for certain purposes; and providing penalties.

Referred to the Committee on Game.

By Mr. HENRY. (By request). HOUSE BILL No. 1360.

An Act establishing a division in the Bureau of Animal Industry of the Department of Agriculture; conferring powers and duties upon such division in regard to dogs; and making an appropriation to the Department of Agriculture.

Referred to the Committee on Agriculture.

By Mr. SHEARER. HOUSE BILL No. 1361.

An Act to amend clause (10) of section 3, sections 5 and 6, paragraphs (2), (3), (4), (6), and (11) of section 8, sections 9 and 11, paragraph C of section 12 and section 15 of the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2724), entitled "An act relating to soil conservation and soil erosion, and regulating land use practices contributing to soil wastage and soil erosion; providing for the organization of soil conservation districts, as governmental subdivisions of the Commonwealth, with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources; prescribing the officers and employes thereof, and defining their powers and duties; creating the State Soil Conservation Board

in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act; providing financial assistance to such soil conservation districts; prescribing penalties; and making an appropriation," by changing the vote necessary for the establishment of districts, the making of regulations and the dissolution of districts and requiring voters to be land owners.

Referred to the Committee on Agriculture.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 135. (HOUSE BILL No. 1362).

An Act to define the manner of making affidavit to appeals from awards by Boards of Viewers to common pleas courts in all counties of this Commonwealth.

Referred to the Committee on Judiciary General.

SENATE BILL No. 314. (HOUSE BILL No. 1363).

An Act to amend clause (b) of section three of the act, approved the thirtieth day of March, one thousand nine hundred and thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," by reducing the number of members of the registration commission.

Referred to the Committee on Cities—First Class.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 26 AND 142.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, April 11, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 26, Printer's No. 21, entitled, An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress, equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts" as amended eliminating the requirement that certain buildings shall be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

House Bill No. 142, Printer's No. 205, entitled, An Act to further amend section five of the act approved the twenty-sixth day of April one thousand nine hundred thirty-five (P. L. 90), entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A, by providing that city and school taxes within such territorial limits shall be assessed, levied, and collected upon the basis of the assessments for taxation for county purposes; and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith; abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county, and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon," by changing the date of certain tax payments and further regulating the penalties and interest imposed on unpaid taxes.

ARTHUR H. JAMES.

SENATE MESSAGES

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 34.

An Act to further amend section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further regulating the incurring of temporary indebtedness and the repayment thereof

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 209.

An Act to amend section two thousand eight hundred forty-two of the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by authorizing the city to appeal from reports of viewers, and demand a trial by jury, and making such provisions retroactive so as to apply to cases now pending.

HOUSE BILL No. 486.

An Act authorizing the appointment of a deputy mayor in cities of the second class A and limiting and prescribing his powers and duties

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 209.

An Act to amend section two thousand eight hundred forty-two of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by authorizing the city to appeal from reports of viewers, and demand a trial by jury and making such provisions retroactive so as to apply to cases now pending.

HOUSE BILL No. 486.

An Act authorizing the appointment of a deputy mayor in cities of the second class A and limiting and prescribing his powers and duties

SENATE BILL No. 12.

An Act for the prevention of congenital syphilis providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and still-birth certificates of their children imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child.

SENATE BILL No. 13.

An Act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties

SENATE BILL No. 34.

An Act to further amend section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further regulating the incurring of temporary indebtedness and the repayment thereof

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. TAYLOR from the Committee on Municipal Corporations reported as committed, House Bill No. 640, entitled:

An Act to amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 844), entitled "An act authorizing the Commonwealth of Pennsylvania, or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts and poor districts to make contracts of life, health, and accident policies for the benefit of employes thereof, and contracts for pensions for such employes; and providing for the payment of the cost thereof," by further authorizing the making of such contracts and authorizing deductions from pay of employes.

Mr. BOOSE from the Committee on Motor Vehicles reported as committed, House Bill No. 929, entitled:

An Act to amend section four hundred thirteen, section five hundred ten as amended and sections six hundred and thirteen and seven hundred ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905), entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds," changing motor vehicles registration years fractions of registration years and operators license years.

Mr. FLEMING from the Committee on Elections reported as committed, House Bill No. 1166, entitled:

An Act to amend section four hundred and twelve of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by vesting power in the commissioners of certain counties to fix the compensation of judges of election, clerks and inspectors conducting primaries and elections.

Miss BRANCATO from the Committee on Cities—First Class reported as committed, House Bill No. 772, entitled:

An Act to protect public health, safety and morals, and to promote the common welfare, by regulating the use and occupancy, reuse and re-occupancy, and the renting and re-renting for use and occupancy, of all buildings in cities of the first class planned in whole or in part for residential purposes, and any living quarters connected with a business or commercial establishment, by requiring the issuance of certificates of occupancy, and by requiring owners, agents and tenants to obtain such certificates of occupancy; conferring powers and imposing duties upon the Department of Public Health and upon the Department of Public Safety of cities of the first class; providing for inspections and inspection fees, and the institution of prosecutions for failure to obtain certificates of occupancy; imposing penalties; and repealing inconsistent acts or parts of acts.

Miss BRANCATO from the Committee on Cities—First Class reported as committed, House Bill No. 972, entitled:

An Act providing that uniformed officers and men employed by cities of the first class as park guards shall be entitled to twenty-four consecutive hours of rest each week, except in emergency cases.

Miss BRANCATO from the Committee on Cities—First Class reported as committed, House Bill No. 967, entitled:

An Act fixing leaves of absence for uniformed officers and men employed by cities of the first class as park guards.

Mr. McNALLY from the Committee on Elections reported as committed, House Bill No. 553, entitled:

An Act to amend sections twenty-six and twenty-seven of the act approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven, (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers,rental agents, and boards of school directors; and imposing penalties," by providing for the transfer of the registration of electors without personal appearance upon change of residence from a city of the third class to a borough, town or township in the same county; and authorizing the registration commission to amend the registers for such city accordingly.

Mr. REGAN from the Committee on Elections reported as committed, House Bill No. 905, entitled:

An Act to amend section three hundred and five, of the act approved the third day of June, one thousand nine hundred and thirty-seven, (P. L. 1333), entitled, "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for the reimbursement of counties by the Commonwealth for primary and election costs incurred in even-numbered years.

Mr. HOCKE from the Committee on Elections reported as committed, House Bill No. 851, entitled:

An Act to amend clause (c) of section twenty-nine of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by eliminating the provisions requiring certain municipal officers departments bureaus and public utility corporations to make certain reports to the registration commission.

Mr. HOCKE from the Committee on Elections reported as committed, House Bill No. 852, entitled:

An Act to amend clause (c) of section thirty-one of the act approved the thirtieth day of March, one thousand nine hundred and thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," by eliminating the provisions requiring certain public service companies to make certain reports to the registration commission.

Mr. HOCKE from the Committee on Elections reported as committed, House Bill No. 853, entitled:

An Act to amend clause (c) of section thirty of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by eliminating certain provisions and requiring municipal officers, departments, bureaus and certain public utility corporations to make certain reports to the registration commission.

Mr. HOCKE from the Committee on Elections reported as committed, House Bill No. 854, entitled:

An Act to amend clause (c) of section thirty of the act, approved the first day of June, one thousand nine hundred and thirty-seven (P. L. 1132), entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries, and their enrollment as

members of politial parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by eliminating the provisions requiring municipal officers, departments, bureaus and certain public utility corporations to make certain reports to the registration commission.

Mr. HOCKE from the Committee on Elections reported as committed, House Bill No. 855, entitled:

An Act to amend clause (c) of section thirty of the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," by eliminating the provisions requiring municipal officers, departments, bureaus and certain public utility corporations to make certain reports to the registration commission.

Mr. HOCKE from the Committee on Counties reported as committed, House Bill No. 927, entitled:

An Act to amend section three hundred and eight of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for the issuance of bonds to fund notes or other floating debt or evidences of indebtedness of the institution district.

Mr. FINNERTY from the Committee on Motor Vehicles reported as committed, House Bill No. 506, entitled:

An Act to further amend section six hundred and nineteen of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue,the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by making political subdivisions of the State liable for the negligence of their employes.

Mr. STOCKHAM from the Committee on Motor Vehicles reported as committed, House Bill No. 527, entitled:

An Act to amend clause (g) as added to section one thousand one hundred and ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," removing the time limit within which all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways.

Mr. BRONSON from the Committee on Education reported as amended, House Bill No. 680, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the provisions for compulsory attendance and for enumeration of illiterate children and alien residents; changing provisions relating to employment of children; providing for the education of physically and mentally handicapped children, and for the care of uneducable children, and changing the provisions for the required number of days school shall be kept open.

Mr. ALSPACH from the Committee on Judiciary General re-reported as amended, House Bill No. 463, entitled:

An Act to further amend section two hundred and forty-six of the act approved the second day of May, one thousand nine hundred and twenty-nine, (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," changing the qualifications of the district attorney.

BILL RE-REFERRED

Mr. FRANK S. MOSER returned from the Committee on Counties with the recommendation that it be re-referred to the Committee on Municipal Corporations, House Bill No. 979, entitled:

An Act defining the rights, powers and duties of collectors of county taxes except in counties of the second class and counties having local or special laws relating thereto, and of collectors of borough, town, township, school district and institution district taxes; prescribing the liability of taxables and others for the payment of such taxes; and the right of the collectors and taxing authorities to institute suit therefor; and imposing penalties.

The SPEAKER. The bill is now re-referred to the Committee on Municipal Corporations.

The SPEAKER. The Chair requests the gentleman from Allegheny, Mr. Brown, to preside.

MR. HOMER S. BROWN IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 952, entitled:

An Act to repeal the act approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (P. L. 2123) entitled "An act imposing upon the Board of Revision of Taxes in cities of the first class the duty of reading water meters authorizing the employment of assistants for the performance of such duties fixing the salaries of such assistants and repealing inconsistent acts"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1117, entitled:

An Act to further amend section three hundred twenty-one of the act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by redefining deductions in case of reinsurance

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 738, entitled:

An Act to further amend sections one two three four and five of the act approved the eleventh day of July one thousand nine hundred and twenty-three (P. L. 1032) entitled "An act providing for the abatement of nuisances caused by the improper grading or defective paving or encroaching fences in alleys in cities of the first class for the establishment of lines and grades for and the grading paving or repaving of said alleys and the grading of private alleys hereafter laid out and for apportioning the cost and for the filing of liens therefor" by extending the provisions of said act to retaining walls

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1037, entitled:

An Act to further amend sections two and twelve of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1518) entitled as amended "An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by making said act inapplicable to elevators located in cities of the first class and prescribing the time for the registration of elevators

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 471, entitled:

An Act to amend section three of the act approved the twelfth day of June one thousand nine hundred and seventeen (P. L. 461) entitled "An act to provide for the removal or retirement of judges of the Supreme Superior common pleas orphans' municipal and county court permanently disqualified by reason of physical or mental disability to perform their regular judicial functions or duties and providing for the payment of compensation to them during the balance of the term for which they may have been elected and in certain cases for the remainder of their lives after resignation or retirement and for filling the vacancies caused thereby providing for judges who have been retired or who may have retired or resigned under provisions of previous acts or otherwise and repealing certain acts" by providing compensation for such judges who have served ten years on the bench

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 726, entitled:

An Act to amend the title and section one of the act approved the fifteenth day of April one thousand nine hundred and seven (P. L. 62) entitled "An act providing that in certain cases defendants may enter pleas of indictment being presented to a grand jury" extending the same to cases where pleas of not guilty are entered

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 919, entitled:

An Act to further amend section four hundred four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 868, entitled:

An Act to repeal the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2778) entitled "An act providing that all appointments made by the county commissioners in counties of the first class shall be divided between the majority and minority commissioners" -

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 947, entitled:

An Act to repeal the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 475) entitled "An act to amend the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled 'An act for the better government of cities of the first class of this Commonwealth, by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 710, entitled:

An Act relating to unlawful practices in the procurement of retainers for attorneys

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 783, entitled:

An Act to amend section thirty-seven of the act approved the fifteenth day of June one thousand nine hundred and thirty-seven (P. L. 1743) entitled "An act relating to magistrates and magistrates' courts in the city of Philadelphia imposing certain duties upon and prohibiting certain practices by magistrates imposing certain duties on the city controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in magistrates' courts the entering of bail and the issuance of discharges in criminal cases in the county of Philadelphia conferring certain powers over magistrates and magistrates' courts and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the county of Philadelphia providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts" fixing the salary of the chief clerk of the board of magistrates.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 559, entitled:

An Act to reenact and further amend section two hundred five of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the election of school directors in school districts made up of two or more cities boroughs incorporated towns or townships or any combination thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 95, entitled:

An Act authorizing the sale of real estate under a judgment obtained on a tax claim or claims to be made by the sheriff free and clear of tax and municipal claims for a sum less than the total amount of delinquent tax and municipal claims under certain conditions and providing for the distribution of the sum realized upon such sales and for the procedure in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 924, entitled:

An Act to further amend clause (a) of section two hundred one of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15, 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by eliminating the provision requiring the approval of purchases by the Auditor General.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 305, entitled:

An Act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania Motor Police sheriffs police officers and constables and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 508, entitled:

An Act validating county treasurers sales for delinquent taxes when such sales were held contrary to an act of Assembly requiring the adjournment or readjournment of such sales to a later date.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 755, entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective to cure such defective publication of sale notices and validate the sale thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 193, entitled:

An Act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class providing for the appointment of members of the board of revision of taxes by the judges of the courts of common pleas providing for the appointment by the board of personal property assessors real estate assessors and assistant real estate assessors clerks and other employes fixing the salaries of members of the board assessors and assistant assessors and providing for the payment of salaries and expenses from the county treasury prescribing the powers and duties of the board and of the assessors the time and manner of making assessments of the revision and notice of assessments and of appeals therefrom prescribing the records of assessments and repealing existing laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1063, entitled:

An Act to add section six hundred twenty-one and one-tenth to and to further amend section six hundred twenty-nine of the act aproved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 688) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining and regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Allegheny, Mr. Brown.

The Chair feels that the gentleman from Allegheny sets for all of us a very splendid example by his courteous behaviour on the floor; by the manner in which he presents his arguments; by the study and research that he gives to the problems before the Legislature. I am sure that we can all profit by the example set by the gentleman from Allegheny.

Mr. HOMER S. BROWN. Mr. Speaker, I feel very much touched and very much moved. I want to thank the Speaker and the members of the House for the very courteous treatment, and to say that the friendships and the experiences that I have had here will be forever cherished in my memory.

BILL ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 589, entitled:

An Act to further amend section three of the act approved the thirty-first day of March one thousand nine hundred twenty-seven (Pamphlet Laws 91) entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties" by providing that the fees imposed by this act shall not be applicable to the issuance of evidences of indebtedness by municipal housing authorities

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the thirty-first day of March one thousand nine hundred and twenty-seven (Pamphlet Laws 91) entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties" as

last amended by the act approved the twenty-eighth day of April one thousand nine hundred and thirty-three (Pamphlet Laws 97) is hereby further amended to read as follows

Section 3 The mayor of each city of the third class the burgess of each borough or town the president of the board of county commissioners of each county the president of the township commissioners of each first class township the chairman of the board of township supervisors of each second class township the president of each school board and the president or chairman of the board of poor directors or overseers of each poor district which shall have any proceedings for the incurring or increasing of indebtedness except notes issued in anticipation of revenue for not more than one year shall before any bonds or evidence of indebtedness are actually issued and sold certify to the Department of Internal Affairs a complete and accurate copy of the proceedings had for such incurring or increasing of indebtedness together with the assessed valuation of the property subject to taxation within the respective municipality the total amount of the existing indebtedness the several amounts claimed as permitted deductions in ascertaining the real indebtedness of such municipality and a fee of ten dollars ($10.00) plus an additional fee of one-half of one mill on each dollar of the aggregate par value of bonds certificates or evidences of indebtedness to be issued and sold by such municipality All fees received hereunder shall be paid by the Department of Internal Affairs into the State Treasury through the Department of Revenue Provided however That the provisions of this section relating to the imposition of fees shall not apply to the issuance of bonds certificates or other evidences of indebtedness by any housing authority created pursuant to the Housing Authorities Law of this Commonwealth

Any officer of any such municipality who shall fail or refuse to certify any such proceedings or other facts as required by this section or who shall wilfully certify any such proceedings or facts which are false or inaccurate shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars or to undergo imprisonment for a period not exceeding six months or both

On the question,

Will the House agree to the bill on second reading?

BILL POSTPONED

Mr. HOMER S. BROWN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 117, as follows:

An Act to amend section two thousand and eight of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by permitting policemen to charge and receive witness fees and mileage for attendance at courts of record and validating such payments heretofore made

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two thousand and eight of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 2008 Extra Compensation Prohibited Exception Penalty No policeman shall ask demand or receive any compensation or reward whatsoever for his services other than that provided by ordinance except rewards offered for the arrest of persons accused of crime committed outside of the city in which they hold office and witness fees and mileage as now provided by law for their appearance in any court of record Any policeman violating any of the provisions of this section shall be guilty of a misdemeanor in office and upon conviction shall be sentenced to pay a fine not exceeding fifty dollars or undergo imprisonment not exceeding thirty days or both at the discretion of the court to be followed by dismissal from office All payments heretofore made to any policeman on account of witness fees or mileage for appearance in any court of record are hereby ratified confirmed and made valid to the same extent as though these amendments had been enacted at the time of making such payments

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 616, as follows:

An Act to amend the first paragraph of section two thousand four hundred fifteen of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" so as to permit the purchase of sewers and culverts and their appliances belonging to other townships and municipal corporations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The first paragraph of section two thousnad four hundred fifteen of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 2415 Any township in which any person firm or corporation or other township or municipal corporation is maintaining sewers and culverts with the necessary inlet and appliances for surface and under surface and sewage drainage may become the owner of such sewers culverts inlets and appliances by paying therefor the actual value of the same at the time of the taking by the township.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 762, as follows:

An Act to amend subdivision hearing (i) of article eleven and section one thousand one hundred forty of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the township supervisors to accept lands dedicated by deed to the township for highway purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The subdivision heading (i) of article eleven and section one thousand one hundred forty of the act aproved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning township of the second class and amend-

ing revising consolidating and changing the law relating thereto" are hereby amended to read as follows

(i) Deeds of Dedication Dedicated Roads Streets and Drainage Facilities

Section 1140 Acceptance of Land Dedicated by Deed for Highway Purposes Plans of Dedicated Roads and Streets The supervisors of any township may accept in the name of the township any land dedicated by deed to the township to be used in any manner for highway purposes No person shall construct open or dedicate any road street lane or alley or any drainage facilities in connection therewith for public use or travel in any township without first submitting plans thereof to the township supervisors for their approval Such plans shall be prepared in duplicate in accordance with such rules and regulations as may be prescribed by the supervisors and shall show the profiles of such roads streets lanes or alleys the course structure and capacity of any drainage facilities and the method of drainage of the adjacent or contiguous territory and also any other or further details that may be required under the rules or regulations adopted by the township supervisors Before acting upon any such plans the supervisors may in their discretion arrange for a public hearing after giving such notice as they may deem desirable in each case The township supervisors are authorized to alter such plans and to specify any changes or modifications of any kind which they in their discretion may deem necessary with respect thereto and may make their approval of such plans subject to any such alterations changes or modifications Any plans when so approved shall be signed in duplicate on behalf of the township by such officer as the supervisors may designate and an approved duplicate copy shall be filed in the township office where the same shall be available to public inspection No road street lane or alley or any drainage facilities in connection therewith shall be opened constructed or dedicated for public use or travel except in strict accordance with plans so approved by the supervisors or with further plans subsequently approved by them in the same manner and/or until such plan and the approval thereof has been recorded as hereinafter provided.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1068, as follows:

An Act to further amend section five hundred thirty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by changing the method of filling vacancies in boards of commissioners

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five hundred thirty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as last amended by the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 296) is hereby further amended to read as follows

Section 530 Township Commissioners When a vacancy occurs in the office of township commissioners in any township by reason of death resignation removal from the township or ward or otherwise the board of township commissioners of such township shall fill such vacancy by appointing by resolution a qualified voter of the ward or township as the case may be in which the vacancy occurs If the board of township commissioners of any township shall refuse fail or neglect or be unable for any reason whatsoever to fill such vacancy within thirty days after the vacancy occurs then the court of quarter sessions shall upon the petition of twenty qualified voters of the ward or township as the case may be in which the vacancy occurs [may] appoint a qualified voter of the ward or township to fill such vacancy [If such petition is not presented to the court within thirty days after such vacancy occurs the board of township commissioners of the township may appoint a qualified voter of the township to fill the vacancy] In either event the person so appointed shall hold office [until the first Monday of January succeeding the next municipal election occurring at least sixty days after the happening of such vacancy at which election a township commissioner shall be elected] for the unexpired term of the person whose place he is [elected] appointed to fill

Section 2 This act shall become effective immediately upon final enactment.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1165, entitled:

An Act to further amend section four of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (Pamphlet Laws five hundred ninety-six) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" allowing pensions to certain persons heretofore or hereafter dismissed

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (Pamphlet Laws five hundred ninety-six) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" as last amended by section one of the act approved the twenty-sixth day of April one thousand nine hundred and thirty-three (Pamphlet Laws eighty-one) is hereby further amended to read as follows

Section 4 During the lifetime of the said person he or she shall be entitled to receive a pension from the fund set aside for the purpose fifty per centum of the amount which would constitute the average rate of pay at which he or she was employed during the last five years of his or her employment by the said city Said pension shall be paid in monthly payments Provided That if any pension be granted to a person who has not been a contributor to the pension fund as herein provided during a period of twenty years such person shall be required to pay unto the board of pensions monthly an amount equal to not less than two nor more than four per centum of his or her pension until such time as his or her contribution shall have extended during a period of twenty years Should any person so employed after twenty years of service be dismissed voluntarily retire or be in any manner deprived of his or her position or employment before attaining the age fixed for retirement by this act upon continuing the monthly payment to the fund equal to the last amount due and paid monthly while in active service said person shall be entitled to the pension above mentioned notwithstanding he or she has not attained the age for retirement at the time of his or her separation from the service of such city but said pension shall not commence until he or she has attained such age Provided That any employe who has heretofore or shall hereafter be dismissed and who has been in the service of the city for a period of twenty-five (25) years or more and who has made payments into the pension fund for a period of twenty (20) years or more and who has reached the age of fifty (50) years shall upon

application to the board of pensions receive the pension or compensation fixed by this act during the remainder of his or her life Should any employe however become totally and permanently disabled after fifteen years of service he or she shall be entitled to the said pension Provided That if any employe who has served less than fifteen years becomes totally and permanently disabled by reason of injury sustained in the actual performance of duty such employe shall be entitled to the said pension Proof of total and permanent disability shall consist of the sworn statement of three practicing physicians designated by the board that the employe is in a permanent condition of health which would totally disable him or her from performing the duties of his or her position of office Once a year the board of pensions may require a disability pensioner to undergo a medical examination by three physicians appointed by the board and should such physicians thereupon report and certify to the board that such beneficiary is no longer incapacitated and should the pension board concur in such report the pension to such beneficiary shall be discontinued The pension paid to any one employe shall not exceed one hundred and twenty-five dollars per month and shall not be computed on rate of pay in excess of two hundred and fifty dollars per month

On the question,

Will the House agree to the section?

Mr. SEIF. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1 (Sec. 4), page 3, line 22 by striking out the word: "per" and inserting in lieu thereof: "her".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

The title was read as follows:

An Act to further amend section four of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" allowing pensions to certain persons heretofore or hereafter dismissed

On the question,

Will the House agree to the title?

Mr. SEIF. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 6 of the title by striking out the word "regulation" and inserting in lieu thereof: "regulating."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 890, as follows:

An Act to amend section one thousand and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" limiting the number of days for the completion of audits in townships of the first class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section one thousand and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows:

Section 1001 Meetings General Duties Compensation The auditors of townships shall meet annually on the day following the day which is fixed by this act for the organization of the township commissioners and shall audit settle and adjust the accounts of the township commissioners township treasurer tax collector secretary and other officers and persons receiving and disbursing or authorizing the disbursement of the moneys of the township during the preceding fiscal year Two auditors shall constitute a quorum Each auditor shall receive five dollars per diem for each day necessarily employed in the duties of his office to be paid out of funds of the township. A day shall consist of not less than five hours in the aggregate In completing their audit the auditors shall not be employed more than the following number of days In townships having a population of less than three thousand twenty days in townships having a population of three thousand and more but less than ten thousand thirty days and in townships having a population of ten thousand and more forty days

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 822, as follows:

An Act to amend section two thousand twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by permitting public roads to be less than thirty-three feet in width

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section two thousand twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 2012 Width of Public Roads The width of a public road in townships of the first class shall not be less than thirty-three feet or more than one hundred and twenty feet unless in any particular case the township commissioners shall determine that a road of lesser width will be sufficient for public use and travel Provided That the limits of width shall not be construed to include the width required for necessary slopes in cuts or fills when the limits of the road and the extra width required for such slopes exceed the limits of width herein specified

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 285, as follows:

An Act to amend section five hundred twenty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by providing for the election of auditors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section five hundred twenty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows:

(e) Auditors

Section 520 Election of Auditors At each municipal election one auditor shall be elected for a term of six years from the first Monday of January succeeding such election No auditor shall at the same time hold any other elective or appointive office

Any township may instead of electing three auditors as above provided or one controller as hereinafter provided provide by ordinance for the audit of its accounts by an auditor appointed by the court of common pleas of the county who shall be either a person or firm licensed as a certified public accountant or a person skilled in auditing work and where such an ordinance is so adopted such auditor shall be appointed by the court on or before the first Monday of January each year to audit the accounts of the township for the fiscal year then closing Any such appointed auditor shall have and possess all the powers and perform all the duties provided in this act for elected auditors The compensation of any such appointed auditor shall be fixed by the court In townships so providing by ordinance for an appointed auditor the office of elected auditor is hereby abolished

Whenever any township has heretofore provided by ordinance for the audit of its accounts by an auditor appointed by the court of common pleas of the county said township shall have the right at any time to repeal said ordinance and thereupon the office of auditor appointed by the court of common pleas of the county shall be abolished and said township shall have the further right at the next municipal election following the repeal of said ordinance to elect three auditors one for a term of two years one for a term of four years and one for a term of six years from the first Monday of January succeeding such election which auditors so elected shall succeed the auditor appointed by the court of common pleas of the county and shall have and possess all the powers and perform all the duties provided in this act for elected auditors

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 733, as follows:

An Act defining the civil service status of certain persons employed by fire departments in cities of the second class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All persons who were given provisional appointments by the fire department of any city of the second class and whose services may have been temporarily interrupted through no fault of their own and who upon the effective date of this act have been properly appointed to any position in the fire departments of such cities of second class shall be given a civil service status applic to persons who have been properly appointed and continuously in service since the date upon which such sons were given their original provisional appointment such time as they were out of service

Section 2 All acts and parts of acts inconsistent h with are hereby repealed

Section 3 This act shall become effective immedia upon final enactment

And said bill having been read at length the second t and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 756, entitled:

An Act to regulate the salaries of tipstaves in the Co Court of Allegheny County

The first section was read as follows:

The General Assembly of the Commonwealth of Pe sylvania hereby enacts as follows

Section 1 The tipstaves in the County Court of A gheny County shall receive such salaries as shall be f by a majority of the judges of said court but not less t two thousand five hundred dollars ($2,500) per an All such salaries shall be paid out of the treasury of A gheny County in the manner in which other county penses are now paid by law

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. BRETHERICK. Mr. Speaker, I move that this by recommitted to the Committee on Cities—Second C for the purpose of further study and possible amendm

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 840, as follows:

An Act to amend Clause I of section one thousand hundred two of the act approved the twenty-fourth of June one thousand nine hundred and thirty- (Pamphlet Laws 1206) entitled "An act concerning to ships of the first class amending revising consolida and changing the law relating thereto" by changing re lations as to advertising of certain ordinances

The General Assembly of the Commonwealth of Pe sylvania hereby enacts as follows

Section 1 Section one thousand five hundred two of act approved the twenty-fourth day of June one thous nine hundred and thirty-one (Pamphlet Laws 1206) titled "As act concerning townships of the first class ame ing revising consolidating and changing the law rela thereto" is hereby amended to read as follows

I Ordinances and Resolutions To adopt resolutions ordinances prescribing the manner in which power the township shall be carried out and generally regu ing the affairs of the township All such ordinances u otherwise provided by law shall be published at l once in one newspaper of general circulation in the to ship but in the case of ordinances establishing zonin building codes notice of the adoption of such code gether with a brief summary thereof setting forth principal provisions of said ordinance in such reason detail as will give adequate notice of its contents forming as nearly as possible to a uniform form w shall be prepared or approved by the Department of ternal Affairs and a reference to the place or places w in the township where copies of such code are depos

nay be examined shall be published in the manner ded by this section for the publication of ordinances less than three such copies shall be made available blic inspection and use during the business hours for iod of not less than three months after the adoption ch code

ch ordinance shall not become effective until ten after the publication aforesaid In any case in which plans or drawings of any kind are adopted as part ordinance the commissioners may instead of pub- g the same as part of the ordinance refer in pub- g the ordinance to the place where such maps plans awings are on file and may be examined

tion 2 This act shall become effective immediately final enactment.

d said bill having been read at length the second and agreed to.

dered, To be transcribed for a third reading.

reeably to order.

e House proceeded to the second reading and con- ation of House Bill No. 821, as follows:

ct to amend section seven hundred three of the act roved the twenty-fourth day of June one thousand e hundred and thirty-one (P. L. 1206) entitled "An concerning townships of the first class amending ising consolidating and changing the law relating reto" by providing for the compensation paid to town- commissioners

General Assembly of the Commonwealth of Penn- ia hereby enacts as follows

tion 1 Section seven hundred three of the act ap- d the twenty-fourth day of June one thousand nine ed and thirty-one (P. L. 1206) entitled "An act con- g townships of the first class amending revising con- ding and changing the law relating thereto" is here- amended to read as follows

ion 703 Compensation [Each township commis- r shall receive a salary of one hundred dollars per n townships having a population of less than five nd two hundred dollars per year in townships hav- population of five thousand and more but less than n-five thousand and three hundred dollars per year nships having a population of twenty-five thousand ore payable quarterly as full compensation for the e imposed by the provisions of this act] Each town- mmissioner shall receive a salary of one hundred a per year in townships having a population of less ive thousand three hundred dollars per year in ips having a population of five thousand and more s than fifteen thousand and six hundred dollars yr in townships having a population of fifteen thou- nd more payable quarterly as full compensation th duties imposed by the provisions of this act

ion 2 This act shall become effective immediately n nal enactment

said bill having been read at length the second ad agreed to.

rd ed, To be transcribed for a third reading.

greably to order,

e House proceeded to the second reading and con- ration of House Bill No. 592, as follows:

Act to further amend section four hundred and one th act approved the twenty-fourth day of June one ound nine hundred and thirty-one (P. L. 1206) titled "An act concerning townships of the first class ering revising consolidating and changing the law t g thereto" further regulating the creation and ion of wards

Jeneral Assembly of the Commonwealth of Penn- i hereby enacts as follows

n 1 Section four hundred and one of the act rov the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revis- ing consolidating and changing the law relating thereto" as amended by the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2802) is hereby further amended to read as follows:

Section 401 Petitions to Create Divide or Redivide Wards The court of quarter sessions upon petition may divide or redivide any township heretofore or hereafter created into wards erect any wards out of two or more adjoining wards or parts thereof divide any wards already erected into two or more wards or alter the lines or boundaries of any two or more adjoining wards and may cause lines or boundaries of wards to be fixed and established No township shall be divided or redivided into more than fifteen wards

[No ward shall be created containing less than three hundred electors therein and all wards which now or at any time hereafter shall contain less than three hundred and fifty electors therein shall be abolished and the territory thereof shall be distributed among the remaining wards in such manner as the court of quarter sessions shall direct All other wards as heretofore established shall remain as heretofore until altered or divided as provided in this article

Provided That if in townships wherein any ward shall be abolished as herein provided the number of wards shall be reduced to less than five then the commissioner in the ward or wards abolished shall continue in office for the term for which elected and shall become the commissioner or commissioners at large from such township as provided in this act with respect to townships having less than five wards]

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 605, as follows:

An Act to amend sections 904 905 1006 1125 1202LIII 1309 and 1314 of the Act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by further regulating the affairs of boroughs and revising amending and changing the law relating thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine hundred four and nine hundred five of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 51 entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" which were added by the amending act approved the eighteenth day of July one thousand nine hundred thirty-five (P. L. 1290) are hereby amended to read as follows

Section 904 Right of Council to Declare Seat of Councilmen Vacant for Failure to Qualify If any person elected or appointed as member of council who has been notified of his election or appointment shall refuse or neglect to qualify as such member of council within ten days next succeeding the beginning of his term of office [the remaining members of] the borough council acting without such person may declare his office as member of council vacant and may fill such vacancy as provided in section nine hundred one of this act For such actions a majority of the remaining members of the council shall constitute a quorum

Section 905 Right of Council to Declare Seat of Councilman Vacant for Failure to Attend Meetings If any person having qualified as member of council shall neglect or

refuse to attend two successive regular meetings unless detained by sickness or prevented by necessary absence from the borough or if in attendance at any meetings shall neglect or refuse to act in his official capacity as a member of council [the remaining members of] the borough council acting without such person may declare his office as member of council vacant and may fill such vacancy as provided in section nine hundred one of this act For such actions a majority of the remaining members of the council shall constitute a quorum

Section 2 Clause I of section one thousand six of said act as amended by section one of the act approved the twenty-first day of May one thousand nine hundred thirty-seven (Pamphlet Laws 761) and by section one of the act approved the fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws 1608) is hereby further amended to read as follows

Section 1006 Duties of Council It shall be the duty of the council a majority of whom shall be a quorum

I To meet statedly at least once a month Council may adjourn to a particular time for general business or for special business If no quorum be present at such adjourned meeting a majority of those who do meet may agree upon another date for like business and may continue to so agree until the meeting is held Special meetings may be called by the president of council or upon written request of at least one-third of the persons who are members of council Members shall have at least twenty hours' notice of such special meetings The notice shall state whether it be for general or special purposes and if it be for special purposes the notice shall contain a general statement of the nature of the business to be transacted Presence at a meeting constitutes waiver of notice Council may adopt rules relating to the calling and holding of all meetings which rules shall supersede the provisions of this section

Section 3 Section one thousand nine hundred twenty-five of said act is hereby amended to read as follows

Section 1125 Appointment Burgess to have Control Borough councils may appoint and remove one or more suitable persons citizens of this Commonwealth as borough policemen who shall have the power to arrest persons violating any ordinance of the borough the violation of which may subject persons to arrest Any person so arrested shall be received for confinement by the keepers of the jails lockups or station houses within the county The borough council may designate one of said policemen as chief of police The burgess of the borough shall have full charge and control of the chief of police and the police force and he shall direct the time during which the place where and the manner in which the chief of police and the police force shall perform its duties

The borough may by ordinance establish a police department consisting of chief captain lieutenant sergeants and any other classification desired by the council and council may designate the individuals assigned to each office but the burgess shall continue to direct the manner in which the persons assigned to the office shall perform their duties The burgess may however delegate to the chief of police or other officers supervision over and instruction to subordinate officers in the manner of performing their duties By motion council may fix an hourly or daily wage to be paid to special policemen whose appointment is hereby authorized to be selected by the burgess during an emergency in which the safety and welfare of the borough and the public is endangered

Section 4 Section one thousand two hundred and two Clause LIII of said act is hereby amended by adding at the end thereof an additional clause to read as follows

Section 1202 LIII (e) Those made for any public utility service where the service is to be provided by a public utility under traiffs on file with the Pennsylvania Public Commission

Section 4 Section one thousand three hundred nine of said act is hereby amended to read as follows

Section 1309 Commissions of Tax Collector Monthly Returns The tax collector shall collect the taxes charged in said duplicate and pay over the same to the borough treasurer after deducting his commission for the collection thereof Such commission shall be fixed by the corporat authorities of the borough and except for the collectio of occupation taxes shall not exceed five per centum c the amount collected The tax collector shall make monthl returns in writing in duplicate to the borough counc showing the amounts collected by him during the pre ceding month and the amount of uncollected taxes on h duplicate or exhibit the duplicate showing the uncollecte taxes at the close of each month and shall pay over t the treasurer the amounts so collected less the com missions to which he is by law entitled The treasure shall issue duplicate receipts for said payments one c which shall be filed by the tax collector with the boroug council The monthly report herein referred to shall con tain the names of the taxables from whom the mone has been collected The collector or his deputy if he find any person whose name does not appear upon the dupl cate shall forthwith report such person to the prope assessor and include the person's name in the report c those who have paid taxes or in the list of those wh have failed to pay taxes

Any tax collector failing to comply with the provisior of this section shall be guilty of a misdemeanor and upc conviction thereof shall be sentenced to pay a fine n exceeding one hundred dollars

Section 5 Section one thousand three hundred thirtee of said act as amended by section seven of the act a proved the twenty-first day of May one thousand nir hundred thirty-seven (Pamphlet Laws 761) is hereb further amended to read as follows

Section 1314 Collection of Borough Tax on Real Esta from Tenant In case any person who is the owner of re property within such borough neglects or refuses to pa the tax levied for general borough purposes against ar parcel of such real property before the time fixed by la for a penalty to be imposed thereon the collector of su borough taxes may any time thereafter notify the tena in possession of any such real property that the own thereof has failed to pay such tax and request the pa ment of such tax together with any penalties and intere due thereon by such tenant out of any rent money th due and owing or thereafter to become due and owi to such delinquent taxpayer Upon receipt of such noti from the tax collector the tenant in possession of a such real property shall deduct from any rent that then or may thereafter become due and owing to su delinquent owner the amount of such delinquent tax a the penalties and interest due thereon and pay the sar over to the collector of such taxes The proper recei for such taxes and penalties and interest if any paid the tax collector by any tenant shall be a good and suf cient voucher to offset any claim that such delinque taxpayer may have against such tenant for any rent the amount thereof

If for any reason the tax collector shall fail to colle any delinquent tax from a tenant in possession of su real property as herein provided any person selected council may collect such tax from such tenant and f that purpose he shall have and may exercise all t powers granted to the tax collector

Section 6 This act shall become effective immediate upon its final enactment

On the question,

Will the House agree to the bill on third reading?

Mr. ECKELS. Mr. Speaker, I ask unanimous consent offer amendments at this time.

The SPEAKER. The amendments will be read by t Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 5, page 6, lines 13 and 14, by striking out t words "one thousand three hundred thirteen of said a as amended by section seven HC [and section"

Amend sec. 5, page 6, line 16, by striking out the brack after the word "eight"

Amend sec. 5, page 6, line 15, by inserting after the wo "fourteen" the following: "of said act".

Mr. SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL PASSED OVER

There being no objection House Bill No. 895, Printer's No. 33 was passed over at the request of Mr. DAVID P. REESE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 538, entitled:

An Act to repeal the act approved the fifth day of March one thousand nine hundred and three (Pamphlet Laws 13) entitled "An act in relation to abandonment of portions of railroads"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—189

Ackermann,	Eckels,	Levy,	Sarge,
Almond,	Ely,	Leydic,	Sarraf,
Alspach,	Ewing,	Lichtenwalter,	Scanlon,
Andrews,	Falkenstein,	Long,	Schrock,
Atkins,	Finnerty,	Lovett,	Schrope,
Auker,	Fisher,	Lyons,	Schwab,
Baker,	Fiss,	Madden,	Seif,
Balliet,	Flanagan,	Malloy,	Serrill,
Balthaser,	Fleming,	Malone,	Shaw,
Bardes,	Foor,	Marr,	Shearer,
Bennett,	Freed,	Matthews,	Simons,
Bohn,	Fullerton,	McClester,	Sloan,
Boles,	Furman,	McGarrity,	Snyder,
Boney,	Gates,	McKinney,	Sollenberger,
Boorse,	Gillan,	McLane,	Stambaugh,
Boose,	Gillette,	McNally,	Stank,
Bower,	Goll,	McVay,	Stewart,
Boyd,	Gorski,	Melchiorre,	Stockham,
Brancato,	Habbyshaw,	Mihm,	Tarr,
Bretherick,	Haines,	Montgomery,	Taylor,
Broad,	Hall,	Mooney,	Terry,
Bronson,	Hamilton,	Moran,	Thistle,
Brown, H. S.,	Harbeson,	Moser, F. S.,	Thompson, E. F.,
Brown, S. W.,	Harkins,	Moser, J. L.,	Thompson, G. R.,
Brunner,	Haudenshield,	Muir,	Tiemann,
Burns,	Henry,	Munley,	Trout,
Burris,	Hess,	O'Dare,	VanAllsburg,
Cadwalader,	Hewitt,	O'Keefe,	Van Belle,
Calvin,	Hocke,	Ominsky,	Voorhees,
Carpenter,	Hoffman, J. N.,	O'Neill,	Wagner,
Chervenak,	Hoffman, S. K.,	Peacock,	Walsh,
Christler,	Holland,	Peale,	Watkins,
Clark,	Hoyt,	Powers,	Webster,
Clearwater,	Huntley,	Preston,	Weiss,
Cohen, H. B.,	Imbrie,	Readinger,	Welsh, E. B.,
Cohen, R. E.,	James,	Reagan,	Welsh, M. J.,
Cook,	Jirolanio,	Reese, D. P.,	Westrick,
Cooper,	Johnston,	Reese, R. E.,	Wilkinson,
Cordier,	Jones,	Regan,	Williams,
Corrigan,	Kane,	Rhodes,	Wilson,
Cortese,	Keenan,	Rider,	Winner,
Curran,	Kenehan,	Riley,	Wood, H. M.,
Dalrymple,	Kilroy,	Robertson,	Wood, L. H.,
Denman,	Kline,	Rose,	Wood, N.,
DeNote,	Knoble,	Roseberry,	Woodside,
Dick,	Kowalski,	Rosenfeld,	Yeakel,
Dix,	Krise,	Rothenberger,	Turner,
Donahue,	Lee,	Royer,	Speaker.
Donohoe,	Leisey,		
Downey,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 814, (Senate Bill No. 241), entitled:

An Act authorizing counties of the second class to make appropriations to the State World's Fair Commission

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193

Achterman,	Donohoe,	Levy,	Sarraf,
Ackermann,	Downey,	Leydic,	Scanlon,
Allen,	Eckels,	Lichtenwalter,	Schrock,
Almond,	Ely,	Long,	Schrope,
Alspach,	Ewing,	Lovett,	Schwab,
Andrews,	Falkenstein,	Lyons,	Seif,
Atkins,	Finnerty,	Madden,	Serrill,
Auker,	Fisher,	Malloy,	Shaw,
Baker,	Fiss,	Malone,	Shearer,
Balliet,	Flanagan,	Marr,	Simons,
Balthaser,	Fleming,	Matthews,	Sloan,
Bardes,	Foor,	McClester,	Snyder,
Bennett,	Freed,	McGarrity,	Sollenberger,
Bohn,	Fullerton,	McKinney,	Stambaugh,
Boles,	Furman,	McLane,	Stank,
Boney,	Gates,	McNally,	Stewart,
Boorse,	Gillan,	McVay,	Stockham,
Boose,	Gillette,	Melchiorre,	Tahl,
Bower,	Goll,	Mihm,	Tarr,
Boyd,	Gorski,	Montgomery,	Taylor,
Brancato,	Habbyshaw,	Mooney,	Terry,
Bretherick,	Haines,	Moran,	Thistle,
Broad,	Hall,	Moser, F. S.,	Thompson, E. F.,
Bronson,	Hamilton,	Moser, J. L.,	Thompson, G. R.,
Brown, H. S.,	Harbeson,	Muir,	Tiemann,
Brown, S. W.,	Haudenshield,	Munley,	Trout,
Brunner,	Henry,	O'Dare,	VanAllsburg,
Burns,	Hess,	O'Neill,	Van Belle,
Burris,	Hocke,	Peacock,	Voorhees,
Cadwalader,	Hoffman, J. N.,	Peale,	Wagner,
Calvin,	Hoffman, S. K.,	Powers,	Walsh,
Carpenter,	Holland,	Preston,	Watkins,
Chervenak,	Hoyt,	Readinger,	Webster,
Christler,	Huntley,	Reagan,	Weiss,
Clark,	Imbrie,	Reese, D. P.,	Welsh, E. B.,
Clearwater,	Irvin,	Reese, R. E.,	Welsh, M. J.,
Cohen, H. B.,	James,	Regan,	Westrick,
Cohen, R. E.,	Jirolanio,	Rhodes,	Wilkinson,
Cook,	Johnston,	Rider,	Williams,
Cooper,	Jones,	Riley,	Wilson,
Cordier,	Kane,	Robertson,	Winner,
Cortese,	Keenan,	Rooney,	Wood, H. M.,
Curran,	Kenehan,	Rose,	Wood, L. H.,
Dalrymple,	Kline,	Roseberry,	Wood, N.,
Denman,	Knoble,	Rosenfeld,	Woodside,
DeNote,	Kowalski,	Rothenberger,	Yeakel,
Dick,	Krise,	Royer,	Turner,
Dix,	Lee,	Sarge,	Speaker.
Donahue,	Leisey,		

NAYS—2

Harkins,	O'Keefe,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 430, entitled:

An Act to amend section one of the act, approved the seventeenth day of March, one thousand nine hundred and twenty-one (P. L. 32), entitled "An act fixing the salaries of court criers and tipstaves in counties of the third class," by increasing the salary of court criers and tipstaves.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Donahue,	Leisey,	Sarge,
Ackermann,	Donohoe,	Levy,	Sarraf,
Allen,	Downey,	Leydic,	Scanlon,
Allmond,	Eckels,	Lichtenwalter,	Schrock,
Alspach,	Ely,	Long,	Schrope,
Andrews,	Ewing,	Lyons,	Schwab,
Atkins,	Falkenstein,	Madden,	Seif,
Auker,	Finnerty,	Malloy,	Serrill,
Baker,	Fisher,	Malone,	Shaw,
Balliet,	Fiss,	Marr,	Shearer,
Balthaser,	Flanagan,	Matthews,	Simons,
Bardes,	Fleming,	McClester,	Sloan,
Bennett,	Foor,	McGarrity,	Snyder,
Bohn,	Freed,	McKinney,	Sollenberger,
Boles,	Fullerton,	McLane,	Stambaugh,
Boney,	Furman,	McNally,	Stank,
Boorse,	Gates,	McVay,	Stewart,
Boose,	Gillan,	Melchiorre,	Stockham,
Bower,	Gillette,	Mihm,	Tahl,
Boyd,	Goll,	Montgomery,	Tarr,
Brancato,	Habbyshaw,	Mooney,	Taylor,
Bretherick,	Haines,	Moran,	Terry,
Broad,	Hall,	Moser, F. S.,	Thistle,
Bronson,	Hamilton,	Moser, J. L.,	Thompson, E. F.,
Brown, H. S.,	Harbeson,	Muir,	Thompson, G. R.,
Brown, S. W.,	Harkins,	Munley,	Tiemann,
Brunner,	Haudenshield,	O'Dare,	Tronzo,
Burns,	Henry,	O'Keefe,	Trout,
Burris,	Hess,	O'Neill,	VanAllsburg,
Cadwalader,	Hocke,	Peacock,	Van Belle,
Calvin,	Hoffman, J. N.,	Peale,	Voorhees,
Carpenter,	Hoffman, S. K.,	Powers,	Wagner,
Check,	Holland,	Preston,	Walsh,
Chervenak,	Hoyt,	Readinger,	Watkins,
Christler,	Huntley,	Reagan,	Webster,
Clark,	Imbrie,	Reese, D. P.,	Welsh, E. B.,
Clearwater,	James,	Reese, R. E.,	Welsh, M. J.,
Cohen, H. B.,	Jirolanio,	Regan,	Westrick,
Cohen, R. E.,	Johnston,	Reynolds,	Wilkinson,
Cook,	Jones,	Rhodes,	Williams,
Cooper,	Kane,	Rider,	Wilson,
Cordier,	Keenan,	Riley,	Winner,
Corrigan,	Kenehan,	Robertson,	Wood, H. M.,
Cortese,	Kilroy,	Rooney,	Wood, L. H.,
Curran,	Kline,	Rose,	Wood, N.,
Dalrymple,	Knoble,	Roseberry,	Woodside,
Denman,	Kowalski,	Rosenfeld,	Yeakel,
Dick,	Krise,	Rothenberger,	Turner,
Dix,	Lee,	Royer,	Speaker.

NAYS—2

Lovett,	Weiss,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 902, entitled:

An Act to amend and re-enact section 801 of the act of June twenty-fourth, one thousand nine hundred thirty-one, (Pamphlet Laws 1206) entitled, "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," as amended, specifying and changing the conditions of the bond of the treasurer as treasurer and as tax collector for the township, county, school district, poor and institution district.

On the question,

Will the House agree to the bill on third reading?

Mr. WATKINS. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Section 801, Page 2, Line 13, by inserting after the bracket and before the word "a" the following "on"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 892, entitled:

An Act to amend section one hundred thirty-six as amended, and section one hundred thirty-seven, of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" providing for the establishment of the office of controller in certain counties and for the abolition of the office of county auditor; and for the audit of accounts of the county and its officers for the preceding year in certain cases.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. DAVID P. REESE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 893, entitled:

An Act fixing the salary of the controller in counties of the seventh and eighth classes and providing for a salary board to fix the number and salary or compensation of any deputies and clerks to assist the controller

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. DAVID P. REESE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 885, entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ACHTERMAN. Mr. Speaker and members of the House, I just wish to make this comment on House Bill 885, and the following bill 886. I wish to call to the attention of the House that had they followed the advice of the minority leader, these moneys now to be transferred would have been transferred and would have been available, and we could have saved ourselves not only the time and the effort at this time, but the expense of passing piecemeal the legislation that we are now passing.

Mr. WOODSIDE. Mr. Speaker and members of the House, only one word in response. At the time that we transferred the twenty-six million dollars from the Motor License Fund, we did not know whether there would be $3,885,000 available or not. At this time we do know exactly how much is available for transfer, and we need to appropriate all of this money for relief.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Donohoe,	Levy,	Sarraf,
Ackermann,	Downey,	Leydic,	Scanlon,
Allen,	Eckels.	Lichtenwalter,	Schrock,
Allmond,	Ely,	Long,	Schrope,
Alspach,	Ewing,	Lovett,	Schwab,
Andrews,	Falkenstein,	Lyons,	Seif,
Atkins,	Finnerty,	Madden,	Serrill,
Baker,	Fisher,	Malloy,	Shaw,
Balliet,	Fiss,	Malone,	Shearer,
Balthaser,	Flanagan,	Marr,	Simons,
Bardes,	Fleming,	Matthews,	Sloan,
Bennett,	Foor,	McClester,	Snyder,
Bohn,	Freed,	McGarrity,	Sollenberger,
Boles,	Fullerton,	McKinney,	Stambaugh,
Boney,	Furman,	McLane,	Stank,
Boorse,	Gates,	McNally,	Stewart,
Boose,	Gillan,	McVay,	Stockham,
Bower,	Gillette,	Melchiorre,	Tahl,
Boyd,	Goll,	Mihm,	Tarr,
Brancato,	Gorski,	Montgomery,	Taylor,
Bretherick,	Habbyshaw,	Mooney,	Terry,
Broad,	Haines,	Moran,	Thistle,
Bronson,	Hall,	Moser, F. S.,	Thompson, E. F.,
Brown, H. S.,	Hamilton,	Moser, J. L.,	Thompson, G. R.,
Brown, S. W.,	Harbeson,	Muir,	Tiemann,
Brunner,	Harkins,	Munley,	Tronzo,
Burns,	Haudenshield,	O'Dare,	Trout,
Burris,	Henry,	O'Keefe,	VanAllsburg,
Cadwalader,	Hess,	O'Neill,	Van Belle,
Calvin,	Hocke,	Peacock,	Voorhees,
Carpenter,	Hoffman, J. N.,	Peale,	Wagner,
Check,	Hoffman, S. K.,	Powers,	Walsh,
Chervenak,	Holland,	Preston,	Watkins,
Christler,	Hoyt,	Readinger,	Webster,
Clark,	Huntley,	Reagan,	Weiss,
Clearwater,	Imbrie,	Reese, D. P.,	Welsh, E. B.,
Cohen, H. B.,	James,	Reese, R. E.,	Welsh, M. J.,
Cohen, R. E.,	Jirolanio,	Regan,	Westrick,
Cook,	Johnston,	Reynolds,	Wilkinson,
Cooper,	Jones,	Rhodes,	Williams,
Cordier,	Kane,	Rider,	Wilson,
Corrigan,	Keenan,	Riley,	Winner,
Cortese,	Kenehan	Robertson,	Wood, H. M.,
Curran,	Kilroy,	Rooney,	Wood, L. H.,
Dalrymple,	Kline,	Rose,	Wood, N.,
Denman,	Knoble,	Roseberry,	Woodside,
DeNote,	Kowalski,	Rosenfeld,	Yeakel,
Dick,	Krise,	Rothenberger,	Turner,
Dix,	Lee,	Royer,	Speaker.
Donahue,	Leisey,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 886, entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law, for the two fiscal years ending May thirty-first, one thousand nine hundred thirty-nine.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Donohoe,	Leisey,	Royer,
Ackermann,	Downey,	Levy,	Sarge,
Allen,	Eckels,	Leydic,	Sarraf,
Allmond,	Ely,	Lichtenwalter,	Scanlon,
Alspach,	Ewing,	Long,	Schrock,
Andrews,	Falkenstein,	Lovett,	Schrope,
Atkins,	Finnerty,	Lyons,	Schwab,
Baker,	Fisher,	Madden,	Seif,
Balliet,	Fiss,	Malloy,	Serrill,
Balthaser,	Flanagan,	Malone,	Shaw,
Bardes,	Fleming,	Marr,	Shearer,
Bennett,	Foor,	Matthews,	Simons,
Bohn,	Freed,	McClester,	Sloan,
Boles,	Fullerton,	McGarrity,	Snyder,
Boney,	Furman,	McKinney,	Sollenberger,
Boorse,	Gates,	McLane,	Stambaugh,
Boose,	Gillan,	McNally,	Stank,
Bower,	Gillette,	McVay,	Stewart,
Boyd,	Goll,	Melchiorre,	Stockham,
Brancato,	Gorski,	Mihm,	Tahl,
Bretherick,	Habbyshaw,	Montgomery,	Tarr,
Broad,	Haines,	Mooney,	Taylor,
Bronson,	Hall,	Moran,	Terry,
Brown, H. S.,	Hamilton,	Moser, F. S.,	Thistle,
Brown, S. W.,	Harbeson,	Moser, J. L.,	Thompson, E. F.,
Brunner,	Harkins,	Muir,	Thompson, G. R.,
Burns,	Haudenshield,	Munley,	Tiemann,
Burris,	Henry,	O'Dare,	Trout,
Cadwalader,	Hess,	O'Keefe,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,			

Cordier,	Jones,	Reynolds,	Wilkinson,
Corrigan,	Kane,	Rhodes,	Williams,
Cortese,	Keenan,	Rider,	Wilson,
Curran,	Kenehan,	Riley,	Winner,
Dalrymple,	Kilroy,	Robertson,	Wood, H. M.,
Denman,	Kline,	Rooney,	Wood, L. H.,
DeNote,	Knoble,	Rose,	Wood, N.,
Dick,	Kowalski,	Roseberry,	Woodside,
Dix,	Krise,	Rosenfeld,	Yeakel,
Donahue	Lee,	Rothenberger,	Turner,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 48, entitled:

An Act to reenact the act approved the second day of June one thousand nine hundred and thirty-seven (P. L. 1182) entitled "An act authorizing courts of common pleas to stay writs of execution against and tax sales of certain real property in certain cases providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs and exempting mortgages issued under the National Housing Act"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Donohoe,	Levy,	Sarraf,
Ackermann,	Downey,	Leydic,	Scanlon,
Allen,	Eckels,	Lichtenwalter,	Schrock,
Allmond,	Ely,	Long,	Schrope,
Alspach,	Ewing,	Lovett,	Schwab,
Andrews,	Falkenstein,	Lyons,	Seif,
Atkins,	Finnerty,	Madden,	Serrill,
Baker,	Fisher,	Malloy,	Shaw,
Balliet,	Fiss,	Malone,	Shearer,
Balthaser,	Flanagan,	Marr,	Simons,
Bardes,	Fleming,	Matthews,	Sloan,
Bennett,	Foor,	McClester,	Snyder,
Bohn,	Freed,	McGarrity,	Sollenberger,
Boles,	Fullerton,	McKinney,	Stambaugh,
Boney,	Furman,	McLane,	Stank,
Boorse,	Gates,	McNally,	Stewart,
Boose,	Gillan,	McVay,	Stockham,
Bower,	Gillette,	Melchiorre,	Tahl,
Boyd,	Goll,	Mihm,	Tarr,
Brancato,	Gorski,	Montgomery,	Taylor,
Bretherick,	Habbyshaw,	Mooney,	Terry,
Broad,	Haines,	Moran,	Thistle,
Bronson,	Hall,	Moser, F. S.,	Thompson, E. F.,
Brown, H. S.,	Hamilton,	Moser, J. L.	Thompson, G. R.,
Brown, S. W.,	Harbeson,	Muir,	Tiemann,
Brunner,	Harkins,	Munley,	Tronzo,
Burns,	Haudenshield,	O'Dare,	Trout,
Burris,	Henry,	O'Keefe,	VanAllsburg,
Cadwalader,	Hess,	O'Neill,	Van Belle,
Calvin,	Hocke,	Peacock,	Voorhees,
Carpenter,	Hoffman, J. N.,	Peale,	Wagner,
Check,	Hoffman, S. K.,	Powers,	Walsh,
Chervenak,	Holland,	Preston,	Watkins,
Christler,	Hoyt,	Readinger,	Webster,
Clark,	Huntley,	Reagan,	Weiss,
Clearwater,	Imbrie,	Reese, D. P.,	Welsh, E. B.,
Cohen, H. B.,	James,	Reese, R. E.	Welsh, M. J.,
Cohen, R. E.,	Jirolanio,	Regan,	Westrick,
Cook,	Johnston,	Reynolds,	Wilkinson,
Cooper,	Jones,	Rhodes,	Williams,
Cordier,	Kane,	Rider,	Wilson,
Corrigan,	Keenan,	Riley,	Winner,
Cortese,	Kenehan,	Robertson,	Wood, H. M.,
Curran,	Kilroy,	Rooney,	Wood, L. H.,
Dalrymple,	Kline,	Rose,	Wood, N.,
Denman,	Knoble,	Roseberry,	Woodside,
DeNote,	Kowalski,	Rosenfeld,	Yeakel,
Dick,	Krise,	Rothenberger,	Turner,
Dix,	Lee,	Royer,	Speaker.
Donahue,	Leisey,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 664, entitled:

An Act suspending the taking effect of certain laws with respect to transportation reimbursement to school districts of the Commonwealth for tuition transportation vocational education and employment of certain employes

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ACHTERMAN. Mr. Speaker, I desire to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Tioga, Mr. Snyder, permit himself to be interrogated?

Mr. SNYDER. I will, Mr. Speaker.

Mr. ACHTERMAN. Mr. Speaker, can the gentleman from Tioga, Mr. Snyder, tell me how much the expense will be increased to local school districts under sub-section a of section 1 of this bill.

Mr. SNYDER. Mr. Speaker, that has reference to transportation. That will increase the amount $1,080,000 in the next biennium.

Mr. ACHTERMAN. Mr. President, can the gentleman tell me how much it would increase the expense of the local school districts under sub-section b.

Mr. SNYDER. Mr. Speaker, that amount would be increased about $4,524,000 in the next biennium.

Mr. ACHTERMAN. Mr. Speaker, can the gentleman tell me how much the expense of the local school districts would be increased under sub-section c.

Mr. SNYDER. Mr. Speaker, with reference to special education, that would increase the amount two hundred fifty thousand dollars in the next biennium.

Mr. ACHTERMAN. Mr. Speaker, in that figure does the gentleman not have reference to sub-section e.

Mr. SNYDER. Mr. Speaker, it is with reference to vocational education, if that is what the gentleman is referring to.

Mr. ACHTERMAN. Mr. Speaker, that's right.

Mr. SNYDER. Mr. Speaker, that would be three hundred thousand dollars.

Mr. ACHTERMAN. Mr. Speaker, for the clarification of the record, under sub-section c, it would be how much?

Mr. SNYDER. Mr. Speaker, it would be two hundred fifty thousand dollars in the next biennium.

Mr. ACHTERMAN. Mr. Speaker, can the gentleman tell me how much it would increase the expense of local school districts under sub-section d?

Mr. SNYDER. Mr. Speaker, I cannot. That refers, I think, to second class districts. We now have that appropriation for fourth class districts. I think that applies to second and third class districts.

Mr. ACHTERMAN. Mr. Speaker, has the gentleman any estimate at all on how much that would increase the expense to the local school districts?

Mr. SNYDER. Mr. Speaker, I have not. I do know that where there is an assessed valuation of twenty-five thousand dollars or less, the appropriation would be eighty percent, and probably in the second and third class districts, it might be fifty or sixty percent reimbursement from the state. However, I do not know what it would cost local districts outside of the fact that it would probably cost forty or fifty percent of the total salary.

Mr. ACHTERMAN. Mr. Speaker, and members of the House, I call to the attention of the House the fact that in this bill we propose to return to the school districts the expense for transportation of the pupils to schools, as well as certain expenses that they incur in connection with certain types of vocational education. I feel, Mr. Speaker, that the Legislature would be treating unfairly the school districts in Pennsylvania were we to pass this legislation.

For a number of years it has been common not only to the Democratic administration, it has been common likewise to the Republican administration, we have encouraged the consolidation of schools in the various townships throughout the state. We have held out to them inducements to consolidate in the form of aid in transportation. As a matter of fact we have leaned backwards to have consolidated schools and to take care of the expense. What we do now under this bill is to suspend payments until 1941. In other words, we are saddling back on the local communities a bill of approximately six million or more dollars. I cannot see where we can justify our position in passing this legislation, since in the past we have fearlessly and, I believe, broadmindedly encouraged the school districts to consolidate their schools and transport their pupils.

In addition to that, we have been urging the schools to institute vocational courses and have contributed to the expense of that particular type of education. Now, after it has been instituted, after it has been done, we leave these districts high and dry, we say to them, "For the next two years, you are going to pay this out of your pocket."

I say, Mr. Speaker, that this House should be condemned by every school district in the state of Pennsylvania if we pass this type of legislation. I plead with the members of the House to defeat this bill.

Mr. SNYDER. Mr. Speaker and members of the House, this will not add this extra cost to the school districts. This will save approximately six million dollars to the state and some to the school districts.

Mr. Speaker, nobody knows better than I do the needs of the rural districts of Pennsylvania. As a school director for a long period, I am keenly aware of their problems. I realize the benefits that the immediate application of these laws would be to the rural schools, but since Pennsylvania is spending at the rate of one hundred million dollars a year on relief, there will be little or no additional money for our schools or for any other worthy purpose. Mr. Speaker, under the circumstances, because there is no money in sight I most regretfully vote to postpone the application of these laws, and I ask my colleagues to vote "aye" on this bill.

Mr. STEWART. Mr. Speaker and members of the House, this bill was passed in 1937 to go into effect this year. At that time there were no bills passed by the last administration to take care of this expense. Consequently, we are only doing what the Democrats did two years ago because we are in the same situation. We are indeed very sorry that we are not able to have the money to give to the schools of Pennsylvania, but we are not asking anything from them, we are just withholding until such a time as we have the funds and these expenses can be paid by the state.

Mr. ACHTERMAN. Mr. Speaker and members of the House, I am sorry that I have to differ with the two gentlemen who just spoke, but for the information of the members of the House, if they will look at sub-section b, they will discover that this bill was originally passed in 1911 and was amended from time to time. Now, this is the particular bill in which you say you are saving four and one half million dollars. I agree that the state is keeping away from the districts four and one half million dollars, but in doing it, may I assure you that you are saddling it on the local school districts. It is four and one half million dollars that these school districts anticipated receiving from the state and they prepared their budgets accordingly, they expected they were going to receive it. Now, while you say you are saving, let me assure you that you are also passing it on to the real estate taxpayers back in your home districts.

Mr. WOODSIDE. Mr. Speaker and members of the House, it is very nice to give gifts and then send the bill to somebody else, and that is exactly what the Earle administration did in the 1937 legislation, attempted to say to the school districts of Pennsylvania that they would pass a law giving the school districts increased amounts for certain services. It would be a fine thing if the money were available to do it, but because of all the extravagance of that administration, they were not able to find enough money to put the law into effect, so they said the next administration would put it into effect and would foot the bill. Today we are in exactly the same shape, relative to needing funds, as they were two years ago. The funds are not available now, we do not have them, therefore we are not able to make those payments at this time. We are hopeful that maybe at some future time we will be able to make payment. That certainly would be a fine thing if we could, but note this and note it well, we are not taking away from the school districts one cent, we are not taking away from the school districts any money which they previously had and to which they were previously entitled. We are only postponing a little longer, payment which we are hopeful can be made to them at some future date, and which, I am sure we all hope at some future date, will be made available to them. Let me point out one other thing, that although it is true that some local districts relied upon this act and may have gone to a certain amount of expense, which will mean some degree of hardship in a few districts, nevertheless many other districts will be saved taxes on their own real estate as the result of the post-

ponement of these laws, because these laws make certain requirements of districts for certain expenses, which in part would have to be paid out of their own income, realized from taxation on their own real estate.

Although we think the purpose of these bills is absolutely right, and at some future date we will be able to raise sufficient moneys to give these gifts to the local school districts, at the present time, due to present economic conditions, if we all look at it fairly and squarely, we will realize that the money is not available and we cannot do it now. We are simply postponing in the same manner, and continuing like appropriations in the same manner, as they did prior to this time.

Mr. ACHTERMAN. Mr. Speaker and members of the House, I appeal to the good common sense of the members of the House and to their knowledge of the English language. I have never understood the word "suspend" necessarily to mean "postpone" and if you read the bills you will find that you are doing more than just withholding the money for the time being. You are taking away from these districts moneys that you told them you were going to give them, and if later on you can convince the people back home that you haven't taken anything away from them, you are better magicians than I have given you credit for being.

Mr. STEWART. Mr. Speaker and members of the House, we don't have the money, how can we withhold when we do not have it? If the Earle Administration had passed the bills and had left us the money then we would be able to do the thing that we ought to do. Consequently I say that when we do not have the funds we are not able to do this thing.

The gentleman from Monroe refers to 1911. Transportation is not mentioned in the 1911 bill and so I ask you to vote for this bill.

Mr. JOHN N. HOFFMAN. Mr. Speaker and members of the House, it seems to me we have a simple problem with which we are asked to deal, and that problem comprises the proposition of promise and performance.

I have no criticism for the promise that was made by the Democratic party in the Democratic Legislature of 1937, when they held out the hope to the school districts that in 1939 and 1941 they would be able to give additional compensation for the districts. We are faced with the problem that is not of our own making. The result of that problem is that it places us in the position where we are unable to perform.

I regret that situation as much as anyone. Nobody is more liberal in thought or ideals for help for the school districts than your humble servant, but when you can't perform a promise, then you must place yourself in the position of doing the next best thing possible. In the absence of inability to find the money wherewith to carry out the promise, the only thing that we can do is to perform by suspension and extension.

That is the only purpose of the act, and I don't think we are doing anything unfair. We are only keeping within the bounds of reason, when by inability to perform a promise, we exercise the best judgment under the conditions and suspend the fulfillment of that promise until money is available by which it can be fulfilled.

Mr. ACHTERMAN. Mr. Speaker and members of the House, I believe that I have here in an editorial the reply to the remarks of the majority leader, of Mr. Stewart and of the gentleman who just preceded me. It appeared in the Evening "News" of Harrisburg on Wednesday, April 12. Since it touches so very closely the troubles of the Republicans, may I read it?

> "Republican legislative leaders are not going to get any sympathy or perhaps co-operation either from the rank and file of their own party or any other source if they persist in using the "cry baby" method in trying to explain the State Government's critical financial situation.
>
> "From the time the party came into power, its spokesmen have been whining about the deficit inherited from the Earle administration. If the situation must be weighed on partisan scales, one may well ask about the deficit the Earle administration inherited from its predecessors.
>
> "Republican legislative leaders are in a hole not because of the deficit but because of the bumper crop of campaign pledges and "wise-cracks" which now confront Governor James and the party leaders.
>
> "The public mind still vividly recalls the assurances last Autumn that if only the Republican ticket was elected, taxes would be abolished and reduced, industry would swarm back into Pennsylvania, jobs would be so plentiful that one could pick and choose and, in substance, there would be "a chicken in every pot and two cars in the garage."
>
> "There was never any warrant for such claims. Many a voter today looks a bit sheepish over accepting such promises, which never would have been made, had time and effort been taken to get the facts. But notwithstanding the pledges were made and now they are coming back for fulfilment.
>
> "But in any event, inherited deficit or not, the Republican party is in complete control of the State Government. Save in appointments requiring senatorial confirmation, the party can do as it pleases in public administration. There is nothing it cannot do, save the constitutional prohibitions.
>
> "The party asked for authority to run the government. The people granted it. The party can appropriate or not as it chooses. If there is too much money spent for highways, the amount can be reduced. If there are waste and extravagance in conduct of public health work, that can be eliminated. If the cost of public school education is too high, the Republicans can reduce it. If more than is necessary is being spent on relief, the Republican leaders can cut the unit allowances.
>
> "No matter what the preceding administration or administrations have done, the party in power can change it. It can reduce taxes if it chooses by the simple and only process of reducing expenditures. Nobody else can do it. That power alone is vested in the party which now controls the government.
>
> "Of course the real explanation is that the Republicans after extravagant campaign statements are now finding that the job of running a government in times like these is a difficult one. It is not quite so easy as it appeared to be before the job was tackled, but the party will not make much progress or inspire much confidence in its ability to do it, if at regular intervals, it pauses to blame what soon will be suspected as its own incompetency on the record made by the party it succeeded. That chapter has been written. The Republican leaders must now write their own chapter."

May I say, Mr. Speaker, that that exactly portrays the debate that occurred on the opposite side of the House. They are trying to "pass the buck" and say, "Oh, it is not our fault", and at the same time they do not want to say to the districts back home, "We are responsible for this reduction."

I might say, Mr. Speaker, there is one newspaper that has very frankly said, "You are not the magicians you think you are". Let me predict that throughout Pennsylvania,

not only the newspapers but the people will be telling them the same thing.

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to ask the gentleman from Monroe from what paper he was quoting.

Mr. ACHTERMAN. Mr. Speaker, The Harrisburg Evening News.

Mr. WOODSIDE. Mr. Speaker, I would like to ask the gentleman, who is the president of the corporation that prints The Evening News.

Mr. ACHTERMAN. Mr. Speaker, I am very frank to say that I do not know.

Mr. WOODSIDE. Mr. Speaker, may I inform the gentleman that he is Mr. Vance C. McCormick.

I would like to know if the gentleman from Monroe knows of what political party Mr. Vance C. McCormick was National Chairman.

Mr. ACHTERMAN. Mr. Speaker, at one time he was Chairman of the Democratic party, but he was independent in thought. I think perhaps he may be registered as a Republican now.

Mr. WOODSIDE. Mr. Speaker, I will admit that sometimes he is independent in thought, but he is a Democrat and at one time was National Chairman of the Democratic party.

Mr. KANE. Mr. Speaker and members of the House, I would just like to call the attention of the gentleman from Monroe, who was one of the more independent minds in this body, for which I highly respect him, that the public is very fortunate in that at the end of the last administration they had a pot, let alone a chicken to put into it.

Mr. Speaker, the current difficulty with which we are faced is very largely because of the fact that the last administration insisted on jamming through this Legislature, with unreasonable haste and with lack of thought and consideration, tax bills which were in some cases meretorious, and in many other cases ill-considered, illegal, and unconstitutional. The difficulty with which we are now confronted, that may cause us to spend the summer here, was caused by the fact that because of an unconstitutional tax bill we collected a lot of money we will now have to refund.

It seems to me that if some of the brilliant suggestions that have been made concerning the problems that confront the James administration, had been offered in this House at the time that the same problems confronted the Earle administration, we might have avoided many of the difficulties with which we are now faced.

I want to say further to the members of the House and to the gentleman from Monroe, Mr. Speaker, that while I was not one of those who was a supporter of Governor James in the primaries, that my observation of the gentleman since he has been Governor of Pennsylvania and during the fall campaign has been such that I do not believe he is going to run away from the problems which are presented now, but that there will be some solution, and that Governor James will adhere to the very best plan. I hope that some of those who are now his brilliant critics will be his firm supporters when the time comes after all effort has been made.

Mr. ACHTERMAN. Mr. Speaker and members of the House, I am sorry to learn that the Independent from McKean has apparently joined the whining group. However, Mr. Speaker, we have been waiting now some three or four months to see some fulfillment of the promises, and all that we see from the other side of the House, and all that emanates from the Governor's office is the assurance that he is a great leader, and that if we only give him time he will solve our problems, but that, Mr. Speaker, is nothing more than an elusive promise.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Achterman, Schrope and Furman asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—116

Ackermann,	Ewing,	Krise,	Schrock,
Alspach,	Fisher,	Lee,	Serrill,
Atkins,	Fiss,	Leisey,	Shearer,
Auker,	Fleming,	Leydic,	Sloan,
Balliet,	Foor,	Lichtenwalter,	Snyder,
Bennett,	Freed,	Lyons,	Stewart,
Boorse,	Fullerton,	Marr,	Stockham,
Boose,	Gillan,	Matthews,	Taylor,
Bower,	Gillette,	McClester,	Terry,
Boyd,	Goll,	McGarrity,	Thistle,
Bretherick,	Habbyshaw,	McKinney,	Thompson, G. R.,
Bronson,	Haines,	McNally,	Tiemann,
Brown, S. W.,	Hall,	McVay,	Trout,
Brunner,	Hamilton,	Montgomery,	Van Allsburg,
Cadwalader,	Harbeson,	Moser, F. S.,	Van Belle,
Calvin,	Haudenshield,	Moser, J. L.,	Voorhees,
Carpenter,	Henry,	Muir,	Wagner,
Christler,	Hocke,	O'Dare,	Watkins,
Clark,	Hoffman, J. N.,	Peacock,	Webster,
Clearwater,	Hoyt,	Peale,	Wilkinson,
Cook,	Huntley,	Reagan,	Wilson,
Cooper,	Imbrie,	Reese, D. P.,	Winner,
Cordier,	James,	Rhodes,	Wood, H. M.,
Cortese,	Johnston,	Riley,	Wood, L. H.,
Curran,	Jones,	Robertson,	Wood, N.,
Dalrymple,	Kane,	Rose,	Woodside,
Denman,	Kline,	Roseberry,	Yeakel,
Donahue,	Knoble,	Royer,	Turner,
Eckels,	Kowalski,	Sarge,	Speaker.
Ely,			

NAYS—64

Achterman,	DeNote,	Kilroy,	Rosenfeld,
Allen,	Dick,	Lovett,	Rothenberger,
Allmond,	Dix,	Malloy,	Sarraf,
Andrews,	Donohoe,	Malone,	Schrope,
Balthaser,	Downey,	Melchiorre,	Schwab,
Bardes,	Falkenstein,	Mihm,	Seif,
Bois,	Flanagan,	Mooney,	Sollenberger,
Boney,	Furman,	Moran,	Stank,
Broad,	Harkins,	Munley,	Tarr,
Burns,	Hess,	O'Keefe,	Thompson, E. F.,
Burris,	Hindman,	Preston,	Tronzo,
Check,	Hoffman, S. K.,	Readinger,	Weiss,
Chervenak,	Holland,	Reese, R. E.,	Welsh, E. B.,
Cohen, H. B.,	Jirolanio,	Regan,	Welsh, M. J.,
Cohen, R. E.,	Keenan,	Rider,	Westrick,
Corrigan,	Kenehan,	Rooney,	Williams,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. DIX filed the following reasons for his vote:

I am voting "no" and wish to file the following reasons:

1. The Act suspending the payment of certain transportation costs seriously effect financially several school districts in the county of Wayne, which will place an additional burden upon the taxpayers.

2. It would appear to me and my constituents unfair to first pass a law that has already increased the costs materially and then not provide the funds for that increase.

3. It will cause in my county great distress in certain districts, and lead to those districts applying for state aid financially.

4. In certain districts also the additional cost of tuition will tend to increase several taxes which are already burdensome.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair desires to announce to the chairmen and vice-chairmen of all committees that he wishes to meet them, immediately after adjournment, in the House Caucus Room.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 864, as follows:

An Act to amend clause (b) of section six hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" authorizing county commissioners as poor directors of independent poor districts to issue and negotiate bonds of such districts to pay obligations and refund bonds thereof and to levy taxes to pay interest and sinking fund charges on bonds of such districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (b) of section six hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribig the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" is hereby amended to read as follows

Section 602

* * * * *

(b) If an independent poor district has any outstanding obligations the commissioners as poor directors of the district shall receive from the municipality or municipalities and they shall pay to the commissioners any moneys transferred or any money realized by the municipality or municipalities from any property transferred and vested by this section not however exceeding the amount of such obligations and the commissioners shall apply such sums to meet the obligations of the independent poor district The commissioners as poor directors of the independent poor district shall have the power to levy and collect annually a special tax within the former independent poor district for the payment of such obligations not otherwise paid for and for the payment of interest state taxes and sinking fund charges on bonds of the independent poor district heretofore or hereafter issued The commissioners as poor directors of the independent poor district shall also have the power with the approval of the Department of Internal Affairs in the manner provided by law to issue and negotiate bonds of the independent poor district to raise funds for the payment of the obligations of the independent poor district and for the refunding of outstanding bonds issued by it Such bonds shall be issued and sold in the manner provided by law for bonds of municipalities and shall be payable at any time not exceeding twenty years from the date thereof

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Donahue,	Lee,	Royer,
Ackermann,	Donohoe,	Leisey,	Sarge,
Allen,	Downey,	Levy,	Sarraf,
Allmond,	Eckels,	Leydic,	Scanlon,
Alspach,	Ely,	Lichtenwalter,	Schrock,
Andrews,	Ewing,	Long,	Schrope,
Atkins,	Falkenstein,	Lovett,	Schwab,
Auker,	Finnerty,	Lyons,	Seif,
Baker,	Fisher,	Madden,	Serrill,
Ballet,	Fiss,	Malloy,	Shaw,
Balthaser,	Flanagan,	Malone,	Shearer,
Bardes,	Fleming,	Marr,	Simons,
Bennett,	Foor,	Matthews,	Sloan,
Bohn,	Freed,	McClester,	Snyder,
Boles,	Fullerton,	McGarrity,	Sollenberger,
Boney,	Furman,	McKinney,	Stambaugh,
Boorse,	Gates,	McLane,	Stank,
Boose,	Gillan,	McNally,	Stewart,
Bower,	Gillette,	McVay,	Stockham,
Boyd,	Goll,	Melchiorre,	Tahl,
Brancato,	Gorski,	Mihm,	Tarr,
Bretherick,	Habbyshaw,	Montgomery,	Taylor,
Broad,	Haines,	Mooney,	Terry,
Bronson,	Hall,	Moran,	Thistle,
Brown, H. S.,	Hamilton,	Moser, F. S.,	Thompson, E. F.,
Brown, S. W.,	Harbeson,	Moser, J. L.,	Thompson, G. R.,
Brunner,	Harkins,	Muir,	Tiemann,
Burns,	Haudenshield,	Munley,	Tronzo,
Burris,	Henry,	O'Dare,	Trout,
Cadwalader,	Hess,	O'Keefe,	Van Allsburg,

Calvin,	Hindman,	O'Neill,	Voorhees,
Carpenter,	Hocke,	Peacock,	Wagner,
Check,	Hoffman, J. N.,	Peale,	Walsh,
Chervenak,	Hoffman, S. K.,	Powers,	Watkins,
Christler,	Holland,	Preston,	Webster,
Clark,	Hoyt,	Readinger,	Weiss,
Clearwater,	Huntley,	Reagan,	Welsh, E. B.,
Cohen, H. B.,	Imbrie,	Reese, D. P.,	Welsh, M. J.,
Cohen, R. E.,	James,	Reese, R. E.,	Westrick,
Cook,	Jirolanio,	Regan,	Wilkinson,
Cooper,	Johnston,	Reynolds,	Williams,
Cordier,	Jones,	Rhodes,	Wilson,
Corrigan,	Kane,	Rider,	Winner,
Cortese,	Keenan,	Riley,	Wood, H. M.,
Curran,	Kenehan,	Robertson,	Wood, L. H.,
Dalrymple,	Kilroy,	Rooney,	Wood, N.,
Denman,	Kline,	Rose,	Woodside,
DeNote,	Knoble,	Roseberry,	Yeakel,
Dick,	Kowalski,	Rosenfeld,	Turner,
Dix,	Krise,	Rothenberger,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 742, entitled,

An Act to amend section one thousand eight hundred five of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by exempting warrants for payments to volunteer fire companies from provision requiring production of certain evidence.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200.

Achterman,	Donahue,	Lee,	Royer,
Ackermann,	Donohoe,	Leisey,	Sarge,
Allen,	Downey,	Levy,	Sarraf,
Allmond,	Eckels,	Leydic,	Scanlon,
Alspach,	Ely,	Lichtenwalter,	Schrock,
Andrews,	Ewing,	Long,	Schrope,
Atkins,	Falkenstein,	Lovett,	Schwab,
Auker,	Finnerty,	Lyons,	Seif,
Baker,	Fisher,	Madden,	Serrill,
Balliet,	Fiss,	Malloy,	Shaw,
Balthaser,	Flanagan,	Malone,	Shearer,
Bardes,	Fleming,	Marr,	Simons,
Bennett,	Foor,	Matthews,	Sloan,
Bohn,	Freed,	McClester,	Snyder,
Boles,	Fullerton,	McGarrity,	Sollenberger,
Boney,	Furman,	McKinney,	Stambaugh,
Boorse,	Gates,	McLane,	Stank,
Boose,	Gillan,	McNally,	Stewart,
Bower,	Gillette,	McVay,	Stockham,
Boyd,	Goll,	Melchiorre,	Tahl,
Brancato,	Gorski,	Mihm,	Tarr,
Bretherick,	Habbyshaw,	Montgomery,	Taylor,
Broad,	Haines,	Mooney,	Terry,
Bronson,	Hall,	Moran,	Thistle,
Brown, H. S.,	Hamilton,	Moser, F. S.,	Thompson, E. F.,
Brown, S. W.,	Harbeson,	Moser, J. L.,	Thompson, G. R.,
Brunner,	Harkins,	Muir,	Tiemann,
Burns,	Haudenshield,	Munley,	Tronzo,
Burris,	Henry,	O'Dare,	Trout,
Cadwalader,	Hess,	O'Keefe,	Van Allsburg,
Calvin,	Imbrie,	O'Neill,	Van Belle,
Carpenter,	Hindman,	Peacock,	Voorhees,
Check,	Hocke,	Peale,	Wagner,
Chervenak,	Hoffman, J. N.,	Powers,	Van Belle,
Christler,	Hoffman, S. K.,	Preston,	Walsh,
Clark,	Holland,	Readinger,	Watkins,
Clearwater,	Hoyt,	Reagan,	Webster,
Cohen, H. B.,	Huntley,	Reese, D. P.,	Weiss,
Cohen, R. E.,	James,	Reese, R. E.,	Welsh, E. B.,
Cook,	Jirolanio,	Regan,	Welsh, M. J.,
Cooper,	Johnston,	Reynolds,	Westrick,
Cordier,	Jones,	Rhodes,	Wilkinson,
Corrigan,	Kane,	Rider,	Williams,
Cortese,	Keenan,	Riley,	Wilson,
Curran,	Kenehan,	Robertson,	Winner,
Dalrymple,	Kilroy,	Rooney,	Wood, H. M.,
Denman,	Kline,	Rose,	Wood, L. H.,
DeNote,	Knoble,	Roseberry,	Wood, N.,
Dick,	Kowalski,	Rosenfeld,	Woodside,
Dix,	Krise,	Rothenberger,	Yeakel,
			Turner,
			Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 299, entitled:

An Act to amend section four thousand one hundred twenty of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by making provision for adoption of standard building codes; and dispensing with the publishing of such codes in full.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200.

Achterman,	Donahue,	Lee,	Royer,
Ackermann,	Donohoe,	Leisey,	Sarge,
Allen,	Downey,	Levy,	Sarraf,
Allmond,	Eckels,	Leydic,	Scanlon,
Alspach,	Ely,	Lichtenwalter,	Schrock,
Andrews,	Ewing,	Long,	Schrope,
Atkins,	Falkenstein,	Lovett,	Schwab,
Auker,	Finnerty,	Lyons,	Seif,
Baker,	Fisher,	Madden,	Serrill,
Balliet,	Fiss,	Malloy,	Shaw,
Balthaser,	Flanagan,	Malone,	Shearer,
Bardes,	Fleming,	Marr,	Simons,
Bennett,	Foor,	Matthews,	Sloan,
Bohn,	Freed,	McClester,	Snyder,
Boles,	Fullerton,	McGarrity,	Sollenberger,
Boney,	Furman,	McKinney,	Stambaugh,
Boorse,	Gates,	McLane,	Stank,
Boose,	Gillan,	McNally,	Stewart,
Bower,	Gillette,	McVay,	Stockham,
Boyd,	Goll,	Melchiorre,	Tahl,
Brancato,	Gorski,	Mihm,	Tarr,
Bretherick,	Habbyshaw,	Montgomery,	Taylor,
Broad,	Haines,	Mooney,	Terry,
Bronson,	Hall,	Moran,	Thistle,
Brown, H. S.,	Hamilton,	Moser, F. S.,	Thompson, E. F.,
Brown, S. W.,	Harbeson,	Moser, J. L.,	Thompson, G. R.,
Brunner,	Harkins,	Muir,	Tiemann,
Burns,	Haudenshield,	Munley,	Tronzo,
Burris,	Henry,	O'Dare,	Trout,
Cadwalader,	Hess,	O'Keefe,	VanAllsburg,
Calvin,	Hindman,	O'Neill,	Van Belle,
Carpenter,	Hocke,	Peacock,	Voorhees,
Check,	Hoffman, J. N.,	Peale,	Wagner,
Chervenak,	Hoffman, S. K.,	Powers,	Walsh,
Christler,	Holland,	Preston,	Watkins,
Clark,	Hoyt,	Readinger,	Webster,
Clearwater,	Huntley,	Reagan,	Weiss,

Cohen, H. B.,	Imbrie,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	James,	Reese, R. E.,	Welsh, M. J.,
Cook,	Jirolanio,	Regan,	Westrick,
Cooper,	Johnston,	Reynolds,	Wilkinson,
Cordier,	Jones,	Rhodes,	Williams,
Corrigan,	Kane,	Rider,	Wilson,
Cortese,	Keenan,	Riley,	Winner,
Curran,	Kenehan,	Robertson,	Wood, H. M.,
Dalrymple,	Kilroy,	Rooney,	Wood, L. H.,
Denman,	Kline,	Rose,	Wood, N.,
DeNote,	Knoble,	Roseberry,	Woodside,
Dick,	Kowalski,	Rosenfeld,	Yeakel,
Dix,	Krise,	Rothenberger,	Turner,

Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 687, entitled:

An Act to amend section three thousand seven hundred and twenty of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto", by extending the power of park guards to police the lands, properties and buildings taken for park purposes, which are located beyond the limits of such cities.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200.

Achterman,	Donahue,	Lee,	Royer,
Ackermann,	Donohoe,	Leisey,	Sarge,
Allen,	Downey,	Levy,	Sarraf,
Allmond,	Eckels,	Leydic,	Scanlon,
Alspach,	Ely,	Lichtenwalter,	Schrock,
Andrews,	Ewing,	Long,	Schrope,
Atkins,	Falkenstein,	Lovett,	Schwab,
Auker,	Finnerty,	Lyons,	Seif,
Baker,	Fisher,	Madden,	Serrill,
Balliet,	Fiss,	Malloy,	Shaw,
Balthaser,	Flanagan,	Malone,	Shearer,
Bardes,	Fleming,	Marr,	Simons,
Bennett,	Foor,	Matthews,	Sloan,
Bohn,	Freed,	McClester,	Snyder,
Bois,	Fullerton,	McGarrity,	Sollenberger,
Boney,	Furman,	McKinney,	Stambaugh,
Boorse,	Gates,	McLane,	Stank,
Bucse,	Gillan,	McNally,	Stewart,
Bower,	Gillette,	McVay,	Stockham,
Boyd,	Goll,	Melchiorre,	Tahl,
Brancato,	Gorski,	Mihm,	Tarr,
Bretherick,	Habbyshaw,	Montgomery,	Taylor,
Broad,	Haines,	Mooney,	Terry,
Bronson,	Hall,	Moran,	Thistle,
Brown, H. S.,	Hamilton,	Moser, F. S.,	Thompson, E. F.,
Brown, S. W.,	Harbeson,	Moser, J. L.,	Thompson, G. R.,
Brunner,	Harkins,	Muir,	Tiemann,
Burns,	Haudenshield,	Munley,	Tronzo,
Burris,	Henry,	O'Dare,	Trout,
Cadwalader,	Hess,	O'Keefe,	VanAllsburg,
Calvin,	Hindman,	O'Neill,	Van Belle,
Carpenter,	Hocke,	Peacock,	Voorhees,
Check,	Hoffman, J. N.,	Peale,	Wagner,
Chervenak,	Hoffman, S. K.,	Powers,	Walsh,
Christler,	Holland,	Preston,	Watkins,
Clark,	Hoyt,	Readinger,	Webster,
Clearwater,	Huntley,	Reagan,	Weiss,
Cohen, H. B.,	Imbrie,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	James,	Reese, R. E.,	Welsh, M. J.,
Cook,	Jirolanio,	Regan,	Westrick,
Cooper,	Johnston,	Reynolds,	Wilkinson,
Cordier,	Jones,	Rhodes,	Williams,
Corrigan,	Kane,	Rider,	Wilson,
Cortese,	Keenan,	Riley,	Winner,
Curran,	Kenehan,	Robertson,	Wood, H. M.,
Dalrymple,	Kilroy,	Rooney,	Wood, L. H.,
Denman,	Kline,	Rose,	Wood, N.,
DeNote,	Knoble,	Roseberry,	Woodside,
Dick,	Kowalski,	Rosenfeld,	Yeakel,
Dix,	Krise,	Rothenberger,	Turner,

Speaker.

NAYS—0.

The majority required by the Constitution having vot in the affirmative, the question was determined in t affirmative.

Ordered, That the Clerk present the same to the Sena for concurrence.

ADDRESS BY MR. KANE

Mr. KANE asked and obtained unanimous consent address the House.

Mr. Speaker, this statement is issued on behalf of t joint session of the House and Senate Mines and Mini Committees which was held in the Senate Caucus Roo at eleven o'clock this morning.

The Mines and Mining Committee of the Senate and of the House of Representatives of Pennsylvania in joint session do hereby resolve:

1. To declare to the Assembly our united determination to carefully consider and fully support a reasonable program of legislation aimed to cure the troubles of the coal mining industry of this Commonwealth.

2. That we believe this problem has been under consideration long enough and that some legislation should now be enacted and tried out while the Governor is a man familiar and sympathetic with the industry.

3. That we urge all Members of the House and Senate of Pennsylvania and all Pennsylvanians who are Members of the United States Congress to unite in a determined effort to put the full power of our great Commonwealth behind a determined drive to secure justice and restored prosperity for Pennsylvania's coal industry, and to that end we urge that all party differences be laid aside and our ten million people unite in demanding an end to discrimination by the Interstate Commerce Commission against Pennsylvania coal.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, pre sented a communication in writing from His Excellenc the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 211

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 12, 1939.

To the Honorable, the House of Representatives of th Commonwealth of Pennsylvania:

I have the honor to inform you that I have this da approved and signed House Bill No. 211, Printers' No. 2 entitled, An Act to amend section one of the act approve the twelfth day of June one thousand nine hundred nine teen (P. L. 450), entitled "An act permitting counties o the Commonwealth of Pennsylvania to appropriate an expend moneys, and to incur indebtedness and issue bonc and other obligations, for the improvement and mainte nance of State highways and State-aid highways or an public highway in any county of the Commonwealth, an providing the method for applying for said moneys an for the approval thereof by the State Highway Depart ment in certain cases," as amended by extending th provisions thereof to include the improvement and main tenance of public highways in towns.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 129. (HOUSE BILL No. 1372).

An Act regulating marriages and the issuance of licenses to marry; imposing duties upon the clerks of the orphans' courts and persons who perform marriage ceremonies; providing for the annulment of marriage for certain violations of this act; and fixing other penalties.

Referred to the Committee on Judiciary General.

ADDRESS BY MR. HERBERT B. COHEN

Mr. HERBERT B. COHEN asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, in the Legislative Journal of April 4th, the gentleman who just spoke, the gentleman from McKean, Mr. Kane, indicated that one of the members of the Public Utility Commission was adverse to the intervention of the Attorney General in the proceeding before the Interstate Commerce Commission. He indicated at that time that his information was purely heresay, and I am only referring to that situation because the gentleman, being Chairman of the Committee on Mines and Mining, just read to the House a non-partisan resolution that the Committee adopted.

My remarks are being made at the present time to straighten out an ambiguity contained in the gentleman's statement on April 4th. As I said, he indicated that a member of the Public Utility Commission, and he went so far as to name him, the honorable Thomas Buchanan of Beaver County, objected to the intervention of the Attorney General in an Interstate Commerce Commission proceeding. I wish to correct that. My information is not heresay, it is not rumor, but is based upon the statement of Mr. Buchanan as to the exact facts of the situation. He at no time, nor did any member of the Public Utility Commission, object to the intervention of the Attorney General in any proceeding. In fact, the law is quite to the contrary and gives the Attorney General the right to enter into any appeal by any group or board. In fact, the Attorney General is the one in whose name all appeals must be made.

I further understand that this particular situation, the problem before the Interstate Commerce Commission, has been before counsel for the Public Utility Commission, one of whom was appointed by Governor Earle, and one subsequently appointed by Governor James, and their opinion in the matter has been given to the Utility Commissioners as well as to the Attorney General as to the effectiveness of the appeal. I understand further that the efforts of the entire Public Utility Commission had been and will be placed at the disposal of the Attorney General's Office in making any appeal, he might see fit to make, under any circumstances.

I say this because the records clearly indicate a difference of opinion on that particular point, and I wish here to publicly make the statement that the situation that the gentleman from McKean indicated was only rumor or heresay was not correct rumor or hearsay.

ADDRESS BY MR. KANE

Mr. KANE asked and obtained unanimous consent to make a statement.

Mr. Speaker, the remarks of the gentleman from York, I feel require an answer, and I ask the indulgence of the House to make one.

Mr. Speaker and members of the House, I am sorry that the gentleman from York seems to feel that there was ambiguity in my remarks on April 4th and there will be none in these.

I did not mention by name in my statement of April 4th Mr. Thomas Buchanan until the gentleman from York interrogated me and insisted upon knowing the purpose for which I was calling the committee meeting, which, if I may say, was none of his business.

Secondly, the remark that I made on April 4th was that I had heard this thing as hearsay and that I had asked the Attorney General if it were true that this gentleman was challenging his right to intervene and whether I was misinformed, which I don't think I was, and the Attorney General stated to me that he had come over there and questioned the right of the Attorney General to intervene in that proceeding.

If there is any correction to be made in the matter, it is not to be made by me, as I informed the House in response to the interrogation of the gentleman from York, if you will recall, exactly what transpired. I did not wish to name the gentleman particularly, but the gentleman from York insisted upon interrogation that I give the source of the information, and therefore, I gave it to him,—that I heard it on the street, I asked the Attorney General, and the Attorney General confirmed the statement.

I am very glad the gentleman from York brought out the attitude of the Commission as a whole as being what I represented it to be on April 4th, namely, that the Commission as a whole is opposed to an increase in anthracite freight rates at this time.

I am more than glad to learn that the whole Commission is now of one opinion and I submit to the House that perhaps my remarks on April 4th had something to do with the fact that the whole Commission is now behind the movement.

ADDRESS BY MR. HERBERT B. COHEN

Mr. HERBERT B. COHEN asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I would ask the gentleman from McKean to re-read the statement which he made. If he reads that statement carefully he will see that he did not indicate that the Attorney General was the source of those remarks. At the time that he made the statement, he stated that he made the statement, he stated that he had received that information from a high government official. He did not identify the Attorney General.

I am very much appreciative of the fact that the gentleman from McKean has indicated now that those remarks were made by the Attorney General, but to be rather blunt, I believe that the gentleman from McKean is mistaken as to the remarks, or his interpretation of the remarks of the Attorney General. I would request, in an effort to straighten out the record and to make proper presentation, that the gentleman confer with the Attorney

General, show him the remarks that were spread upon the record and ask the Attorney General whether he desires to affirm or contradict those remarks. If the Attorney General desires to affirm them or to contradict them, I feel that in the cause of honest representation of all government affairs the gentleman from McKean should spread that affirmance or contradiction upon the record. I am quite willing to abide by the presentation that the Attorney General has to make on this particular subject. I would ask the gentleman to follow that particular course of action.

I further wish to read the following from the record of the Pennsylvania Public Utility Commission:

"I, Joseph P. Sheridan, Secretary of Pennsylvania Public Utility Commission, do hereby certify, That the attached is a full, true and correct copy of an excerpt from the minutes of an executive meeting of the Commission held in Harrisburg, November 16, 1938, as same remains of record and on file in this office.

"In Testimony Whereof, I have hereunto set my hand and caused the seal of Pennsylvania Public Utility Commission to be affixed, this Third day of April, 1939."

"Commissioner Buchanan reported that the Interstate Commerce Commission had overruled the action of the Pennsylvania Public Utility Commission refusing to allow certain increases in rates proposed by railroad companies operating in Pennsylvania for the intrastate transportation of anthracite coal.

"On the motion of Commissioner Buchanan, seconded by Commissioner Livingston and unanimously carried, the Law Bureau was directed to take an appeal from the decision of the Interstate Commerce Commission in which it allowed the increased rates to become effective despite the Pennsylvania Public Utility Commission's refusal to permit them."

The effect of that clearly indicates that the minutes of the Public Utility Commission show that on motion of Thomas Buchanan, the appeal was authorized by the Commission unanimously.

I would request that the gentleman from McKean search not only the records but search the memory of the Attorney General, and if his statement was in error he should correct it.

ADDRESS BY MR. KANE

Mr. KANE asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, it is with a great deal of regret that I drag out the time of adjournment of the House.

First of all, let me call to the attention of the gentleman from York, that the remarks referred to were not made on April first, but on March 29, 1939, on Page 1056 of the Legislative Journal, at least those remarks are the ones by which this particular matter was covered.

Mr. Speaker, I believe that the record speaks for itself. On Page 1056 of the Legislative Journal, on the right hand side of the page, if the gentleman of the House will refer to that Journal, they will find that it was with reluctance that I made any statement naming any person in connection with this matter, and I requested that the whole matter be considered in committee. It was upon the interrogation of the gentleman from York, who first asked the Chair for the limited right of interrogation, but he pursued the matter on cross examination and insisted I give the particular gentleman's name for the record. I think you will find there I said that the Attorney General made no statement on the subject, but upon asking him about it, he indicated that such was the case. I would have preferred that the whole matter be considered in Committee and I invited the gentleman from York, I believe, to attend the meeting if he cared to do so, which he did not do.

I might add, Mr. Speaker, that I will be only too glad, if I find in this case that the Attorney General did not consider that this question was raised by the gentleman from Beaver, Mr. Buchanan, to so state to the House. However, I think that that should be answered by the persons involved and not debated here.

REPORT FROM COMMITTEE

Mr. SHEARER from the Committee on Education reported as amended, House Bill No. 487, entitled:

An Act to amend clause (a) of section one thousand two hundred and sixteen, as added to the act approved the eighteenth day of May, one thousand nine hundred and eleven, (Pamphlet Laws 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," changing qualifications for sabbatical leaves of absence for certain employes of school districts.

STATEMENT BY MR. FREED

Mr. FREED asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I would like to call your attention to a notice that some of your people back home got last week, which reads as follows:

Commonwealth of Pennsylvania
Department of Public Assistance
Surplus Commodity Distribution Div.

We regret that because of a temporary shortage of Federal Surplus Food Commodities, there will be no distribution after April 8th until further notice.

Food will be distributed again as soon as available at which time you will receive notice to call for it. Please do not call until you receive such a notice.

J. FRED KURTZ,
Division Chief of Commodity Distribution.

The reason that I would like to bring this to the attention of you men and women of the House is that I believe we have a problem that should be watched very carefully. On last June 28th and 29th in our particular community, we had a similar notice. At a later date, in a paper dated July 1st, it was stated that there were food commodities being shipped into the Commonwealth and at the same time we took the surplus food that were on hand and took them to our public incinerator and burned them up. The rest of the foods, cabbages and different kinds of food that we thought were going to spoil were gotten rid of on the Fourth of July by feeding them to the hogs. At the same time, if you will take your papers you will see that a city so remote as the city of Cleveland had a soup line and many of those people were going hungry and starving.

Now, in our own communities we know that our people need food sorely; we know at the present time with the lay-offs by PWA and other projects that people are sup-

osed to be living on thin air, and still when they tried to et food they claimed there was a shortage.

In our local districts, as in other communities, we have ur local supervisor of foods, who made the statement in nswer to a statement that I made at that time, as follows:

"George Jennings, manager of the warehouse located in the former Hahn Motor Co. plant in this city, which supplies surplus commodities to Lehigh, Northampton, Carbon, Monroe and Pike counties, said today that there are quantities of various products in the warehouse, but that it would be a waste of the taxpayers' money to distribute it in less than truckload quantities, which is the reason the goods are held to await supplementary shipments.

"The shortage, said Mr. Jennings, is only temporary, and will be resumed at once when new shipments are received."

I merely wish to call your attention to this so that when ou go back home I believe you will find in each of your ommunities that the people will be very glad to have you heck your local warehouses, and I think that you will nd they carry inventories of foodstuffs.

I checked our inventory on Monday at eleven o'clock, nd I found there was in the warehouse the following odstuffs:

2400 24½ lb. bags of flour
379 boxes 25 lb. each of raisins
414 bags 3 lbs. each of raisins
540 100 lb. bags of beans
715 3 lb bags of raisins
80 Bbls. 200 lbs. each dry milk
189 1 lb. bags of dry milk
1120 12¼ lb. bags of flour
1255 cases 14¾ oz. each of evaporated milk
Quite a quantity of 100 pound bags of corn meal.

I merely stress to you men and women that we have this very very important situation, and suggest that you check it and try to stop it. I believe there is one thing that we can do and that is to go in there and see that those particular people get whatever foodstuffs are available. As stated back in July, I do not think we should take these foodstuffs and feed them to the hogs, or take them to public incinerators and burn them, when our people are in need. I ask each and everyone of you when you get back home to check this situation.

COMMITTEE MEETINGS

There will be meetings of the Committees on

Boroughs, Tuesday, April 18th at 11 a. m., in Room 548.

Judiciary General, Monday, April 17th at 7:30 p. m., in Room A.

Sub-committee in charge of Criminal Code, Monday, April 17th, at 7:30 p. m. in Room B.

ADJOURNMENT

Mr. FULLERTON. Mr. Speaker, I move that this House do now adjourn until Monday, April 17th, 1939, at 8 p. m.

The motion was agreed to, and (at 3:29 p. m.) the House adjourned until Monday, April 17, 1939, at 8 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1939. 133d of the General Assembly.

Vol. 23 HARRISBURG, PA., MONDAY, APRIL 17, 1939. No. 38.

SENATE

MONDAY, April 17, 1939.

The Senate met at 9:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. ewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered he following prayer:

O God of Infinite Wisdom, understanding and Peace, may e be convinced that Thou dost govern in the affairs of en and that often Thou dost suffer the wickedness of en to praise Thee.

Tonight the entire world notes the gesture of peace our resident made to the two dictators of Europe and which ill likely remain only a gesture to them; yet we are ankful that this our great nation is committed to peace nd desires that peace be maintained abroad; and we pray at she may stand so committed in the future save in a me of aggression against her.

We re-affirm our faith in America, her ideals and gov- nment, her institutions and her cultural life, her public hools and her churches and all that is hers.

God grant that every true American and all who enjoy e protection of the American flag honestly collaborate r the preservation of the integrity of our Country and r Commonwealth.

Holy Writ tells us: "Except the Lord build the house, ey labor in vain that build it." Others have built our use under the Providence of God; we are the heirs in ghtful possession of the inheritance and ours is the re- sponsibility to protect the superstructure so magnificently ilt. Help us to keep faith with out forefathers who de- ed "the blessings of liberty to themselves and their pos- ity," that this shall never cease to be.

God grant that our sacrifices for this perpetuity may be it as sacrificial as theirs in the original building should ls become necessary.

We commend unto Thee, the gentleman from Armstrong, nator Sipe, in this his hour of illness . If it be Thy will, nt that Thou wilt speedily return him to health and ength. We pray in the name of Jesus. Amen.

JOURNAL APPROVED

he PRESIDENT. A quorum of the Senate being present h Clerk will read the Journal of the preceding session.

he Clerk proceeded to read the Journal of the preceding ion, when, on motion of Mr. OWLETT and Mr. HEY- RN, the further reading was dispensed with, and the rnal was approved.

LEAVE OF ABSENCE

Mr. CAVALCANTE asked and obtained leave of absence for the Senator from Armstrong, Mr. SIPE, on account of illness.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODWARD. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Woodward, will state his question of personal privilege.

Mr. WOODWARD. Mr. President, I have a few remarks to make, and they may perhaps be divided into three parts: a eulogy of the proposed City Charter, a personal appeal to my colleague, the Senator from Philadelphia, Mr. Shapiro, to be reasonable and patient, and, finally, a eulogy of my City of Philadelphia. If you do not like this speech, you may blame a member on the Republican side, a man who is like Hodspur in the tale, who comes from the west, and whose name is Johnny Walker, and who is going strong always.

Senator Walker said to me, more than once, "Doc," he said, "How can you sit supine—or 'prone' whatever it was—and listen to the fair name of your city defamed? You never say a word." Do you suppose if I heard the fair name of my borough, Oakmont, defamed, I would not rise in opposition? Do you suppose if my colleague, Senator Geltz, heard the name of his township, Ingomar, defamed he would not rise? Do you suppose if the Senator from Blair County, Mr. Mallery, heard a word murmured against the railroad shops of Altoona he would not rise? If anything derogatory was said in this chamber against Butler County, would not Senator Sipe rise—and remain standing?

Now, in order to get the picture of Philadelphia in the correct focus, I have to go back to the days of William Penn. You may remember that William Penn sailed up the Deleware River one beautiful morning in October 1682 on the good ship Vulcan. He sat on the quarter deck with his Surveyor-General, Thomas Holmes, surveying the landscape and wondering just where he would build his model city of Philadelphia. It was high tide and so he did not see Delaware at all. He did not want to stop in what is now Delaware County, but he made straight for Philadelphia and landed there. He then instructed his Surveyor-General, Thomas Holmes, to be the first city planner and zoner and lay out the city; and, as a focal point, there would be a center square named for himself, Penn Square, and for side lines to the square there would be two board streets, the first being named Broad street and other named High street, later changed to Market street, and where these crossed was the center square, the Penn Square.

William Penn did not anticipate that in the future the people of Philadelphia would erect an enormous city hall to obliterate Penn Square, the only purpose, perhaps, being to prevent the people over at Broad Street Station from seeing the department store of John Wanamaker.

Now, William Penn was a very able man. You may not remember, but I am going to tell you that he was what is called in diplomatic circles persona grata to four different rulers in Great Britain. He began with Oliver Cromwell; he then came down to Charles the Second—James the Second was very intimate with Charles the Second—and to William and Mary. He was a very good diplomat, a very good founder of his providence.

He, however, never anticipated half the troubles we have had in modern days—it never occurred to William Penn that we would have to dig subways that, perhaps, did not lead anywhere; that we would build an airport named for S. Davis Wilson; that we would have—I will look at my notes, excuse me—what he did not anticipate in all his visions, what he did not anticipate, was the kind of politician that Philadelphia would produce in the future.

William Penn had in his pocket a charter which he called the Holy Experiment. He did not know for a moment that his experiment would be twisted by the modern politicians into an experiment "wholly theirs."

I make my first point, therefore, that the proposed City Charter is a modern Holy Experiment. After William Penn had comfortably settled himself—the Society of Friends always enjoyed good creature comforts; we know that—after he got settled he took up the question of the Indians. As you know, he met these Indians on the Delaware River at Shackamaxon; and there, under an enormous elm tree, was made a treaty—the only treaty that was never sworn to and the only treaty that was never broken. Ever since the pages of history have been dwelling upon his treaty with the Indians.

Now, we probably feel that the day of the Indians is past, but, owing to this City Charter—proposed City Charter—proposed by the leading citizens of Philadelphia, there has developed an opposition to the City charter, and even now, when you are in Senator Stevenson's committee room and look out the window, you may see fifty-one ward leaders from Philadelphia in fearful warpaint, led by two of the sachems from the neighboring tribe of Montgomery and if you put your ear close to the ground you will hear horrid war whoops against the City Charter. This is the new type of Indian that we are fighting.

But William Penn, you remember, won his charter and we expect to win our charter. Now, that brings me to the eulogy, and I have two duties to perform: one is to have a heart to heart talk in the open with my co-sponsor, colleague and coadjutor, the Senator from Philadelphia, Mr. Shapiro. I would like to request him, in all good faith, that he exercise patience and refrain from making a motion to discharge the committee. If he would kindly look over the committee carefully he would see it is the kind of committee ought never to be discharged. The Chairman, Senator Stevenson—I would not for the world discharge him from anything; and the Committee members themselves are made up of highminded, intelligent men sympathetic with the charter, whose minds are perfectly open on the question, and whose minds are open and not vacant.

When it comes to the eulogy of Philadelphia I will try to present briefly the balance sheet of assets and liabilities. The liabilities, I might say at once, are comprised in the political system which has prevailed. The assets are many, and, of course, in this short treatise I have no time to name them all; but, in a word, Philadelphia is a very desirable place to live. I can, perhaps, I express it the attitude of Philadelphians—in this way: as I went back to 1682 in the earlier part of this speech, I will now go back to 1800 and recall the fact that there was in Austria and Vienna at that time a man named Prince Matonack. He had more power than Mr. Roosevelt, which is saying a great deal. There was a celebrated musician in Vienna at that time, a man named Beethoven. Prince Matonack encouraged Beethoven to compose his symphonies, and he said, in brief, that as long as the people of Vienna were more interested in Beethoven's symphonies than in his politics, he had a clean sheet and was all right.

That is what we have in Philadelphia—we have the three amenities of life: we have cultural advantages, we have a climate which is even better than Altoona's—in my own backyard the 40th degree of latitude goes through—you can almost see it; and there are things that will grow in Philadelphia that will not grow in the South and not in the North, it is a happy medium.

You all know, of course, the assets of Philadelphia, such as Philadelphia Pepper Pot, Philadelphia Scrapple, Philadelphia Terrapin, Philadelphia Capon, Philadelphia Ice Cream. Those are mere material objects. When it comes to the spiritual side we have Connie Mack, we have Leopold Stokowski, we almost had Greta Garbo—and we expect to have Charles J. Margiotti.

Now, I do not want to keep this Senate, but I have heard so often slurs on Philadelphia, that Philadelphia is slow. I cannot tell you of the early libraries, medical schools, law schools we have there, but I do say we have the biggest park in the United States. Now, there is nothing slow about Fairmount Park, because I read in the morning's Inquirer that there are 10,000 people, Philadelphians, that sleep in this park. I do not mean in the day time, only at night. Also that during the past year there were 1829 motor vehicle accidents in this park. There have been, also, 17 suicides. Now, of course, that is a violent argument, but where you have 17 suicides in one park you can see the city is not slow, at any rate.

Then, I see in the same newspaper "Events of the Day" I have counted them, and there are 18 events of the day and this is washday, Monday. They are as follows:

EVENTS OF THE DAY

Exchange Club, luncheon, Adelphia Hotel, 12:15 p. m.
Philadelphia Playground and Recreation Association luncheon, Ritz-Carlton, 12:30 p. m.
Philadelphia Forum Board, luncheon, Bellevue-Stratford, 12:30 p. m.
Salvation Army, victory luncheon, Bellevue-Stratford, 12:30 p. m.
Beth Israel Synagogue, luncheon, Hotel Sylvania, 12:30 p. m.
United Daughters of the Confederacy, meeting, Bellevue Stratford, 2:30 p. m.
Philadelphia Conference, Evangelical Lutheran Ministerium, annual convention opening. All Saints' Evangelical Lutheran Church, Germantown ave. and Cayuga st., 4 p. m.
Eighth Ward Republican Executive Committee, testimonial dinner to Joseph M. Pratt, Penn Athletic Club, 6:30 p. m.

Sales Managers Association, dinner, Bellevue-Stratford, :30 p. m.
Philadelphia General Hospital, staff dinner, Bellevue-Stratford, 6:30 p. m.
United Campaign, dinner, Warwick, 7 p. m.
Wagner Free Institute of Science, lecture, "Papaw, Bonia and Cactus," by Prof. George B. Kaiser, 17th and Montgomery ave., 7 p. m.
Contemporary Club meeting, Bellevue-Stratford, 8 p. m.
American Foundrymen's Association and American Welding Society, joint meeting, lecture, "Welding Steel Castings and Weld Construction," by Dr. C. W. Briggs, Engineers Club, 1317 Spruce st., 8 p. m.
Citizens Committee, lecture, "The Significance to the United States of the Undeclared War in China," by Dr. Walter H. Judd, Academy of Music, 8:15 p. m.
Contemporary Club, discussion, "Dare We Look Ahead?" by Bertrand Russell and John Bakeless, Bellevue-Stratford, 8:15 p. m.
Northern Medical Association, meeting, Majestic, 9 p. m.
Academy of Medicine and Allied Sciences, meeting, Citizens' Republican Club, 15th and Lombard sts., 9:30 p. m.

Now, those are eighteen events on Monday. What it will be on Friday I cannot predict.

In conclusion I also say we have a very fine award in Philadelphia, named the "Bok Award," amounting to 10,000; and I want to appeal to the Senate to vote "Aye" n this new Charter Bill. I am confident if the Senators ill all vote "Aye" on this bill the next Bok Award of 10,000 will be evenly divided between Senator Shapiro nd myself. It is very bad form to put the $10,000 in our pocket and therefore I want to hold out the hope to ie members of the Senate that if we win this $10,000 ere will be a series of social events in Harrisburg that ill make the past look pale. Members of both branches the Legislature will be given a series of parties whose ily limit will be $10,000; and therefore I ask you all vote "Aye" on this charter.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of rsonal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. hapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, in my remarks I shall very much briefer than the Senator from Philadelphia. he Senator from Philadelphia, Dr. Woodward, forgets at one of the things we grow in Philadelphia better an any place else is our bonded indebtedness, it is one the largest you can find anywhere; we have no trouble owing that.

I want to state in connection with the charter that the proposed new charter for Philadelphia has been bottled up in the State Senate Committee on Municipal Government since January. For the committee to sentence the measure to two or more weeks on the shelf, without action one way or the other, is utterly without excuse.

The committee members have surely had plenty of time in the last three months to study the bill, to insert any amendments they believed desirable and to report it to the floor of the Senate for debate and action.

Keeping it out of circulation for two or more weeks is a summary political maneuver, as transparent as the given excuse that the committee wants to link consideration of the Philadelphia measure with a somewhat similar proposal affecting Pittsburgh. There is no need for such a tieup; if there were, it could be made just as easily now as in two weeks' time.

The charter bill concerns Philadelphia government solely, and Philadelphians have the right to vote upon its provisions. For legislators from outside this city to bottle it up for months and perhaps even to kill the measure without permitting popular referendum upon it is offensive to the whole principle of home rule.

The charter contains two highly controversial provisions, those for City Manager and for the election of Council by proportional representation. It also contains many features that are entirely non-controversial and wholly desirable. These reforms should not be lost to Philadelphia through the arbitrary tactics either of politicians opposed to City Management and P. R. or of enthusiasts committed to City Management and P. R. The charter proposal should neither be strangled to death in the Legislature nor brought before the voters in an all-or-nothing take-it-or-leave-it form.

To permit a charter referendum in Philadelphia the bill before the Senate Committee on Municipal Government must first be authorized by the Legislature. The committee should report the measure without further delay. Unless its members take the lid off the pickling vat Monday evening and place the bill on the floor of the Senate, the committee should be discharged from further consideration of the charter and the measure placed finally upon the way to passage.

That is not my statement, my words, those are from an editorial appearing on Friday, April 14, 1939 in a Republican newspaper in Philadelphia, the Philadelphia Inquirer. If I made those statements, I would be considered partisan.

I want to say now that I have no desire either to discharge the committee nor to embarrass its members. I am sincerely interested in this measure. I think it is one of the finest experiments that Philadelphia has had in years. I think it is more than an experiment, I think it a well-thought out program for city government.

I doubt very much whether it would appeal to all Philadelphians, but I am quite convinced that nothing in any form, in the way of a charter, could be worse than what the City of Philadelphia is laboring under today.

I don't know how many of you have noticed that our budget, which under the law must be made up not later than December 15th—this is April the 17th—and the budget has not yet been made. The Supreme Court has been asked to do something which, in my opinion, is in absolute contravention of the law, which is to change the date making the budget upon four or five different occasions.

Philadelphia policemen and firemen have been threatened weekly now since December 15 with the loss of their pay, or the withholding of their pay. Obligations of the city remain unpaid. The city is paying cash from hand to mouth and has no credit. No one can say, in view of these facts, that the government of the City of Philadelphia is something to be proud of.

I am frank to say that I would like to point out and say nice things about the City of Philadelphia, but they are so much overshadowed by this governmental system that I think it is hard to think of anything else except the conditions that exist in Philadelphia today and an effort to correct them. I said I am sincerely interested in having the charter brought out, and therefore I am not anxious

to go through the motions of discharging the committee. I know at this time if I made a motion to discharge the committee it would merely be a gesture and might embarrass some of my colleagues for whom I have a great deal of respect. Frankly, Mr. President, the Senator from Clinton, Mr. Stevenson, has my respect in the way he is handling this matter, this whole problem, and I do not believe the authority to report this bill out is his, but he is not the whole committee; I do not know what his own personal opinions are but from the way he has listened and looked into this matter and given it consideration, I am convinced he will give the bill fair treatment.

I spoke to the Senator from Clinton, Mr. Stevenson, before the meeting tonight, before my colleague from Philadelphia, Dr. Woodward, made his statement, and the Senator from Clinton gave me every assurance that an effort is going to be made tomorrow to have another meeting and come to some conclusion on this bill.

In view of that fact it would certainly be very unfair on my part and certainly an idle gesture and most probably encumber and complicate the matter more if I suggested such a motion now, to have this committee discharged, and I say to my colleagues—and also to Dr. Woodward—I was prepared to make such a motion—but I do not propose to make a motion now—simply because I said so does not mean I cannot change my mind—but in principle this bill should come out; in principle any motion to discharge the committee would be only a gesture if there is the slightest opportunity of the committee acting, favorably or unfavorably—so long as they are going to act. When I left the committee meeting last week I understood it was the deliberate intent to kill this bill, but now I have the assurance of the Senator from Clinton, Chairman Stevenson, that there will be an effort made to reach a solution of this problem, and therefore I will not make a motion now.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public, which were laid on the table.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 48, (Senate Bill No. 519), entitled:

An Act to reenact the act, approved the second day of June, one thousand nine hundred and thirty-seven (P. L. 1182), entitled "An act authorizing courts of common pleas to stay writs of execution against, and tax sales of, certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs, and exempting mortgages issued under the National Housing Act."

Which was committed to the Committee on Judiciary General.

House Bill No. 299, (Senate Bill No. 520), entitled:

An Act to amend section four thousand one hundred twenty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full

Which was committed to the Committee on Municipal Government.

House Bill No. 430, (Senate Bill No. 521), entitled:

An Act to amend section one of the approved the seventeenth day of March one thousand nine hundred and twenty-one (Pamphlet Laws thirty-two) entitled "An act fixing the salaries of court criers and tipstaves in counties of the third class" by increasing the salary of court criers and tipstaves

Which was committed to the Committee on County Government.

House Bill No. 538, (Senate Bill No. 522), entitled:

An Act to repeal the act approved the fifth day of March one thousand nine hundred and three (P. L. 19) entitled "An act in relation to abandonment of portions of railroads."

Which was committed to the Committee on Public Utilities.

House Bill No. 664, (Senate Bill No. 523), entitled:

An Act suspending the taking effect of certain laws with respect to transportation reimbursement to school districts of the Commonwealth for tuition transportation vocational education and employment of certain employes.

Which was committed to the Committee on Education

House Bill No. 687, (Senate Bill No. 524), entitled:

An Act to amend section three thousand seven hundred and twenty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by extending the power of park guards to police the lands properties and buildings taken for park purposes which are located beyond the limits of such cities.

Which was committed to the Committee on Municipal Government.

House Bill No. 742, (Senate Bill No. 525), entitled:

An Act to amend section one thousand eight hundred five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by exempting warrants for payments to volunteer fire companies from provision requiring production of certain evidence

Which was committed to the Committee on Municipal Government.

House Bill No. 864, (Senate Bill No. 526), entitled:

An Act to amend clause (b) of section six hundred and two of the act, approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government

an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing, and consolidating the law relating to the care of the poor; and repealing existing laws," authorizing county commissioners as poor directors of independent poor districts to issue and negotiate bonds of such districts to pay obligations and refund bonds thereof, and to levy taxes to pay interest and sinking fund charges on bonds of such districts.

Which was committed to the Committee on County Government.

House Bill No. 885, (Senate Bill No. 527), entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Which was committed to the Committee on Appropriations.

House Bill No. 886, (Senate Bill No. 528), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine.

Which was committed to the Committee on Appropriations.

HOUSE CONCURS IN SENATE BILL NO. 241

He also returned to the Senate, Senate Bill No. 241, (House No. 814), entitled:

An act authorizing counties of the second class to make appropriations to the State World's Fair Commission.

with the information that the House has passed the same without amendments.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 610, entitled:

A Supplement to the act, approved the twenty-first day of July, one thousand nine hundred and thirty-seven Appropriation Acts page 74), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interests on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," by lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation and re-appropriating such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin.

Senate Bill No. 241, entitled:

An Act authorizing counties of the second class to make appropriations to the State World's Fair Commission.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORT FROM COMMITTEE

Mr. EALY, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor, of the Commonwealth:

MEMBER OF PENNSYLVANIA STATE LIQUOR CONTROL BOARD

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 11, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of Walter Harrison Hitchler, Esq., Carlisle, Cumberland County, as a member of the Pennsylvania Liquor Control Board, until November 29, 1943, and until his successor shall have been appointed and qualified, to fill a vacancy.

ARTHUR H. JAMES.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate April 17, 1939, by His Excellency, the Governor of the Commonwealth, together with the nomination just reported from Committee.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 17, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

David Regenstein, 357 N. Craig St., Pittsburgh.

DELAWARE COUNTY

Clarence B. Lewis, Marcus Hook.

ERIE COUNTY

G. U. Hopkins, Edinboro

LACKAWANNA COUNTY

Thomas A. Donahoe, Scranton.

NORTHAMPTON COUNTY

Miss Helena P. Hoere, Bethlehem.

NORTHUMBERLAND COUNTY

Conrad G. Graeber, Shamokin.

PHILADELPHIA COUNTY

Miss Lucy Dougherty, 11th and Sansom Sts., Phila.
William M. Freeman, 6207 Ludlow St., Phila.
Mrs. Esther Maser, 417 North American Budg., Phila.

VENANGO COUNTY

Cecil B. Blair, Clintonville.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 17, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In confirmity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

MONTGOMERY COUNTY

Daniel Signore, Ambler, April 22, 1939.

PHILADELPHIA COUNTY

Miss Frances K. McGlynn, Alden Park, Wissahickon and Chelten Avenues, Phila., April 22, 1939.

DAUPHIN COUNTY

John E. Walter, Harrisburg, April 28, 1939.

LEBANON COUNTY

Aaron C. Stager, Lebanon, April 30, 1939.

VENANGO COUNTY

Fred W. Richardson, Oil City, April 30, 1939.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. MALLERY.

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. MALLERY.

That the Senate do advise and consent to said nomination.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	Jacobs,	Pierson,	Walker,
Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,
Eroe,	Kilgallen,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

BILLS INTRODUCED

Mr. FARRELL read in his place and presented to the Chair Senate Bill No. 529, entitled:

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by imposing said tax upon the principal value of all annuities.

Which was committed to the Committee on Finance.

He also read in his place and presented to the Chair Senate Bill No. 530, entitled:

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by extending the tax to loans and shares of stock or other securities held by bankers or brokers solely for trading purposes and to accounts or debit balances owing by customers of bankers or brokers in the usual course of busniess.

Which was committed to the Committee on Finance.

He also read in his place and presented to the Chair Senate Bill No. 531, entitled:

An Act to amend the act approved the seventh day of May, one thousand nine hundred and thirty-seven (P. L. 589), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the first class as State highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposnig duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreement with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the making of any opening in said street after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purpose of this act," by changing a certain route.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 532, entitled:

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by providing for the taxation of the shares of stock of corporations which may be relieved from the payment of a tax on its shares or capital stock for State purposes.

Which was committed to the Committee on Finance.

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 533, entitled:

An Act making an appropriation to the Local Government Commission to continue its work.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 534, entitled:

An Act to further amend the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by permitting the use of the name "Savings and Loan Association" as well as "Building and Loan Association"; and by prohibiting the use of the word "insured" in the corporate name of any association; and by increasing the maximum amount permitted in an undivided profits account and a reserve for contingent losses; and by requiring the closing of books at least semi-annually in certain cases; and by providing for the calculation, capitalization, or payment of dividends in certain cases; and by defining amounts paid in by shareholders on account of shares in certain cases; and by revising the measure of an association's power to borrow money; and by including declared dividends in base for distributions by liquidating trustees in certain cases.

Which was committed to the Committee on Banking.

He also read in his place and presented to the Chair Senate Bill No. 535, entitled:

An Act to amend the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 430), entitled "An act providing penalties for trespassing on grounds of State institutions and for refusing to leave such grounds after notice;" providing additional powers and duties for watchmen and guards employed by State institutions for the protection of the Commonwealth's property, and the arrest of offenders.

Which was committed to the Committee on State Government.

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 536, entitled:

A Joint Resolution proposing an amendment to section twelve, article three, of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 537, entitled:

A Joint Resolution proposing an amendment to section one, article eight of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 538, entitled:

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 539, entitled:

An Act relating to proceedings for the forfeiture of rights, privileges or franchises of corporations making claim against street railway traction or motor power companies in certain cases; and providing for the disposition of rights, privileges or franchises forfeited and for contracts relating thereto.

Which was committed to the Committee on Public Utilities.

Mr. MALLERY read in his place and presented to the Chair Senate Bill No. 540, entitled:

An Act to amend section ten of the act, approved the thirteenth day of May one thousand nine hundred and twenty-five (P. L. 644), entitled "An act relating to and regulating the solicitation of moneys and property for charitable, religious, benevolent, humane, and patriotic purposes," making it the duty of the Department of Welfare to enforce the provisions of said act and to prosecute violators thereof.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

Mr. HEYBURN, by request, read in his place and presented to the Chair Senate Bill No. 541, entitled:

An Act to further amend sections two thousand six hundred and four, two thousand six hundred and twenty-three and two thousand six hundred and twenty-eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the audit of accounts of certain school districts by the borough or township controller or auditors; and fixing the compensation of such controller.

Which was committed to the Committee on Education.

Mr. THOMAS read in his place and presented to the Chair Senate Bill No. 542, entitled:

An Act to amend section two thousand three hundred sixteen, and section two thousand three hundred eighteen as amended, of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganization of certain administrative departments, boards, and commisisons; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commisisons, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers; and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," giving the Department of Welfare regulatory powers over private institutions and agencies which receive State-aid, and providing for the management, under the provisions of said act, of the State Hospital for the Insane of Philadelphia County, by the Board of Trustees of the Philadelphia State Hospital.

Which was committed to the Committee on State Government.

Mr. WALKER. Mr. President, in presenting this bill I would like to make a brief statement. Earlier in the session I presented two bills consolidating city-county boards of assessors in Allegheny county and the City of Pittsburgh. While the bills were in committee they were so emasculated they looked like war-torn Spain, there were so many amendments, and rather than disturb the Senate with patched up bills, the bills were redrafted so that they could be properly presented to the Senate.

I want to publicly express my appreciation to my colleague from Pittsburgh, Mr. Kilgallen, who collaborated with me on this and drew from his inexhaustible knowledge and experience, and at this time I also want to thank him for his worthwhile suggestions on these bills.

Mr. WALKER read in his place and presented to the Chair Senate Bill No. 543, entitled:

An Act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties.

Which was committed to the Committee on Municipal Government.

He also read in his place and presented to the Chair Senate Bill No. 544, entitled:

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class by providing that city taxes within such territorial limits shall be assessed, levied and collected upon the basis of the county assessments; imposing duties on county taxing authorities; abolishing the department of assessors in cities of the second class and transferring certain property to county taxing authorities.

Which was committed to the Committee on Municipal Government.

He also, by request, read in his place and presented to the Chair Senate Bill No. 545, entitled:

An Act to amend sections one, two and seven of the act, approved the twelfth day of June, one thousand nine hundred and thirty-one (P. L. 510), entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals; conferring certain powers and duties upon the Department of Welfare; and providing penalties," extending the provisions of said act to include private nursing homes and private hospitals operated on a nonprofit basis.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

He also, by request read in his place and presented to the Chair Senate Bill No. 546, entitled:

An Act to amend sections eight and twelve of the act, approved the twenty-second day of July, one thousand nine hundred and nineteen (P. L. 1093), entitled "An act creating, in counties having a population of from eight hundred thousand to one million five hundred thousand, a board for the assessment and revision of taxes; providing for the appointment of the members of such board by the county commisisoners; fixing their salaries, payable by the county; defining the powers and duties of such board, and regulating the assessment of property and occupations for State and county purposes; authorizing the appointment of subordinate assessors and clerks, defining their duties and providing for their compensation, payable by such counties; imposing a penalty on subordinate assessors for failure to comply with certain provisions of this act, and abolishing the office of ward, borough, and township assessor, in so far as respects the assessment of property and occupations for State and county purposes," increasing the time allowed for taking appeals to the court of common pleas from the actions of the board of assessment and revisions of taxes.

Which was committed to the Committee on Municipal Government.

Mr. MILLER read in his place and presented to the Chair Senate Bill No. 547, entitled:

An Act to further amend section one of the act, approved the third day of May, one thousand nine hundred and twenty-three (P. L. 134), entitled "An act making the proceedings of the conventions of the Departments of Pennsylvania of the Grand Army of the Republic and the United Spanish War Veterans a part of the public records of the State; and providing for their publication and distribution, by imposing the duty of printing such proceedings on the Department of Property and Supplies," by extending the provisions of the act to the Society of the Twenty-eighth Division, A.E.F.

Which was committed to the Committee on Military Affairs.

Mr. STEVENSON read in his place and presented to the Chair Senate Bill No. 48, entitled:

An Act relating to deputy sheriffs; providing for the qualifications and appointments of deputy sheriffs other than persons acting as a posse comitatus; requiring the compensation and expenses of special deputies acting in cases of emergency under certain conditions to be paid by the proper county; providing penalties; and repealing inconsistent acts or parts thereof.

Which was referred to the Committee on County Government.

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 549, entitled:

An Act authorizing the Governor to offer a reward for the apprehension of escaped persons charged with or convicted of a felony.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 550, entitled:

An Act making it a felony for any judge to impose a sentence contrary to that provided by law when the same is done by such judge for personal gain, malice, revenge or other unlawful purpose.

Which was committed to the Committee on Judiciary General.

Mr. CAVALCANTE. Mr. President, I read in place and present the following bill, which I recommend be referred to the Committee on Finance, because it will help the Governor balance the budget.

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 551, entitled:

An Act to provide revenue by authorizing the Pennsylvania Liquor Control Board to issue package retailers' licenses for the sale of malt and brewed beverages in limited quantities for consumption off the premises where sold; imposing license and filing fees and providing for the collection and distribution thereof; regulating and restraining the traffic in malt and brewed beverages by such licenses and restricting the use, ownership and interest in licensed places; imposing duties upon the courts of quarter sessions and the Department of Justice and providing penalties.

Which was committed to the Committee on Finance.

He also read in his place and presented to the Chair Senate Bill No. 552, entitled:

A Joint Resolution proposing an amendment to Article X of the Constiution of Pennsylvania by adding Section 0 thereto.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 553, entitled:

An Act to protect the rights of employes to organize and bargain collectively, declaring certain practices by employers to be unfair, prohibiting employers directly or indirectly from exercising coercion by threatening employes with eviction from dwelling in certain cases, providing for stay of rent distress and eviction proceedings in certain cases from dwellings owned or controlled by employers and occupied by employes, authorizing the courts of common pleas to grant injunctions in certain cases against distress for rent, levy or writ of possession or dwellings, imposing penalties for violation.

Which was committed to the Committee on Labor and Industry.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 554, entitled:

An Act making landlords liable for negligence in certain circumstances resulting in injury to tenant and others on premises and prohibiting waivers of this right.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 555, entitled:

An Act allowing tenants to make repairs and alterations or deposit rent with the court when landlords fail or refuse to make repairs aid alterations required by law, regulation or agreement, and prohibiting tenants from waiving provisions of this act.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 556, entitled:

An Act affecting landlord-tenant relations; prescribing grounds and regulating proceedings to recover possession of demised real estate, and amending, revising and consolidating the law; abolishing right of distraint; providing for discretionary stays for possession in cities of the first class; prohibiting tenants from waiving provisions of this act; and repealing other acts and parts of acts relating thereto.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 557, entitled:

An Act requiring the Commonwealth and all of its departments, boards, and commissions, all State institutions, all school districts and all institutions and agencies of every kind that receive appropriations from the State in making purchases to (give preference to) purchase articles produced, manufactured, made, milled or mined in this Commonwealth in certain instances, regulating bids for contracts and prescribing penalties.

Which was committed to the Committee on State Government.

Mr. EROE read in his place and presented to the Chair Senate Bill No. 558, entitled:

An Act making it lawful for counties of the fifth class to provide, erect and maintain radio broadcasting stations.

Which was committed to the Committee on County Government.

He also read in his place and presented to the Chair Senate Bill No. 559, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Butler.

Which was committed to the Committee on Highways.

Mr. CROWE read in his place and presented to the Chair Senate Bill No. 560, entitled:

An Act providing for a uniform compensation to fire insurance agents and brokers, prohibiting additional compensation in any form; providing for the enforcement of the provisions of this act by the Insurance Commissioner and imposing penalties.

Which was committed to the Committee on Insurance.

Mr. KILGALLEN read in his place and presented to the Chair Senate Bill No. 561, entitled:

An Act to amend section two of the act, approved the ninth day of July, one thousand eight hundred and ninety-seven (P. L. 219), entitled "An act providing for the classification of read estate and other property for purposes of taxation, and for the election of assessors and prescribing the duties thereof in cities of the second class," by providing for refund of taxes paid on assessments reduced after appeal.

Which was committed to the Committee on Municipal Government.

Mr. DENT read in his place and presented to the Chair Senate Bill No. 562, entitled:

An Act to further amend section six hundred fourteen of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employees of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by decreasing liability of common shareholders.

Which was committed to the Committee on Banking.

He also read in his place and presented to the Chair Senate Bill No. 563, entitled:

An Act to further amend clause (a) of section ten of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to obtain certain records; imposing duties on retail dealers, common carriers county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by prohibiting set-off of obligations owing by counties to the Commonwealth against counties' shares of the Liquid Fuels Tax Fund.

Which was committed to the Committee on Finance.

TIME OF NEXT MEETING

Mr. LETZLER offered the following resolution which was twice read, considered, and agreed to:

In the Senate, April 17, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, April 24, 1939, at nine o'clock; and when the House fo Representatives adjourns this week it reconvene on Monday evening, April 24, 1939, at eight o'clock.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

SENATE BILL No. 34 RECALLED FROM THE GOVERNOR FOR AMENDMENT.

Mr. MALLERY offered the following resolution which was twice read, considered, and agreed to:

In the Senate, April 17, 1939.

Resolved (if the House of Representatives concur), that Senate Bill No. 34, Printer's No. 46, entitled "An act to further amend section five hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled: "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the incurring of temporary indebtedness and the repayment thereof," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 309, (House Bill No. 483), as follows:

An Act regulating the appointing or election of deputy controllers in cities of the second class A and prescribing their powers and duties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The controller of cities of the second class A shall within thirty days after this act becomes effective appoint an employe in the office as a deputy controller who in case of sickness absence or inability of such controller to act shall exercise all the powers and shall perform the same duties as imposed by law upon the regularly elected city controller without any additional salary Subject however that in the event of the sickness absence or inability of the city controller to perform his duties the deputy controller shall not have the power of appointing or discharging from office in the city controller's office

Section 2 In case a vacancy occurs by reason of death resignation or removal in the office of city controller thirty days or more prior to the time for holding the next fall or municipal primary election in said cities of the second class A the deputy controller shall serve until the first Monday of January next succeeding the time of holding said fall or municipal primary election and the qualified voters of the city in which said vacancy occurs shall at said fall or municipal primary election nominate and at the succeeding fall or municipal election elect in the manner provided by law a city controller who shall serve for the regular term of four years from the first Monday of January succeeding his election but in case the vacancy occurs less than thirty days prior to the next fall or municipal primary election the deputy controller shall serve during the remainder of the term of the city controller whose office has become vacant The deputy controller prior to assuming the powers and duties of the city controller shall take the same oath of office as given to the city controller shall receive the same salary and shall give bond to be approved by the city solicitor in the same sum as required by the controller Said bond to be deposited with the mayor The premium for said bond shall be paid by the city

Section 3 All acts and parts of acts inconsistent with this act are hereby repealed

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrich,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	Jacobs,	Pierson,	Walker,
Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,
Eroe,	Kilgallen,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same wtih amendment in which the concurrence of the House is requested.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 77, entitled:

An Act providing for a Legislative Controller and for his election and removal by the General Assembly; defining his powers and duties; authorizing the employment of assistants by the Legislative Reference Bureau for the use of the Legislative Controller; imposing certain duties and responsibilities upon the executive and administrative departments and agencies of the State government and upon agencies receiving State appropriations; and making an appropriation.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Gilson,	Mallery,	Snowden,
Crowe,	Geltz,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	Jacobs,	Pierson,	Walker,
Ealy,	James,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,
Eroe,	Kilgallen,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 117, entitled:

An Act to amend the title and section two of the act approved the twenty-sixth day of May one thousand eight hundred and ninety-seven (P. L. 106) entitled "An act prohibiting the discharge from public positions of Union soldiers without a reasonable cause and prohibiting the abolishment of or changing the emoluments of public offices occupied by Union Soldiers except for good reason" by extending the provisions thereof to veterans and nurses of any war in which the United States has engaged.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,.	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Mundy,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 260, entitled:

An Act to further amend section four hundred four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one, (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell	Kunkel,	Ruth,
Cavalcante,	Frey.	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,

Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Mundy,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 269, entitled:

An Act to add section one thousand nine hundred and four to the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," providing for the expenditure of moneys by Pennsylvania State College under the supervision of the Department of Mines to conduct researches to discover a by-product for the use of anthracite and bituminous coal, and to develop new scientific, chemical and other uses, and new and extended markets for anthracite and bituminous coal and its products; and granting the right to the Commonwealth to accept and receive gifts, contributions, bequests and devises of real or personal property for such purposes, designated for the use of Pennsylvania State College.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. DENT. Mr. President, I want to call attention to the members of the Senate that this bill has been amended to include bituminous coal also, as well as anthracite; and that experiments will be held and undertaken by State College instead of setting up separate laboratories.

I, therefore, intend to vote for this bill and I ask that the other Senators from the bituminous coal field do likewise.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Mundy,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 389, (House Bill No. 574) on third reading, entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations for fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine and providing for the payment of certain of the deficiency appropriations out of revenues of the fiscal biennial period beginning June first one thousand nine hundred thirty-nine,

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 392, (House Bill No. 291), entitled:

An Act to amend section one of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2681) entitled "An act relating to and regulating the manufacture storing and possession of explosives requiring permits for magazines and prescribing permit fees and providing penalties" by excluding from the provisions of said act explosives used in clay mining or in rock or stone quarries

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Mundy,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 397, (House Bill No. 546), entitled:

An Act to further amend section six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," by eliminating certain provisions relating to retirement age of a major general in command of the National Guard.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Mundy,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 399, (House Bill No. 576), entitled:

An Act to further amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-three (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," as amended, extending the time during which application may be filed for veterans' compensation.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Mundy,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments:

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 402, (House Bill No. 639), entitled:

An Act to repeal certain obsolete acts relating to military history records and historical works

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Mundy,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. MILLER. Mr. President, I ask unanimous consent that Senate Bill No. 429, (House Bill No. 549), on third reading, entitled:

An Act to amend section nine of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one, (P. L. 869), entitled, "An act providing for the organization, government, discipline, maintenance and regulation of the armed land forces of this Commonwealth," as amended, by increasing clothing allowances and requiring a report by commanding officers.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 433, entitled:

An Act to amend section seven of the act approved the eleventh day of May, one thousand nine hundred and five, (P. L. 442), entitled "An act for the appointment and maintenance of a board, to be known as the Armory Board of the State of Pennsylvannia, and for the payment of its expenses, and for providing, managing and caring for armories for the use of the National Guard of Pennsylvania, throughout the Commonwealth of Pennsylvania, and making an appropriation for the same; authorizing the State Armory Board to receive from counties, cities, municipalities and other sources donations or contributions for the purpose of this act," authorizing the Armory Board to accept donations and contributions from boroughs and townships, and authorizing boroughs and townships to make such donations and contributions.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Mundy,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Reed,	Woodward,
Frey,	Kilgallen,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives for concurrence.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. HOMSHER. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 138, on third reading, postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

It was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 138, entitled:

An Act authorizing counties cities boroughs townships of the first and second class and school districts to issue and sell bonds for certain purposes and for a certain period of time providing for a trust fund and a sinking fund for the payment thereof and defining the duties of the officers and governing bodies of the said municipalities or quasi-municipalities in relation to said funds and fixing a penalty for violation thereof.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bartlett,	Frey,	Letzler,	Scarlett,
Chapman,	Gelder,	Mallery,	Snowden,
Crowe,	Geltz,	McGinnis,	Stevenson,
Dando,	Gilson,	Miller,	Tallman,
Deitrick,	Heyburn,	Mundy,	Thomas,
Ealy,	Homsher,	Owlett,	Walker,
Edmonds,	James,	Pierson,	Wolfenden,
Eroe,	Kilgallen,	Ruth,	Woodward,
Farrell,			

NAYS—13

Cavalcante,	Haluska,	Kunkel,	Rice,
Coleman,	Jacobs,	Lanius,	Shapiro,
Dent,	Jaspan,	Reed,	Stiefel,
DiSilvestro,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 168, as follows:

An Act to amend paragraph six of section two and paragraph four of section five of the act approved the twenty-ninth day of April one thousand nine hundred thirty-seven (Pamphlet Laws 551) entitled "An act prohibiting the employment of miners as herein defined in the bituminous coal mines unless certificated by a miners' examining board providing for the appointment of such boards and defining their powers and duties providing penalties and making an appropriation" by providing for the suspension of examination and certificates by the Secretary of Mines and for the issuance of new certificates to replace lost certificates

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph six of section two of the act approved the twenty-ninth day of April one thousand nine hundred thirty-seven (Pamphlet Laws 551) entitled "An act prohibiting the employment of miners as herein defined in the bituminous coal mines unless certificated by a miners' examining board providing for the appointment of such boards and defining their powers and duties providing penalties and making an appropriation" is hereby amended to read as follows

The number of miners' examining boards may be reduced at the pleasure of the Secretary of Mines after the first day of March one thousand nine hundred and thirty-eight Provided That when in the opinion of the Secretary of Mines a sufficient number of miners have been certified to amply supply the demands of the bituminous mines of this Commonwealth he shall suspend entirely the activities of the Miners' Examining Boards and direct that any additional miners shall be examined and granted certificates by the district mine inspector under such rules and regulations as the Secretary of Mines shall prescribe This examination by the mine inspector shall be given without any additional cost to the Commonwealth and a fee of one dollar ($1.00) shall be charged for the issuance of a certificate

Section 2 Paragraph four of section five of said act approved the twenty-ninth day of April one thousand

nine hundred thirty-seven (Pamphlet Laws 551) is hereby amended to read as follows

A certificate granted by a board shall not be transferable and a transfer shall be deemed a violation of this act

In case of the loss or destruction of a certificate the Secretary of Mines shall upon presentation of satisfactory evidence of the loss or destruction issue a copy of the certificate to the original possessor on the payment of the sum of fifty cents ($.50)

And said bill having been read at length the second time,

Will the Senate agree to the bill on second reading?

Mr. HALUSKA. Mr. President, I offer the following amendments: Amend, page 2, line 9, by striking out after the word "thirty-eight" the following: "Providing That when in the opinion of the" and insert in lieu thereof: "And such boards shall function only when the Secretary of Mines deems necessary" Amend, page 2, by striking all of lines 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

Mr. President, so that my colleagues may have knowledge of what I am doing, I wish to say that these are the same amendments I offered last week. This is putting the board back to where it was and it gives the Secretary of Mines discretionary power to pick the boards as he sees fit.

Mr. OWLETT. Mr. President, I ask that the Senate vote down these amendments.

Mr. HALUSKA. Mr. President, they have already been agreed to.

Mr. SHAPIRO. Mr. President, these amendments have been agreed to.

Mr. OWLETT. Mr. President, there has been no roll call.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. OWLETT.

YEAS—21

Cavalcante,	Frey,	Kilgallen,	Reed,
Coleman,	Gilson,	Kunkel,	Rice,
Dando,	Haluska,	Lanius,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Stiefel,
Eroe,			

NAYS—24

Bartlett,	Farrell,	Mallery,	Stevenson,
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Deitrick,	Homsher,	Pierson,	Walker,
Ealy,	James,	Scarlett,	Wolfenden,
Edmonds,	Letzler,	Snowden,	Woodward,

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. HALUSKA. Mr. President, this is a very important bill, affecting the bituminous mining industry in our state.

I have a number of telegrams here from my county and other counties asking for a public hearing on this bill. I trust my colleagues on the right will be kind enough to refer this bill back to committee for the purpose of holding a public hearing at a date to suit their convenience.

Mr. CAVALCANTE. Mr. President, I would like to make a few remarks on this motion and this bill. I would like to appeal to my colleagues who come from the anthracite region to bear in mind that the coal miners of the anthracite region have had a miners' certificate bill for many years; and the provisions of that bill are on the statute books for anyone to examine.

I appeal to my colleagues on the other side from the anthracite regions to give the bituminous miners of Western Pennsylvania and Central Pennsylvania the same degree of protection and the same kind of miners' certificate law that they have in their own district for the protection of the anthracite miner.

On the question recurring,

Will the Senate agree to the motion?

BILL RECOMMITTED

Mr. HALUSKA. Mr. President, I move that Senate Bill No. 168, the bill just read, be recommitted to the Committee on Mines and Mining, for the purpose of a public hearing.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 214, on second reading, entitled:

An Act requiring retail dealers in liquid fuels to display the price of liquid fuels on signs; specifying the location thereof, maximum size thereof, minimum size of lettering and figures thereon, conferring powers and duties upon the Department of Revenue; and imposing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. CHAPMAN. Mr. President, I move that Senate Bill No. 223, on second reading, entitled:

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purpose through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies;" by abolishing the Anatomical Board of the State of Pennsylvania; and transferring its powers and duties to the Anatomical Board in the Department of Health.

be recommitted to the Committee on Public Health for the purpose of further amendment.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 250, (House Bill No. 28), entitled:

An Act to regulate the sale of sulfanilamide and its derivatives in the interest of public health.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 259, as follows:

An Act to amend section thirty-eight of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws 382) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" by permitting the trial for the offense of fornication and bastardy to be held either where the child was begotten or where it was born

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section thirty-eight of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws 382) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" is hereby amended to read as follows

Section 38 If a bastard child is begotten out of the state and born within the state or begotten within one of the counties of this state and born in another in the latter case the prosecution of the reputed father shall be in either the county where the bastard child shall be born or in the county in which the child was begotten and the like sentence shall be passed as if the bastard child had been or shall have been begotten and born within the same county and in the former case viz of a bastard begotten without the state and born within it the like sentence shall be passed except in the imposition of a fine which part of the sentence shall be omitted

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 266, (House Bill No. 444), entitled:

An Act to amend section nine of the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-three, (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," by changing the amount and method of contributions for, and payment of, death benefits.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 267, (House Bill No. 449), entitled:

An Act to amend clause (a) of section one and section four of the act approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160), entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission defining in part the powers and duties of such commission abolishing The Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof and transferring to the Pennsylvania Public Utility Commission the records employes property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending procedings legal or otherwise instituted before by or against The Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulations of the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania" by changing method of appointing and removing members of the Commission and making political activity a grounds for their removal.

And said bill having been read at length the second time

Will the Senate agree to the bill?

Mr. KUNKEL. Mr. President, I offer the following amendment to Senate Bill 267, (House Bill No. 449).

Amend, section 1 (a), page 3, line 12, by striking out the bracket before the word "of" and after the word "members"

Amend, section 4, page 3, lines 24 and 25 by striking out the bracket before the word "of" and after the word "members'

Mr. President, for the information of the Senate, I wish to state that these amendments strike out the brackets on page 3, line 12, and on lines 24 and 25, the same page; thus restoring the provision requiring the consent of two-thirds of the members of the Senate to the dismissal of a Public Utility commissioner.

Mr. OWLETT. Mr. President, I ask that the Senate vote down these amendments.

The yeas and nays were required by Mr. OWLETT and Mr. KUNKEL.

YEAS—22

Cavalcante,	Frey,	Kunkel,	Reed,
Coleman,	Gilson,	Lanius,	Rice,
Dando,	Haluska,	McCreesh,	Ruth.
Dent,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Stiefel,
Eroe,	Kilgallen,		

NAYS—24

Bartlett,	Farrell,	Mallery,	Stevenson,
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Deitrick,	Homsher,	Pierson,	Walker,
Ealy,	James,	Scarlett,	Wolfenden,
Edmonds,	Letzler,	Snowden,	Woodward,

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on second reading,

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT

Mr. SHAPIRO. Mr. President, I move that Senate Bill 267, House Bill 449, be recommitted to the Committee on Public Utilities.

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. OWLETT. Mr. President, I object to the passage of this motion and I ask that it be defeated.

Mr. CAVALCANTE. Mr. President, I should like to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, will the Senator from Tioga tell his colleagues just what kind of meat he feeds on that all he needs to do is to get up and turn to his colleagues and say, "I ask my colleagues to vote this bill down," and like sheep, they follow.

Mr. OWLETT. Mr. President, for the information of the Senator from Fayette, I am glad to report that the Republican members of the Senate caucused on this matter; and when I made this statement it was carrying out the directions of the caucus.

Mr. CAVALCANTE. Mr. President, will the Senator from Tioga advise how the Republican members of the caucus proposed to get around the provisions of the Constitution which require that executive appointments be confirmed by two-thirds of the members of the Senate?

Mr. OWLETT. Mr. President, we have gone along so nicely here this evening that I hestitate to answer in full the question of the Senator from Fayette. I think the quickest answer would be to refer him to the minutes of the discussion in the House on this bill, when this bill passed the House on March 21st, where he will find a very able discussion by one of the authors of this bill as to its constitutionality.

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Tioga.

The PRESIDENT. Will the Senator from Tioga permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will be very glad to be interrogated.

Mr. SHAPIRO. Mr. President, I moved to refer this bill back to the Committee on Public Utilities because I do not believe that the Republicans are going to make an effort tomorrow, when this bill comes up on third reading, to pass the bill.

I therefore should like to interrogate the Senator from Tioga and have him answer me whether I am correct as to my understanding that when this bill comes up on final passage it will be disposed of and voted on?

Mr. OWLETT. Mr. President, for the information of the Senator from Philadelphia, Mr. Shapiro, I presume that that will be decided upon tomorrow by the Senate. I have had a request from one of the Democratic Senators that the matter be placed on the postponed calendar until Monday, and I told him I would take it up with my colleagues and see if they were willing to do that.

Mr. SHAPIRO. Mr. President, I can say, of course, to the Senator from Tioga, that I am sure that request did not come from any of the Democratic members of the caucus; but I still would like to have an answer to my question, whether it is the intention of the floor leader of the Republican party to ask that this bill be acted upon finally tomorrow?

Mr. OWLETT. Mr. President, in answer to the Senator's inquiry, I would advise him it will be acted on tomorrow unless somebody requests, with some material reason, that it be put over. I have had a reasonable request from one of the colleagues of the Senator from Philadelphia that the matter be placed on the postponed calendar until Monday, and I told him I thought my colleagues probably would not object, if there was a reasonable ground.

Mr. SHAPIRO. Now, Mr. President, I want to state of record that I do not believe that the Republican side of this house is going to make an effort to pass this bill tomorrow or Monday, and that was the reason I made the motion that this bill be recommitted. The vote on the two motions made here tonight concerning this bill is the basis for my statement.

This bill has been on the calendar for some time, and if we are going to have fair play I suggest that this bill be recommitted. That was the purpose of my motion. I am making this motion so that the Senator from Tioga may know finally that we are not at sea about what is going on.

Mr. WOODWARD. Mr. President, I want to say, in a very brief answer to the Senator from Fayette, Mr. Cavalcante, as one of the Republican sheep of the Senate, that in the final judgment day—and I appeal to Dr. Ruth to corroborate me—that the sheep stand a much better chance than the goats.

Mr. CAVALCANTE. Mr. President, I saw the mouth of the Senator from Philadelphia, Dr. Woodward, moving, but I have not heard a word he said as yet.

Mr. WOODWARD. Mr. President, I simply want to remind the Senator from Fayette that we glory in the epithet "dyed-in-the-wool-Republican."

The yeas and nays were required by Mr. CAVALCANTE and Mr. SHAPIRO.

YEAS—22

Cavalcante,	Frey,	Kunkel,	Reed,
Coleman,	Gilson,	Lanius,	Rice,
Dando,	Haluska,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Stiefel,
Eroe,	Kilgallen,		

NAYS—24

Bartlett,	Farrell,	Mallery,	Stevenson
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Deitrick,	Homsher,	Pierson,	Walker,
Ealy,	James,	Scarlett,	Wolfenden,
Edmonds,	Letzler,	Snowden,	Woodward,

So the question was determined in the negative.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 299, (House Bill No. 364), entitled:

An Act making business records competent legal evidence under certain conditions and making uniform the law with reference thereto.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 300, (House Bill No. 365), entitled:

An Act for the judicial notice of the laws of other jurisdictions and for proof thereof and to make uniform the law with reference thereto.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. WOLFENDEN. Mr. President, I ask unanimous consent that Senate Bill No. 317, on second reading, entitled·

An act to amend sections four hundred fifteen and four hundred sixteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," as amended; further defining group life insurance to include additional classes of persons.

go over in its order.

The PRESIDENT. Is there objejction? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 339, as follows:

An Act to further subparagraph two of subsection (a) of section five hundred five of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money of property due or belonging to the Commonwealth or any agency thereof including escheated property and the procceds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by further regulating the security for the deposits of State moneys

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subparagraph two of subsection (a) of section five hundred five of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as last amended by the acts approved the twenty-second day of May one thousand nine hundred and thirty-five (Pamphlet Laws 230) and the seventh day of June one thousand nine hundred thirty-five (Pamphlet Laws 283) is hereby further amended to read as follows

2 Shall upon the receipt of notice of its selection as a depository of State moneys furnish a bond to secure a payment of deposits and interests to the Commonwealth of Pennsylvania with a proper warrant of attorney to confess judgment in favor of the Commonwealth secured by a surety company or individual sureties to be approved by the board in the amount of the deposit to be made If a corporate bond be gvien no one surety company shall be approved in an aggregate amount in excess of five times its capital surplus and reserve and whenever individual sureties are presented for approval they shall qualify in an aggregate over and above their individual liabilities to three times the amount of the deposit No one person may qualify for more than one-fourth of the total amount of the bond required Provided That when any deposit of State moneys is insured with the Federal Deposit Insurance Commissioner or any other corporation hereafter organized by the United States for the purpose of insuring deposits such depository shall not be required to furnish bond or security to cover the amount of such deposit so insured And provided further That in lieu of the surety bonds of surety companies or of individuals as aforesaid the deposit of State moneys may be secured by the deposit with the State Treasurer of bonds of the United States bonds the principal and interest of which are guaranteed by the United States government bonds of the Delaware River Joint Commission bonds of this Commonwealth or any municipal subdivision or county thereof to be approved by the board in an amount measured by their actual market value equal to the amount of deposit so secured and twenty per centum in addition thereto Said bonds shall be accompanied by proper assignment or power of attorney to transfer the same and said trust deposit of securities shall be maintained on request at the amount aforesaid in case of any depreciation in the value thereof [Provided that no bonds or other security shall be required of State depositories for State deposits to the extent that such State deposits are insured under] [the provisions of Section 12B of the Federal Reserve Act approved the twenty-third day of December one thousand nine hundred and thirteen its amendments and supplements]

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 378, (House Bill No. 410), entitled:

An Act relating to the practice of the occupation or business of opticians and providing for the licensing and registration of opticians and optical technicians, and the

registration of optician's apprentices, and for the revocation and suspension of such licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the State Board of Examiners of Opticians and the Department of Public Instruction; and providing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. CHAPMAN. Mr. President, I move that Senate Bill No. 378, (House Bill No. 410), the bill just read, be recommitted to the Committee on Public Health.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 430, (House Bill No. 856), entitled:

An Act making a deficiency and emergency appropriation to aid certain school districts.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 488, as follows:

An Act authorizing boards of trustees of State institutions within the Department of Public Instruction with the approval of the Superintendent of Public Instruction to contract with municipalities and townships for fire protection and to pay therefor out of their appropriations for support and maintenance

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The boards of trustees of the several State institutions within the Department of Public Instruction may with the approval of the Superintendent of Public Instruction enter into agreements with the corporate authorities of the municipality or township within or close to which the buildings of such institution are located for protection to such buildings in case of fire and to pay therefor a stipulated annual sum which shall be paid to such municipality or township out of any moneys appropriated to the Department of Public Instruction for the maintenance and operation of such State institution in the manner provided by law

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECESS

Mr. EALY. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. FARRELL. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FARRELL, from the Committee on Appropriations, reported as committed, Senate Bill No. 527, (House Bill No. 885), entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Mr. JAMES. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES, from the Committee on Appropriations, reported as committed, Senate Bill No. 528, (House Bill No. 886), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine

Mr. MUNDY. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MUNDY, from the Committee on Public Health, reported as committed, Senate Bill No. 518, entitled:

An Act to further amend section one, and a part of section two of the act approved the thirteenth day of June, one thousand eight hundred and eighty three, (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies," changing the membership of the board and the functions of the Secretary of Health with reference thereto; requiring audits by the Auditor General, and reports of the activities of the board; and increasing the maximum amount that may be expended for burial of unclaimed bodies unfit for anatomical purposes.

Mr. McGINNIS. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McGINNIIS, from the Committee on Appropriations, reported as committed, Senate Bill No. 82, entitled:

An Act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 82, (House Bill No. 186), entitled:

An Act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 518, entitled:

An Act to further amend section one, and a part of section two of the act approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purpose through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies," changing the membership of the board and the functions of the Secretary of Health with reference thereto; requiring audits by the Auditor General, and reports of the activities of the board; and increasing the maximum amount that may be expended for burial of unclaimed bodies unfit for anatomical purposes.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 527, (House Bill No. 885), entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 528, (House Bill No. 886), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Tuesday, April 18, 1939 at 2:00 o'clock, p. m.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:53 o'clock, p. m., until Tuesday, April 18, 1939, at 2:00 o'clock, p. m.

HOUSE OF REPRESENTATIVES

MONDAY, April 17, 1939.

The House met at 8 p. m.

The SPEAKER (Ellwood J Turner) in the Chair.

PRAYER

The Reverend Paul J. Henry, pastor Trinity Lutheran Church, Ephrata, offered the following prayer:

Let us pray. Eternal God, our Father, Searcher of men's hearts, help us to try to draw near to Thee in sincerity and truth.

Thou who hast ordained the state for the punishment of evil-doers and for the protection of them that do well, hear our petitions in behalf of all men, especially in behalf of these who have been called as stewards and administrators in our grand Commonwealth.

Strenghten and increase our admiration for honest dealing and clean thinking; suffer not our hatred of hypocrisy or pretense ever to diminish; make us to choose the harder right instead of the easier wrong, and never be content with the half-truth, when the whole can be won.

Endow us with the courage that is born of loyalty to all that is noble and worthy, that scorns to compromise with vice and injustice, and knows no fear when truth and right are in jeopardy. In our work and in our play, help us to keep ourselves physically strong, mentally awake and morally straight, that we may the better maintain the standards of our great Christian brotherhood.

Hear us in the name of our great friend, the Master of men, Jesus, the Christ. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, April 12, 1939.

The Clerk proceeded to read the Journal of Wednesday, April 12, 1939, when, on motion of Mr. MALLOY the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

(Referred April 12, 1939)

By Mr. HALL. HOUSE BILL No. 1364.

An Act to amend section eleven of, and to add section eleven and one-tenth to, the act, approved the fourteenth day of April, one thousand nine hundred and thirty-seven (P. L. 297), entitled "An act to provide for the leasing of land within the beds of streams, lakes, and other bodies of water, wholly or partly within, or forming part of, the boundary of this Commonwealth, when such land is owned by the Commonwealth; conferring powers and imposing duties upon the Water and Power Resources Board; requiring lessees to establish an amortization fund for improvements placed or erected upon such land; granting certain preference and exemption rights to municipalities of the Commonwealth; and prescribing penalties," by modifying the penal provision thereof and by empowering the board to proceed by injunction in certain cases.

Referred to the Committee on Forestry.

By Mr. FALKENSTEIN. HOUSE BILL No. 1365.

An Act permitting churches, charitable institutions, fire companies and police organizations to hold bingo and radio games upon payment of a fee to the Department of Revenue.

Referred to the Committee on Ways and Means.

By Messrs. EWING and McVAY. HOUSE BILL No. 1366.

An Act to amend section three hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," providing for the alteration of township lines and boundaries.

Referred to the Committee on Townships.

By Mr. MALLOY. HOUSE BILL No. 1367.

An Act requiring persons operating or working in theatres, motion picture houses, dance halls, and places of public entertainment and amusement, to perform certain duties when a woman becomes ill in their establishment.

Referred to the Committee on Labor.

By Mr. CHRISTLER. HOUSE BILL No. 1368.

An Act to further amend a part of section three of the act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four (P. L. 73), entitled "An act to provide for the incorporation and regulation of certain corporations," by not requiring the Governor to approve certain charters.

Referred to the Committee on Judiciary General.

By Mr. HOCKE. HOUSE BILL No. 1369.

An Act making an appropriation to the Liberty Fire Company of North York for the protection of State property.

Referred to the Committee on Appropriations.

By Mr. MALLOY. HOUSE BILL No. 1370.

An Act making it unlawful to permit food on the counters where the public is served in restaurants, lunch rooms or public eating places, and providing penalties.

Referred to the Committee on Public Health and Sanitation.

By Mr. THISTLE. HOUSE BILL No. 1371.

An Act to amend the title and further amend and reenact the act, approved the twenty-second day of March, one thousand eight hundred and sixty-two (P. L. 164), entitled "An act to provide for the destruction, and to prevent the spread of Canada Thistles," by extending the provisions of the act to include other weeds.

Referred to the Committee on Agriculture.

(For House Bill No. 1372 see page 1427, Journal of Wednesday, April 12).

By Mr. THISTLE. HOUSE BILL No. 1373.

An Act to further amend section one of the act approved the first day of June, one thousand nine hundred and seven, (P. L. 364), entitled "An act to increase the pay of jurors and witnesses in this Commonwealth," by increasing the pay of jurors in counties of the first class.

Referred to the Committee on Cities—First Class.

By Mr. CARPENTER. HOUSE BILL No. 1374.

An Act to amend section two, and clause (a) of section four of the act, approved the first day of June, one thousand nine hundred thirty-seven (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain lobor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the broad; prescribing certain penalties," restating the findings and policy in respect thereto; and prescribing further qualifications for members of the Pennsylvania Labor Relations Board.

Referred to the Committee on Labor.

By Mr. SOLLENBERGER. HOUSE BILL No. 1375.

An Act to amend section four as amended, and section seventeen of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards, imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by exempting from such tax, liquid fuels used for the operation of stationary engines and the operation of tractors and machinery used exclusively for agricultural purposes; and providing refunds of taxes paid on such liquid fuel.

Referred to the Committee on Ways and Means.

By Mr. HARKINS. HOUSE BILL No. 1376.

A Joint Resolution proposing an amendment to article two, of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. HALL. HOUSE BILL No. 1377.

An Act to suspend the operation of the act, approved the fourteenth day of April, one thousand nine hundred and thirty-seven (P. L. 297), entitled "An act to provide for the leasing of land within the beds of streams, lakes, and other bodies of waters, wholly or partly within, or forming part of, the boundary of this Commonwealth, when such land is owned by the Commonwealth; conferring powers and imposing duties upon the Water and Power Resources Board; requiring lessees to establish an amortization fund for improvements placed or erected upon such land; granting certain preference and exemption rights to municipalities of the Commonwealth; and prescribing penalties."

Referred to the Committee on Forestry.

RESOLUTION INTRODUCED AND REFERRED

By Mr. NORMAN WOOD. RESOLUTION No. 68.

In the House of Representatives, April 12, 1939.

Whereas, Robert Fulton, one of the great engineers and inventors of modern times and a pioneer in the development of steam navigation, was a native son of Pennsylvania, being born in Lancaster County and spending the first twenty-one years of his life in Pennsylvania; and

Whereas, In his services to the world as an inventor and engineer, Robert Fulton contributed richly to the foundations of our modern industrial and mechanical progress which provides the central theme behind the great New York Exposition; and,

Whereas, The Commonwealth of Pennsylvania has under consideration the acquisition of the birthplace of this noted American and Pennsylvanian as a permanent memorial and shrine dedicated to the memory of Fulton and his achievements; therefore, be it

Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania does respectfully petition the Honorable Grover Whalen, Chairman of the World's Fair Commission, to set aside August 17, 1939, anniversary of the beginning of the pioneer journey of the Steamship Clermont from New York to Albany and return one hundred and thirty-two years ago that date, to be known as Robert Fulton Day in proper recognition of a great American and Pennsylvanian; to arrange for such special exercises or program as shall seem fitting in this connection; and said exercises or program be held in the Pennsylvania building at the World's Fair in New York, and be it further

Resolved, That it is the sentiment of this House that the Pennsylvania World's Fair Commission be requested to urge the same upon the Honorable Grove Whalen and his Commission, and take the lead in arranging for the proper observance of this day set aside in tribute to one of the great leaders of modern inventive progress—the native son of Pennsylvania, Robert Fulton; and be it further

Resolved, That a copy of this resolution be transmitted to the Honorable Grover Whalen and to the chairman of the Pennsylvania World's Fair Commission as embodying the true sentiment and desire of all loyal citizens of our great Commonwealth.

Referred to the Committee on Rules.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 400

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 12, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 400, Printer's No. 68, entitled, An Act to amend the title and the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (Pamphlet Laws 132) entitled "An Act to give preference of appointment or employment to honorably discharged soldiers sailors and marines who fought for the Union cause in the late war of the rebellion" by extending the same preference to veterans and nurses of any war in which the United States has engaged.

ARTHUR H. JAMES.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

ALIEN REGISTRATION

A resolution from the American League for Peace and Democracy opposing House Bill No. 134.

Referred to the Committee on Labor.

PHOTOGRAPHY

A resolution from the Washington Camera Club endorsing House Bill No. 475.

Referred to the Committee on Professional Licensure.

AMERICANISM

A resolution from the Pennsylvania Society of Sons of the Revolution advocating legislation to safeguard Americanism.

Referred to the Committee on Military Affairs.

TAXATION

A resolution from the Tax Justice League of Pennsylvania, Inc. advocating decrease of taxation for local purposes.

Referred to the Committee on Municipal Corporations.

LAKE ERIE AND OHIO RIVER CANAL

A resolution from the Beaver Valley Waterways Improvement Association approving construction of the Lake Erie and Ohio River Canal.

Referred to the Committee on Forestry.

CITY CHARTER FOR PHILADELPHIA

Resolutions from Pennsylvania State Exchange Clubs;
Sansom Street Business Men's Association;
The Fortnightly Club of Chestnut Hill;
National Association for the Advancement of Colored People;
advocating submission to City Charter to vote of citizens of Philadelphia.

Referred to the Committee on Cities—First Class.

FIREWORKS

A Communication from Citizens of Mechanicsburg advocating passage of House Bill No. 305.

Referred to the Committee on Municipal Corporations.

TEACHERS TENURE—ELECTION LAW
Four Mill State Tax

A resolution from Yeadon School District, Delaware County endorsing Senate Bill No. 45 and House Bills Nos. 162, 50 and 51.

Referred to Committee on Education.

RELIEF

A resolution from workers Alliance of Williamsport protesting return of relief to counties.

Referred to Committee on Welfare.

EQUAL RIGHTS.

Resolution from citizens of Philadelphia;
Communist Party of Philadelphia;
United Mine Workers of America;
United Retail and Wholesale Employees of America;
American Communication Association;
Local 30, National Leather Workers' Association;
State County and Municipal Workers of America, Philadelphia.
Citizens of Philadelphia;
supporting House Bill No. 103.

Referred to the Committee on Judiciary Special.

COMMUNICATIONS

The SPEAKER laid before the House the following communication which was read by the clerk.

Church of the
UNITED BRETHERN IN CHRIST
Highspire, Pa.

April 11, 1939

The Honorable Ellwood J. Turner, Speaker
House of Representatives
Harrisburg, Pa.

My dear Mr. Turner:

I deeply appreciate the generous spirit of yourself and the members of the House for the resolution adopted referring to my service as Chaplain, receipt of which I hereby acknowledge.

It was my sincere desire to give my best service at all times in the spirit of genuine consecration.

May I assure you and the members of the House that I shall always be happy to be of service to you.

Sincerely yours,
WALTER EVANS DEIBLER, Pastor.

SURVEY OF TRUCK TRAFFIC BY PENNSYLVANIA MOTOR POLICE

The SPEAKER laid before the House a communication from C. M. Wilhelm, Acting Commissioner, Pennsylvania Motor Police, submitting a survey made pursuant to Resolution No. 21, of the Special Session of 1938, which was read by the Clerk.

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA MOTOR POLICE

April 12, 1939

Honorable Ellwood J. Turner
Speaker, House of Representatives
Harrisburg, Pennsylvania

Sir:

I have the honor to submit the following brief summary supplementing the report of a traffic survey conducted by the Pennsylvania Motor Police Force to determine whether or not the adoption and enforcement of regulations to divert or prohibit heavy truck traffic upon designated highways on Sundays and Holidays would under existing conditions further substantially reduce motor vehicle accidents in the Commonwealth of Pennsylvania.

This survey of traffic density and motor vehicle accident frequency experience on the highways of this Commonwealth was made by the Pennsylvania Motor Police pursuant to House of Representatives Resolution No. 21, Extraordinary Sessions of 1938.

The study made of accident frequency and truck traffic density on Sundays and Holidays, as related to other forms of vehicular traffic and highways capacity, brought together the research facilities of the Pennsylvania Motor Police, Department of Highways and the Department of Revenue.

The record of our motor vehicle accident experience indicates clearly that the frequency in which accidents involving trucks occur on Sundays and Holidays is not of sufficient intensity to warrant the enactment of laws prohibiting the movement of such vehicles over the public highways on these days. Accidents involving trucks are, we believe, usually of a more serious nature. There is no indication, however, of a heavy or alarming concentration of motor vehicle accidents involving trucks on any highway or at any particular location in the Commonwealth. This is particulary true of the Sunday accident experience where we found accidents involving trucks to be comparatively few. Of the Holiday accident frequency we have recorded, for the year 1938, that the greatest number of accidents involving trucks occurred on "Lincoln's Birthday." The official records of the Department of Highways indicate a negligible increase in traffic density on that day. Thus we find that the fact of increase or decrease in traffic density ordinarily expected on holidays does not always result in an accident frequency.

The result of surveys made to determine the effect and relationship of truck traffic from the viewpoint of density or heavy concentration in any particular area would seem to indicate that enforcement of some regulative measures would be conducive to the ultimate safety and convenience of the motoring public on highways where it has been found, by estimation of pleasure car and truck traffic density on Sundays and holidays, that traffic is sufficiently dense or the highway topography is of such a nature as to warrant such action. We believe such conditions to exist on the following highways:

Highway Route No. 1—Oxford Valley to Morrisville, Pennsylvania.

Highway Route No. 11—Hallstead to Scranton, Pennsylvania.

Highway Route No. 11—Amity Hall to Shamokin, Pennsylvania.

Highway Route Route No. 11—Scranton to West Nanticoke, Pennsylvania.

Highway Route No. 13—Bristol to Eddington, Pennslyvania.

Highway Route No. 13—Chester to Delaware-Pennsylvania State Line.

Highway Route No. 15—At a point between Milton and Muncy Stations No. 49 to Pennsylvania-New York State Line.

Highway Route No. 20—Pennsylvania-Ohio State Line to Pennsylvania-New York State Line.

Highway Route No. 22—Pennsylvania-New Jersey State Line to Pennsylvania-Ohio State Line.

Highway Route No. 122—Shamokin to Reading, Pennsylvania.

Highway Route No. 307—Scranton to Highway Route No. 611 near Daleville.

Highway Route No. 611—East Stroudsburg to Scranton, Pennsylvania.

The facts are that the heaviest concentration of traffic occurs on Sundays during the summer months of June, July, August and September, between the hours of 10:00 o'clock A. M. and 8:00 o'clock P. M. The heaviest concentration of traffic on holidays occurs on Memorial Day, Independence Day and Labor Day. The remaining holidays have only a slight increase in traffic density. The heaviest in this group is Armistice Day and a below normal traffic flow on Christmas and New Year's Day.

In conclusion we wish to point out that the transportation of essential commodities and probable effect on traffic flow as related to capacity of highways not subjected to prohibitory regulations of this nature are important factors in the problem presented.

Yours truly,
C. M. WILHELM,
Acting Commissioner.

The Report was referred to the Committee on Motor Vehicles.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 610.

A Supplement to the act approved the twenty-first day of July one thousand nine hundred and thirty-seven (Appropriation Acts page 74) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" by lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation and re-appropriating such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin

With the information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 610.

A Supplement to the act, approved the twenty-first day of July, one thousand nine hundred and thirty-seven (Appropriation Acts page 74), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," by lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation, and re-appropriating such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVES OF ABSENCE

Mr. Sweeney asked and obtained leave of absence for Mr IRWIN on account of illness.

Mr. Cooper asked and obtained leave of absence for Mr. HARKINS.

REPORTS FROM COMMITTEES

Mr. WESTRICK from the Committee on Agriculture reported as committed, House Bill No. 1057, entitled:

An Act to repeal the act approved the second day of July, one thousand nine hundred and thirty-seven, (P. L. 2688), entitled "An act to provide for the conservation, protection, improvement, and profitable use of agricultural land resources in the State of Pennsylvania, and for cooperation with the governments and agencies of other states and of the United States pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act; to assent to and accept the provisions of said act; to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee, and in conformity with the provisions of said act, to designate and authorize said committee, as the State agency of this State, in conformity with such provisions, to formulate, submit to the Secretary of Agriculture of the United States, and administer State plans to carry out the provisions of this act; to define the powers and duties of said committee as such State agency; to provide for the administration of this act; and making an appropriation."

Mr. BRETHERICK from the Committee on Judiciary General reported as amended, House Bill No. 296, entitled:

An Act to validate mortgage sales of real estate by foreign fiduciaries executors and administrators, and the titles acquired by purchasers at such sales.

Mr. SCHROCK from the Committee on Rules reported as committed, House Resolution No. 68.

BILLS RE-REFERRED

Mr. WILKINSON returned from the Committee on Municipal Corporations with the recommendation that it be re-referred to the Committee on Counties, House Bill No. 461, entitled:

An Act to amend sections three forty-one, three forty-two, three forty-seven and three sixty-two of the act approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as last amended by the act approved the tenth day of March, one thousand nine hundred thirty-seven (Pamphlet Laws thirty-seven) by conferring additional powers and imposing additional duties on controllers, auditors and treasurers.

The SPEAKER. The bill is now re-referred to the Committee on Counties.

Mr. WILKINSON returned from the Committee on Municipal Corporations with the recommendation that it be re-referred to the Committee on Counties, House Bill No. 462, entitled:

An Act to amend section three of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on non-payment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by providing that the County Treasurer shall keep records relating to the collection of delinquent taxes on seated lands and all sums received, receivable, collected or collectible by the County Treasurer upon sale or redemption thereof.

The SPEAKER. The bill is now re-referred to the Committee on Counties.

ADDRESS BY MR. FREED.

Mr. FREED asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I have had a number of inquiries this evening from members in the back of the House, wanting to know who our guests are. I want to report to the rest of the House just who they are. It is a group of guests, headed by Mr. George X. Boyle, Supervisor of the Naturalization Classes of Lehigh County.

These people have their first and second naturalization papers. I thank you.

The SPEAKER. The Chair feels certain that the members of the House appreciate the visit of the citizens from Lehigh County. We trust that your journey here will be instructive and enjoyable.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 640, entitled:

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws eight hundred forty-four) entitled "An act authorizing the Commonwealth of Pennsylvania or any department or division thereof and counties cities boroughs incorporated towns townships

school districts and poor districts to make contracts of life health and accident policies for the benefit of employes thereof and contracts for pensions for such employes and providing for the payment of the cost thereof" by further authorizing the making of such contracts and authorizing deductions from pay of employes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 929, entitled:

An Act to amend section four hundred thirteen section five hundred ten as amended and sections six hundred and thirteen and seven hundred ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the tilting including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" changing motor vehicles registration years fractions of registration years and operators license years

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1166, entitled:

An Act to amend section four hundred and twelve of the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand three hundred thirty-three) entitled 'An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violations of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by vesting power in the commissioners of certain counties to fix the compensation of Judges of election clerks and inspectors conducting primaries and elections

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 772, entitled:

An Act to protect public health safety and morals and to promote the common welfare by regulating the use and occupancy reuse and re-occupancy and the renting and renting for use and occupancy of all buildings in cities of the first class planned in whole or in part for residential purposes and any living quarters connected with a business or commercial establishment by requiring the issuance of certificates of occupancy and by requiring owners agents and tenants to obtain such certificates of occupancy conferring powers and imposing duties upon the Department of Public Health and upon the Department of Public Safety of cities of the first class providing for inspections and inspection fees and the institution of prosecutions for failure to obtain certificates of occupancy imposing penalties and repealing inconsistent acts or parts of acts

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 972, entitled:

An Act providing that uniformed officers and men employed by cities of the first class as park guards shall be entitled to twenty-four consecutive hours of rest each week except in emergency cases

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 967, entitled·

An Act fixing leaves of absence for uniformed officers and men employed by cities of the first class as park guards

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 553, entitled:

An Act to amend sections twenty-six and twenty-seven of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred eighty-seven) entitled "An act to provide for the permanent personal registration of electors in boroughs and towns and townships as a condition of their right to vote at elections and primaries and their enrollmens as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers regsitrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by providing for the transfer of the registration of electors without personal appearance upon change of residence from a city of the third class to a borough town or township in the same county and authorizing the registration commission to amend the registers for such city accordingly

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 905, entitled:

An Act to amend section three hundred and five of the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand three hundred thirty-three) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by providing for the reimbursement of counties by the Commonwealth for primary and election costs incurred in even-numbered years

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. BOOSE. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 851, entitled:

An Act to amend clause (c) of section twenty-nine of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred eighty-seven) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commisison therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by eliminating the provisions requiring certain municipal officers departments bureaus and public utility corporations to make certain reports to the registration commission

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 852, entitled:

An Act to amend clause (c) of section thirty-one of the act approved the thirtieth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws one hundred fifteen) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" by eliminating the provision requiring certain public service companies to make certain reports to the registration commission

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 853, entitled:

An Act to amend clause (c) of section thirty of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws eight hundred fourteen) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by eliminating certain provisions and requiring municipal officers departments bureaus and certain public utility corporations to make certain reports to the registration commission

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 854, entitled:

An Act to amend clause (c) of section thirty of the act approved the first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand one hundred thirty-two) entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by eliminating the provisions requiring municipal officers departments bureaus and certain public utility corporations to make certain reports to the registration commission

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 855, entitled:

An Act to amend clause (c) of section thirty of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws eight hundred forty-nine) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" by eliminating the provisions requiring municipal officers departments bureaus and certain public utility corporations to make certain reports to the registration commission

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 927, entitled:

An Act to amend section three hundred and eight of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand seventeen) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" providing for the issuance of bonds to fund notes or other floating debt or evidences of indebtedness of the institution district

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 506, entitled:

An Act to further amend section six hundred and nineteen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by making political subdivisions of the State liable for the negligence of their employes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 527, entitled:

An Act to amend clause (g) as added to section one thousand one hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the title including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" removing the time limit within which all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 680, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the provisions for compulsory attendance and for enumeration of illiterate children and alien residents changing provisions relating to employment of children providing for the education of physically and mentally handicapped children and for the care of uneducable children and changing the provisions for the required number of days schools shall be kept open

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 487, entitled:

An Act to amend clause (a) of section one thousand two hundred and sixteen as added to the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" changing qualifications for sabbatical leaves of absence for certain employes of school districts

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 463, as follows:

An Act to further amend section two hundred and forty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" changing the qualifications of the district attorney

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred and forty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as last amended by the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2619) is hereby further amended to read as follows

Section 246 Qualifications Eligibility Compensation The district attorney shall be a person learned in the law who has been admitted to practice as an attorney in the Supreme or Superior Court of this Commonwealth [for at least two years preceding] prior to the time [of his election or appointment] for taking the oath of office and who shall have resided in the county for which he is elected or appointed for two years next preceding his election or appointment and who is a resident of such county and who in counties of the second third fourth and fifth classes shall have actively engaged in the practice of law in any court of record in this Commonwealth for a period of three years and who in counties of the sixth seventh and eighth classes shall have so practiced for a period of eighteen months In counties of the third class the district attorney shall receive a salary of seven thousand five hundred dollars ($7,500) per annum

In counties of the fourth class the district attorney shall receive a salary of six thousand dollars ($6,000) per annum

In counties of the sixth class the district attorneys shall receive annual salaries depending upon the population of the county as follows

(a) Fifty thousand and more but less than sixty thousand twenty-four hundred dollars ($2400)

(b) Sixty thousand and more but less than seventy thousand twenty-seven hundred dollars ($2700)

(c) Seventy thousand and more but less than eighty thousand three thousand dollars ($3000)

(d) Eighty thousand and more but less than ninety thousand thirty-three hundred dollars ($3300)

(e) Ninety thousand and more but less than one hundred thousand thirty-eight hundred dollars ($3800)

In counties of the seventh class the district attorneys shall receive annual salaries depending upon the population of the county as follows

(a) Twenty thousand and more but less than thirty thousand fifteen hundred dollars ($1500)

(b) Thirty thousand and more but less than forty thousand eighteen hundred dollars ($1800)

(c) Forty thousand and more but less than fifty thousand twenty-one hundred dollars ($2100)

In counties of the eighth class the district attorneys shall receive annual salaries depending upon the population of the county as follows

(a) Less than ten thousand seven hundred and fifty dollars ($750)

(b) Ten thousand and more but less than twenty thousand nine hundred dollars ($900)

In all other classes of counties the district attorney shall receive the salary now provided by law

No district attorney shall be eligible to a seat in the Legislature or to any other office under the laws and Constitution of the State excepting an office or commission in the militia of the State during his continuance in office

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 952, as follows:

An Act to repeal the act approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2123) entitled "An act imposing upon the Board of Revision of Taxes in cities of the first class the duty of reading water meters authorizing the employment of assistants for the performance of such duties fixing the salaries of such assistants and repealing inconsistent acts"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2123) entitled "An act imposing upon the Board of Revision of Taxes in cities of the first class the duty of reading water meters authorizing the employment of assistants for the performance of such duties fixing the salaries of such assistants and repealing inconsistent acts" is hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 738, as follows:

An Act to further amend sections one two three four and five of the act approved the eleventh day of July one thousand nine hundred and twenty-three (Pamphlet Laws 1032) entitled "An act providing for the abatement of nuisances caused by the improper grading or defective paving or encroaching fences in alleys in cities of the first class for the establishment of lines and grades for and the grading paving or repaving of said alleys and the grading of private alleys hereafter laid out and for apportioning the cost and for the filing of liens therefor" by extending the provisions of said act to retaining walls

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one two three four and five of the act approved the eleventh day of July one thousand nine hundred and twenty-three (Pamphlet Laws 1032) entitled "An act providing for the abatement of nuisances caused by the improper grading or defective paving or

encroaching fences in alleys in cities of the first class for the establishment of lines and grades for and the grading paving or repaving of said alleys and the grading of private alleys hereafter laid out and for apportioning the cost and for the filing of liens therefor" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 841) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in cities of the first class when the board of health shall declare any private alley or driveway and/or retaining wall appurtenant thereto to be a nuisance by reason of improper grading or defective paving of said alley or driveway and/or retaining wall appurtenant thereto and shall so certify to the Department of Public Works the said Department of Public Works is hereby empowered to abate said nuisance upon the neglect or refusal of the registered owners of the property abutting on or having the use or actually using such alley or driveway and/or retaining wall appurtenant thereto to abate said nuisance within ten days after service of notice by the said Department of Public Works upon the said registered owners so to do as hereinafter provided

Section 2 The said Department of Public Works shall grade pave or repave the said alleys or driveways and construct or repair any retaining walls appurtenant thereto in accordance with lines and grades established by the surveyor and regulator of the district in which said alleys or driveways and/or retaining walls appurtenant thereto are situate and the said surveyor and regulator is hereby empowered to establish such lines and grades

Section 3 Any fence encroaching upon a public or private alley or driveway and/or retaining wall appurtenant thereto is hereby declared a nuisance and made unlawful and the said Department of Public Works is empowered to remove such fence from within the established lines of said alleys or driveways and/or retaining walls appurtenant thereto after ten days' notice as set forth in this act It shall be the duty of the registered owner of the premises on which such fence is erected or to which it appertains to remove such encroachment upon being notified His failure so to do shall constitute a violation of this act

Section 4 No alley or driveway having an outlet to any public street public highway public alley or to a private alley or driveway which has an outlet to any public street highway or alley shall hereafter be laid out or opened unless it shall be in accordance with lines and grades established by the surveyor and regulator for the district in which said alley or driveway will be situate

Section 5 The said Department of Public Works is hereby empowered to charge the cost and expense of the grading paving or repaving of said alleys or driveways and the construction or repair of any retaining walls appurtenant thereto or part or parts of said alleys or driveways and/or retaining walls appurtenant thereto upon the said owners in proportion to the width of their properties abutting thereon or having the use thereof by deed or otherwise or actually using the alley or driveway and/or retaining wall appurtenant thereto or in any other proportions as may under the facts and circumstances of the case be deemed just and proper by the said Department of Public Works and also to charge the cost of the removal of any encroaching fence to the owner of the said fence Upon the faliure to pay any of the said charges the department shall cause liens to be filed therefor in the name of the city in the manner and according to the practice prescribed by law with respect to municipal claims

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1037, as follows:

An Act to further amend sections two and twelve of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1518) entitled as amended "An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by making said act inapplicable to elevators located in cities of the first class and prescribing the time for the registration of elevators

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections two and twelve of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1518) entitled as amended "An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" as amended and reenacted by the act approved the eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 277) are hereby further amended to read as follows

Section 2 General Requirement Every elevator as described in section one of this act shall be so constructed equipped maintained and operated with respect to the supporting members elevator car shaftway guides cables doors and gates safety stops and mechanisms locking mechanisms electrical apparatus and wiring mechanical apparatus counter-weights and all other appurtenances as to safely sustain the load which the said elevator is designed and intended to carry Provided That nothing in this act shall be construed to apply to elevators located in cities of the first class

Section 12 Registration of Elevators The owner or user of every elevator in this Commonwealth except those exempted from the provisions of this act in section two [elevators located in cities of the first second and second A classes] shall prior to December thirty-first [one thousand nine hundred and twenty-nine] of the year in which such elevator shall be or shall have been installed register with the Department of Labor and Industry every elevator operated by him giving the type capacity and description name of manufacture and purpose for which each is used Such registration shall be made on forms to be furnished by the department [The owner or user of every elevator located in cities of the first second and second A classes shall register such elevator as provided in this section prior to December thirty-first one thousand nine hundred and thirty-seven]

Section 2 All acts and parts of acts inconsistent herewith be and the same are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 471, as follows:

An Act to amend section three of the act approved the twelfth day of June one thousand nine hundred and nineteen (Pamphlet Laws 461) entitled "An act to provide for the removal or retirement of judges of the Supreme Superior common pleas orphans' municipal and county court permanently disqualified by reason of physical or mental disability to perform their regular

judicial functions or duties and providing for the payment of compensation to them during the balance of the term for which they may have been elected and in certain cases for the remainder of their lives after resignation or retirement and for filling the vacancies caused thereby providing for judges who have been retired or who may have retired or resigned under provisions of previous acts or otherwise and repealing certain acts" by providing compensation for such judges who have served ten years on the bench

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the twelfth day of June one thousand nine hundred and nineteen (Pamphle tLaws 461) entitled "An act to provide for the removal or retirement of judges of the Supreme Superior common pleas orphans' municipal and county court permanently disqualified by reason of physical or mental disability to perform their regular judicial functions or duties and providing for the payment of compensation to them during the balance of the term for which they may have been elected and in certain cases for the remainder of their lives after resignation or retirement and for fill ing the vacancies caused thereby providing for judges who have been retired or who may have retired or resigned under provisions of previous acts or otherwise and repealing certain acts" is hereby amended to read as follows

Section 3 Any judge of the Supreme Superior common pleas or orphans' court who has heretofore served in judicial office for twenty years or more and who has heretofore retired from office by expiration of his term or by resignation or otherwise and who shall after the passage of this act hold himself in readiness to advise with his successors and their colleagues of the court of which he had been a member and to perform such duties as special master referee auditor or examiner in such ways as he may be reasonably able to do shall receive during the remainder of his life one-half of the salary which would have been paid to him had he continued in active service as a member of such court and any judge of the Supreme Superior common pleas orphans' municipal or county court who is at least seventy-five years of age and who has heretofore served in judicial office for ten (10) years and who was honorably retired from office by reason of expiration of term or otherwise on or before the twenty-ninth day of April one thousand nine hundred and twenty-nine shall receive after the effective date of this amendment and during the remainder of his life a sum equal to one-fourth (¼) of the salary which would have been paid to him had he continued in active service in such court

Section 2 This act shall become effective immediately upon final enactment.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 919, as follows:

An Act to further amend section four hundred four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as last amended by the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 963) is hereby further amended to read as follows

Section 404 Investment of Capital and Reserve A sum equal to the capital and reserves of any stock or mutual life insurance company organized under the laws of this Commonwealth shall be invested as follows

(a) In such real estate as it is authorized by this act to hold

(b) In bonds of the United States or District of Columbia or Canada or of any State or Territory of the United States and in farm loan bonds issued by Federal Land Banks

(c) In legally authorized bonds notes warrants or obligations of any city town county borough township municipality school district poor district or water sewer drainage road or other government district or division located in this Commonwealth or in any State of the United States

(d) In ground-rents and in loans upon unencumbered real estate in any State of the United States or the District of Columbia Provided That no loan shall exceed [sixty] sixty-six and two-thirds per centum of the fair market value thereof at the time of such loan And provided further That the limitation herein prescribed in respect to the percentage of the fair market value of the property upon which an insurance company may make loans shall not apply to bonds secured by mortgages which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions for mutual mortgage insurance in title two of the National Housing Act for the purpose of financing the construction or purchase of dwellings and similar residential property and the refinancing of mortgages

(e) In debentures issued by the Federal Housing Administrator in settlement of claims for insurance pursuant to title two of the National Housing Act

(f) In securities of national mortgage credit institutions now or hereafter organized under title three of the National Housing Act

(g) In loans upon the security of its own policies not exceeding the net value of the policy at the time of making the loan

(h) In first encumbrances upon standard steam railroads street or interurban railways or upon their rolling stock equipment or of water gas or other public utility companies or bonds issued to retire a prior debt or bonds prior thereto or in other bonds or notes of the above named corporations upon which no default in interest exists at the time of purchase

(i) In bonds notes or other obligations of any corporation other than those mentioned in subsection (h) Provided That said corporation shall have earned in each of its three fiscal years next preceding the date of the investment an amount equal to one and one-half times the total interest on all of its debt Nothing in this section shall be construed as permitting the investment of any part of the capital and reserves of any stock or mutual life insurance company in the stock or stocks of any corporation

The Insurance Commissioner may permit any company to invest sufficient of its capital and reserves in the securities of a foreign government in order to enable it to comply with the laws of such foreign government and transact business therein

Nothing herein contained shall be so construed as to

prevent any such company from acquiring or holding property taken in reorganization or foreclosure proceedings or which may be obtained in satisfaction of any debt previously contracted

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 868, as follows:

An Act to repeal the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2778) entitled "An act providing that all appointments made by the county commissioners in counties of the first class shall be divided between the majority and minority commissioners"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2778) entitled "An act providing that all appointments made by the county commissioners in counties of the first class shall be divided between the majority and minority commissioners" is hereby repealed

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 947, entitled:

An Act to repeal the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 475) entitled "An act to amend the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled 'An act for the better government of cities of the first class of this Commonwealth' by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes"

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 475) entitled "An act to amend the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled 'An act for the better government of cities of the first class of this Commonwealth' by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes" is hereby amended

On the question,

Will the House agree to the section?

Mr. CORTESE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 2, line 1, by striking out the word "nieteen" and insert in lieu thereof "nineteen"

Amend sec. 1, page 2, line 6, by striking out the word "amended" and insert in lieu thereof "repealed"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to repeal the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 475) entitled "An act to amend the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled 'An act for the better government of cities of the first class of this Commonwealth' by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes"

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 783, as follows:

An Act to amend section thirty-seven of the act approved the fifteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1743) entitled "An act relating to magistrates and magistrates' courts in the city of Philadelphia imposing certain duties upon and prohibiting certain practices by magistrates imposing certain duties on the city controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in magistrates' courts the entering of bail and the issuance of discharges in criminal cases in the county of Philadelphia conferring certain powers over magistrates and magistrates' courts and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the county of Philadelphia providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior act" fixing the salary of the chief clerk of the board of magistrates

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section thirty-seven of the act approved the fifteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1743) entitled "An act relating to magistrates and magistrates' courts in the city of Philadelphia imposing certain duties upon and prohibiting certain practices by magistrates imposing certain duties on the city controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in magistrates' courts the entering of bail and the issuance of discharges in criminal cases in the county of Philadelphia conferring certain powers over magistrates and magistrates' courts and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the county of Philadelphia providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts" is hereby amended to read as follows

Section 37 A On or after the first day of July one thousand nine hundred thirty-seven and thereafter whenever a vacancy occurs the chief magistrate shall appoint a chief clerk and a deputy stenographic clerk who shall respectively perform such duties as may be required of them by this act and by the chief magistrate and by rules adopted by the board of magistrates The chief clerk and

deputy stenographic clerk shall be entitled to serve so long as they respectively behave themselves well Each clerk of a migistrate's court shall file with the chief clerk each month a report of the criminal business of said magistrate's court during the preceding month and such other reports from time to time as the chief magistrate shall requir The chief clerk shall cause suitable blanks to be prepared and furnished for such purpose

B The deputy stenographic clerk and each clerk of a magistrate's court shall receive a salary of two thousand dollars per annum the chief clerk a salary of [two thousand five hundred] three thousand dollars per annum Said salaries shall be paid by the city in semi-monthly payments

Section 2 This act shall become effective the first day of July one thousand nine hundred and thirty-nine

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 559, as follows:

An Act to reenact and further amend section two hundred five of the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the election of school directors in school districts made up of two or more cities boroughs incorporated towns or townships or any combination thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred five of the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the twenty-ninth day of May one thousand nine hundred thirty-one (Pamphlet Laws 243) is hereby reenacted and further amended to read as follows

Section 205 In each school district of the fourth class there shall be five (5) school directors elected at large at the municipal election held in November one thousand nine hundred and eleven (1911) two for two years two for four years and one for six years and thereafter they shall be elected as follows At each of the first two municipal elections two school directors shall be elected at the third municipal election one shall be elected and thereafter two school directors shall be elected at each of the two succeeding municipal elections and one at each third municipal election all shall be elected at large for terms of six (6) years Their terms of office shall begin on the first Monday of December following their election Provided That whenever any school district is not coextensive with a city borough or township the county commissioners shall furnish the proper election officials with a certified list of the qualified electors of such school district and with the necessary ballots to enable such electors to vote on matters pertaining solely to such school district Provided further That when such school district lies in two or more [municipalities] cities boroughs incorporated towns or townships or any combination thereof the judge inspectors and clerks of each election district within such school district which lies in two or more [municipalities] cities boroughs incorporated towns or townships or any combination thereof shall make out a complete return of all the votes given at any election for officers in the school district or for the submission of any question to the electors of such district designating the number of votes cast for each person and for and against each question so submitted to the electors Whereupon the judge and inspectors shall appoint one of their number for return judge to meet the other return judge or judges of the said school district on the second day after any such election at the oldest election place within the district or at such place within the district as shall have been appointed by the court of common pleas The judges shall then and there add together the number of votes cast for each person voted for any for and against any question submitted to the electors and shall make out the returns as the nature of the election may require complying in all respects with the provisions of existing election laws After the performance of such duties the return judges shall appoint one of their number by consent or lot to deliver within two days thereafter the full returns of the vote for officers to the prothonotary of the court of common pleas and of the vote on questions submitted to electors to the clerk of the court of quarter sessions of the proper county in the manner now provided by law for making township or borough returns Such judges shall ascertain and declare the result of such election and shall issue certificates to persons elected to fill such offices within five (5) days after making such returns

Section 2 School directors heretofore appointed in such school districts shall complete the terms for which they shall have been appointed and upon the expiration of their respective terms their successors in office shall be elected at the municipal election immediately preceding the expiration of such terms of office

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 95, as follows:

An Act authorizing the sale of real estate under a judgment obtained on a tax claim or claims to be made by the sheriff free and clear of tax and municipal claims for a sum less than the total amount of delinquent tax and municipal claims under certain conditions and providing for the distribution of the sum realized upon such sales and for the procedure in such cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever in any proceeding a judgment has been obtained on a tax claim and the market value of the real estate or its market value above the amount of mortgages ground rents and other encumberances if any which would not be discharged at a sheriff's sale for such taxes is less than the total amount of all delinquent taxes and municipal claims against such property the Board of Revision of Taxes or other authority empowered by law to fix the value of such property for taxation acting as a board may file in the proper court to the term and number of the proceeding in which such judgment has been obtained a certificate setting forth the fair market value of such real estate as determined by said board and the amount of liens and encumbrances if any except tax and municipal claims which would not be discharged by such sale Such valuation shall appraise the real estate as subject to the liens or encumbrances or if there be no liens or encumbrances which would not be discharged by the sale at the fair market value of the real estate free and clear of encumbrances Such certificate may be executed by any member of the board designated by it and having the approval of the board

Section 2 The plaintiff in any judgment recovered on a tax claim in which proceeding the certificate provided for in section one of this act has been filed may at its option fix as the upset price to be realized at the sheriff's

sale under such judgment the market value of the property as set forth in the said certificate or such higher upset price not exceeding the total amount of delinquent taxes due as it may determine In such cases no sale shall be made except for a sum not less than the upset price so fixed and the plaintiff may purchase the property at such sale for that sum if no higher price is bid therefor

Section 3 The purchaser at such sale shall take the real estate free and discharged of all delinquent taxes and municipal claims existing at the time of the sale subject however to the right of redemption as provided by law

Section 4 On any such sale the cost and expenses of the sale shall first be paid out of the proceeds The balance thereof shall be applied first to the payment of tax claims the oldest thereof have priority municipal claims shall be paid next the oldest in point of lien having priority and any surplus shall be distributed in accordance with law

Section 5 All acts or parts of acts inconsistent herewith be and the same are hereby repealed to the extent of such inconsistency

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 305, as follows:

An Act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania Motor Police sheriffs police officers and constables and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The term "fireworks" shall mean and include any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion explosion deflagration or detonation and shall include blank cartridges toy pistols toy canons toy canes or toy guns in which explosives are used the type of ballons which require fire underneath to propel the same firecrackers torpedoes skyrockets Roman candles Daygo bombs sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound or any tablets or other device containing any explosive substance

The term "municipalities" shall include cities boroughs incorporated towns and townships

Section 2 Except as hereinafter provided it shall be unlawful for any person copartnership association or corporation to offer for sale expose for sale sell at retail or use or explode any fireworks Provided That the governing body of any city borough town or township shall have power under reasonable rules and regulations adopted by it to grant permits for supervised public displays of fireworks to be held therein by municipalities fair associations amusement parks and other organizations or groups of individuals Every such display shall be handled by a competent operator to be approved by the governing body of the municipality in which the display is to be held and shall be of such a character and so located discharged or fired as in the opinion of the chief of the fire department or such other officer as may be designated by the governing body of the municipality after proper inspection shall not be hazardous to property or endanger any person or persons Application for permits shall be made in writing at least fifteen (15) days in advance of the date of the display After such privilege shall have been granted sales possession use and distribution of fireworks for such display shall be lawful for that purpose only No permit granted hereunder shall be transferable

Section 3 The governing body of the municipality shall require a bond deemed adequate by it from the licensee in a sum not less than five hundred dollars ($500) conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the licensed display and arising from any acts of the licensee his agents employees or sub-contractors

Section 4 Nothing in this act shall be construed to prohibit any resident wholesaler dealer or jobber to sell at wholesale such fireworks as are not herein prohibited or the sale of any kind of fireworks provided the same are to be shipped directly out of state or are to be used by a person holding a permit from any municipality at the display covered by such permit or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination or when used in quarrying or for blasting or other industrial use or the sale or use of blank cartridges for a show or theatre or for signal or cermonial purposes in athletics or sports or for use by military organizations or organizations composed of Veterans of the United States Army or Navy

Section 5 The Pennsylvania Motor Police or any sheriff police officer or constable shall seize take remove or cause to be removed at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale stored or held in violation of this act

Section 6 Any person copartnership association or corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars ($100) or in the case of individuals the members of a partnership and the responsible officers and agents of an association or corporation by imprisonment in the county jail not exceeding ninety (90) days or by both such fine and imprisonment

Section 7 All acts and parts of acts inconsistent herewith are hereby repealed

Section 8 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 508, as follows:

An Act validating county treasurers sales for delinquent taxes when such sales were held contrary to an act of Assembly requiring the adjournment or readjournment of such sales to a later date

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever heretofore any land has been sold by the county treasurer of any county for the purpose of securing the payment of delinquent taxes which were assessed and levied against such land and such sale was held contrary to the provisions of any act of Assembly requiring the adjournment or readjournment of such sale to a later date such sale shall not be invalidated by reason of the failure of the county treasurer to adjourn or readjourn such sale as required by said act of Assembly if in all other respects the laws relating to the holding of such sale was fully complied with and all such treasurers sales are hereby ratified confirmed and validated and the title to any such land purchased by any person or by the county commissioners of any county at such treasurers sale and the deed executed and acknowledged to such purchaser is hereby declared to be as valid as if such sale had been held in full conformity of the law relating thereto

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The House proceeded to the second reading and consideration of House Bill No. 755, entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 65) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective to cure such defective publication of sale notices and validate the sale thereof

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All proceedings and elections heretofore had and held by any county city borough township school district or other municipality or incorporated district within this Commonwelath to increase its indebtedness under the method of procedure specified by the provisions of an act of Assembly entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 65) and the acts amendatory thereof and supplementary thereto where the majority of votes cast at such election was in favor of the increase of indebtedness be and the same are hereby ratified confirmed and made valid notwithstanding such election was held within ninety days after the general election notwithstanding the date of the ordinance or vote deciding such increase was within ninety days after a general election and notwithstanding any defect or informality in the manner of holding mode of conducting or giving notice of such election o in form of the ballot and notwithstanding that the polls at such election were not open a full twelve hours as provided by law and notwithstanding any patent error of orthography or of numerical statement on any or all of the ballots

All of the bonds securities and obligations issued or to be issued in pursuance of every such election are hereby made valid and binding obligations of every such county city borough township school district or other municipality or incorporated district and also in case any municipal bonds have been sold by a municipality and the publication of notices of the sale have been defective all such bonds securities and obligations sold under defective publication of the notices of such sale are hereby made valid and binding obligations of every such county city borough township school district or other municipality or incorporated district Provided That all the other requirements of law concerning such procedure election and issue of bonds have been complied with And provided further That the provisions of this act shall not apply in any instance where the validity of such election or any issue of bonds or other security based thereon has been made the subject of litigation in any court of the Commonwealth prior to the approval of this act nor to any litigation in any court of this Commonwealth instituted prior to the passage of this act and still pending and undetermined

On the question,

Will the House agree to the section?

Mr. CHRISTLER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, line 22, by striking out the words "twelve hours as" and insert in lieu thereof "number of hours".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 The provisions of this act shall become effective immediately upon its final enactment

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 65) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective to cure such defective publication of sale notices and validate the sale thereof

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1063, entitled:

An Act to add section six hundred twenty-one and one-tenth to and to further amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining and regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article six of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carrier by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended by adding after section six hundred twenty-one thereof a new section to read as follows

Section 621.1 Group Accident and Health Insurance (a) Group Accident and Health insurance is hereby declared to be that form of accident and health insurance covering not less than twenty-five employees or members and which may include the employes or members dependents written

under a master policy issued to any governmental corporation unit agency or department thereof or to any corporation copartnership individual empolyer or to any legally organized association upon application of an executive officer or trustee of such association having a constitution or by-laws and formed in good faith for purposes other than that of obtaining insurance where officers members employes or classes or departments thereof may be insured for their individual benefit

(b) Any insurer authorized to write accident and health insurance in this State shall have power to issue group accident and health policies No policy of group accident and health insurance may be issued or delivered in this State unless a copy of the form thereof shall have been filed with the Insurance Commissioner and approved by him in accordance with section six hundred sixteen of this act No such policy shall be issued or delivered unless it contains in substance the following provisions

(1) A provision that the policy the application of the employer or executive officer or trustee of any association and the individual application if any of the employes or members insured shall constitute the entire contract between the parties and that all statements made by the employer or the executive officer or trustee or by the individual employes or members shall (in the absence of fraud) be deemed representations and not warranties and that no such statement shall be used in defense to a claim under the policy unless it is contained in a written application

(2) A provision that the insurer will issue to the employer or to the executive officer or trustee of the association for delivery to each employe or member who is insured under such policy an individual certificate setting forth a statement as to the insurance protection to which he is entitled to whom payable and such limiations or requirements in the master policy as may pertain to the individual insured thereunder

(3) A provision that to the group or class thereof originally insured shall be added from time to time all new employes of the employer or members of the association eligible to and applying for insurance in such group or class

(4) A provison stating when the insurance takes effect and when it terminates

(5) A provision that all premiums are payable to the insurer at its home office or to its duly authorized agent if so provided on or before the due date thereof that premium adjustments corresponding to changed conditions shall be granted at the premium due date next succeeding such change after the insurer has had due notice thereof

(6) A provision that written notice of injury or sickness on which a claim or claims may be based shall be given to the insurer at its home office within ten (10) days after the date of the accident causing injury or within twenty (20) days after the commencement of disability from such sickness in event of accidental death immediate notice thereof must be given to the insurer provided that failure to give such notice within such time shall not invalidate any such claim if it shall be shown that such notice was given as soon as reasonably possible and without unnecessary delay

(7) A provision that affirmative proof of loss must be furnished to the insurer at its office in case of claim for loss of time from disability within ninety (90) days after the termination of the period for which the insurer is liable and in case of claim for any other loss within ninety (90) days after the date of such loss

(8) A provision to the effect that no action at law or in equity shall be brought to recover on such policy prior to the expiration of sixty (60) days after proof of loss has been filed in accordance with the requirements thereof nor shall such action be brought at all unless brought within two (2) years from the expiration of the time within which proof of loss is required by such policy

(c) Family expense accident and health insurance is hereby declared to be that form of accident and health insurance covering members of any one family including husband and wife and children written under a master policy issued to the head of such family Any insurance company authorized to write accident and health insurance in this State shall have the power to issue family expense accident and health insurance No policy of family expense accident and health insurance may be issued or delivered in this State unless copy of the form thereof shall have been filed with the Insurance Commissioner and approved by him in accordance with section six hundred sixteen o- this act No such policy shall be issued or delivered unless it contains in substance the following provisions

(1) A provision that the policy and the application of the head of the family shall constitute the entire contract between the parties and that all statements made by the head of the family shall in the absence of fraud be deemed representations and not warranties and that no statement shall be used in defense to a claim under the policy unless it is contained in a written application

(2) A provision that to the family group originally insured shall be added from time to time all new members of the family eligible for insurance in such family group

(3) A provision that written notice of injury or sickness on which a claim or claims may be based shall be given to the insurer at its home office within ten (10) days after the date of the accident causing such injury or within twenty (20) days after the commencement of disability from such sickness in event of accidental death immediate notice thereof must be given to the insurer provided that failure to give such notice within such time shall not invalidate any such claim if it shall be shown that such notice was given as soon as reasonably possible and without unnecessary delay

(4) A provision that affirmative proof of loss must be furnished to the insurer at its office in case of claim for loss of time from disability within ninety (90) days after the termination of the period for which the insurer is liable and in case of claim for any other loss within ninety (90) days after the date of such loss

(5) A provision to the effect that no action at law or in equity shall be brought to recover on such policy prior to the expiration of sixty (60) days after proof of loss has been filed in accordance with the requirements thereof nor shall such action be brought at all unless brought within two (2) years from the expiration of the time within which proof of loss is required by such policy

(d) If any hospitalization medical or surgical benefits shall become payable under any group accident and health or family expense accident and health insurance policy issued pursuant to this act then such benefits shall upon written direction to the insurer by the insured be paid to the institution rendering the service care or attention on account of which such benefits become payable and any such benefits so paid by an insurer at the direction of an insured shall to the extent of the payment so made discharge the insurer from any additional liability under such policy therefor

On the question,

Will the House agree to the section?

Mr. McNALLY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 1, Page 2, by striking out lines fifteen to twenty-three inclusive, and Page 3, lines one to five inclusive, and inserting in lieu thereof the following: "Section 621.1 Group Accident and Health Insurance (a) Group Accident and Health Insurance is hereby declared to be that form of accident and health insurance covering not less than twenty-five employees or members and which may include the employees or members dependents written under a master policy issued to any governmental corporation unit agency or department thereof or to any corporation copartnership individual employer or to any association or organization of employees of one employer its affiliates or subsidiaries or to the members of any labor union or to any organization or association of Federal or State employees or school teachers or school em-

ployees or nurses where officers members employees or classes or departments thereof may be insured for their individual benefit".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 Section six hundred twenty-nine of said act as amended by the act approved the twenty-fourth day of May one thousand nine hundred thirty-three (Pamphlet Laws 985) and as amended by the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1120) is hereby further amended to read as follows

Section 629 Limitations

(a) Nothing in subdivision (b) of this article shall apply to or affect any policy of workmen's compensation insurance [or any general or blanket policy of insurance issued to any municipal corporation or department thereof or to any corporation or individual employer police or fire department where the officers members or employes or classes or departments thereof are insured for their individual benefit against specified accidental bodily injuries or sickness while exposed to the hazards of the occupation or otherwise in consideration of a premuim intended to cover the risks of all the persons insured under such policy] The Provisions of sections six hundred seventeen six hundred eighteen and six hundred nineteen of this act shall not apply to those forms of health and accident policies enumerated in section six hundred twenty-one and one-tenth of this act except as provided in said section

(b) Nothing in subdivision (b) of this article shall apply to nor in any way affect life insurance endowment or annuity contracts or contracts supplemental thereto which contain only such provisions relating to accidents and health insurance as (a) provide additional benefits in case of death by accidental means and as (b) operate to safeguard such contracts against lapse or to give a special surrender value or special benefit or an annuity in the event that the insured or annuitant shall become totally and permanently disabled as defined by the contract or supplemental contract The Insurance Commissioner shall have power to make reasonable rules and regulations concerning such provisions and contracts or supplemental contracts containing such provisions shall not be issued or delivered to any person in the Commonwealth unless and until a copy of the form thereof has been filed with the Insurance Commissioner in accordance with the provisions of section four hundred nine of an act approved May seventeen one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two)

(c) Nothing in subdivision (b) of this article shall be applicable to policies issued by companies organized under the provisions of the act approved April twenty-eight one thousand nine hundred and three (Pamphlet Laws three hundred twenty-nine) entitled "An act to provide for the incorporation and regulation of corporations for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death therein limiting the amount for which such corporations may issue policies and providing the manner in which certain existing corporations may become reincorporated under this act" or to policies issued by companies reincorporated under the provisions of the act approved April twentieth one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred seventeen) entitled "An act authorizing certain existing beneficial or protective societies heretofore incorporated to reincorporate for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death regulating such corporations and limiting the amount for which corporations may issue policies and imposing a tax on gross premiums of companies reincorporated under the provisions of this act"

(d) The provisions contained in clause (e) of section six hundred and seventeen (617) and clauses (b) (c) (h) and (i) of section six hundred and eighteen (618) may be omitted from [railroad ticket policies sold only at railroad stations or at railroad ticket offices by railroad employes] ticket policies sold only to passengers by common carriers

An Act to add section six hundred twenty-one and one-tenth to and to further amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining and regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 605, as follows:

An Act to amend sections 904 905 1006 1125 1202LIII 1309 and 1314 of the Act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by further regulating the affairs of boroughs and revising amending and changing the law relating thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine hundred four and nine hundred five of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" which were added by the amending act approved the eighteenth day of July one thousand nine hundred thirty-five (P. L. 1290) are hereby amended to read as follows

Section 904 Right of Council to Declare Seat of Councilmen Vacant for Failure to Qualify If any person elected or appointed as member of council who has been notified of his election or appointment shall refuse or neglect to qualify as such member of council within ten days next succeeding the beginning of his term of office [the remaining members of] the borough council acting without such person may declare his office as member of council vacant and may fill such vacancy as provided in section nine hundred one of this act For such actions a majority of the remaining members of the council shall constitute a quorum

Section 905 Right of Council to Declare Seat of Councilman Vacant for Failure to Attend Meetings If any person having qualified as member of council shall neglect or refuse to attend two successive regular meetings unless detained by sickness or prevented by necessary absence from the borough or if in attendance at any meetings shall neglect or refuse to act in his official capacity as a member of council [the remaining members of] the borough council acting without such person may declare his office as member of council vacant and may fill such vacancy as provided in section nine hundred one of this act For such actions a majority of the remaining members of the council shall constitute a quorum

Section 2 Clause I of section one thousand six of said

act as amended by section one of the act approved the twenty-first day of May one thousand nine hundred thirty-seven (Pamphlet Laws 761) and by section one of the act approved the fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws 1608) is hereby further amended to read as follows

Section 1006 Duties of Council It shall be the duty of the council a majority of whom shall be a quorum

I To meet statedly at least once a month Council may adjourn to a particular time for general business or for special business If no quorum be present at such adjourned meeting a majority of those who do meet may agree upon another date for like business and may continue to so agree until the meeting is held Special meetings may be called by the president of council or upon written request of at least one-third of the persons who are members of council Members shall have at least twenty hours' notice of such special meetings The notice shall state whether it be for general or special purposes and if it be for special purposes the notice shall contain a general statement of the nature of the business to be transacted Presence at a meeting constitutes waiver of notice Council may adopt rules relating to the calling and holding of all meetings which rules shall supersede the provisions of this section

Section 3 Section one thousand nine hundred twenty-five of said act is hereby amended to read as follows

Section 1125 Appointment Burgess to have Control Borough councils may appoint and remove one or more suitable persons citizens of this Commonwealth as borough policemen who shall have the power to arrest persons violating any ordinance of the borough the violation of which may subject persons to arrest Any person so arrested shall be received for confinement by the keepers of the jails lockups or station houses within the county The borough council may designate one of said policemen as chief of police The burgess of the borough shall have full charge and control of the chief of police and the police force and he shall direct the time during which the place where and the manner in which the chief of police and the police force shall perform its duties

The borough may by ordinance establish a police department consisting of chief captain lieutenant sergeants and any other classification desired by the council and council may designate the individuals assigned to each office but the burgess shall continue to direct the manner in which the persons assigned to the office shall perform their duties The burgess may however delegate to the chief of police or other officers supervision over and instruction to subordinate officers in the manner of performing their duties By motion council may fix an hourly or daily wage to be paid to special policemen whose appointment is hereby authorized to be selected by the burgess during an emergency in which the safety and welfare of the borough and the public is endangered

Section 4 Section one thousand two hundred and two Clause LIII of said act is hereby amended by adding at the end thereof an additional clause to read as follows

Section 1202 LIII (e) Those made for any public utility service where the service is to be provided by a public utility under tariffs on file with the Pennsylvania Public Utility Commission

Section 4 Section one thousand three hundred nine of said act is hereby amended to read as follows

Section 1309 Commissions of Tax Collector Monthly Returns The tax collector shall collect the taxes charged in said duplicate and pay over the same to the borough treasurer after deducting his commission for the collection thereof Such commission shall be fixed by the corporate authorities of the borough and except for the collection of occupation taxes shall not exceed five per centum of the amount collected The tax collector shall make monthly returns in writing in duplicate to the borough council showing the amounts collected by him during the preceding month and the amount of uncollected taxes on his duplicate or exhibit the duplicate showing the uncollected taxes at the close of each month and shall pay over to the treasurer the amounts so collected less the commissions to which he is by law entitled The treasurer shall issue duplicate receipts for said payments one of which shall be filed by the tax collector with the borough council The monthly report herein referred to shall contain the names of the taxables from whom the money has been collected The collector or his deputy if he finds any person whose name does not appear upon the duplicate shall forthwith report such person to the proper assessor and include the person's name in the report of those who have paid taxes or in the list of those who have failed to pay taxes

Any tax collector failing to comply with the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars

Section 5 Section one thousand three hundred fourteen of said act which was added by section eight of the act approved the twenty-first day of May one thousand nine hundred thirty-seven (Pamphlet Laws 761) is hereby further amended to read as follows

Section 1314 Collection of Borough Tax on Real Estate from Tenant In case any person who is the owner of real property within such borough neglects or refuses to pay the tax levied for general borough purposes against any parcel of such real property before the time fixed by law for a penalty to be imposed thereon the collector of such borough taxes may any time thereafter notify the tenant in possession of any such real property that the owner thereof has failed to pay such tax and request the payment of such tax together with any penalties and interest due thereon by such tenant out of any rent money then due and owing or thereafter to become due and owing to such delinquent taxpayer Upon receipt of such notice from the tax collector the tenant in possession of any such real property shall deduct from any rent that is then or may thereafter become due and owing to such delinquent owner the amount of such delinquent tax and the penalties and interest due thereon and pay the same over to the collector of such taxes The proper receipt for such taxes and penalties and interest if any paid to the tax collector by any tenant shall be a good and sufficient voucher to offset any claim that such delinquent taxpayer may have against such tenant for any rent to the amount thereof

If for any reason the tax collector shall fail to collect any delinquent tax from a tenant in possession of such real property as herein provided any person selected by council may collect such tax from such tenant and for that purpose he shall have and may exercise all the powers granted to the tax collector

Section 6 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Ackermann,	Eckels,	Leydic,	Scanlon,
Alspach,	Ely,	Lichtenwalter,	Schrock,
Andrews,	Ewing,	Long,	Schroge,
Atkins,	Falkenstein,	Lovett,	Schwab,
Auker,	Finnerty,	Lyons,	Self,
Baker,	Fisher,	Madden,	Serrill,
Balliet,	Fiss,	Malloy,	Shaw,
Bardes,	Flanagan,	Marr,	Shearer,
Bennett,	Fleming,	Matthews,	Simons,
Bohn,	Foor,	McClester,	Skale,
Boies,	Freed,	McGarrity,	Sloan,
Boney,	Fullerton,	McKinney,	Snyder,
Boorse,	Furman,	McLane,	Sollenberger,
Boose,	Gates,	McNally,	Stambaugh,
Bower,	Gillan,	McVay,	Stank,
Boyd,	Gillette,	Melchiorre,	Stewart,
Brancato,	Goll,	Mihm,	Stockham,
Bretherick,	Gorski,	Montgomery,	Sweeney,
Broad,	Habbyshaw,	Mooney,	Tahl,
Bronson,	Haines,	Moser, F. S.,	Tarr,
Brown, H. S.,	Hall,	Moser, J. L.,	Taylor,
Brown, S. W.,	Hamilton,	Muir,	Terry,
Brunner,	Harbeson,	Munley,	Thistle,
Burns,	Haudenshield,	O'Connor,	Thompson, G. R.,

Cadwalader,	Henry,	O'Dare,	Tiemann,
Calvin,	Hess,	O'Keefe,	Tronzo,
Carpenter,	Hindman,	Ominsky,	Trout,
Check,	Hocke,	O'Neill,	VanAllsburg,
Chervenak,	Hoffman, J. N.,	Peacock,	Van Belle,
Christler,	Hoffman, S. K.,	Peale,	Voorhees,
Clark,	Holland,	Powers,	Wagner,
Clearwater,	Hoyt,	Preston,	Watkins,
Cohen, H. B.,	Huntley,	Readinger,	Webster,
Cohen, R. E.,	Imbrie,	Reagan,	Weiss,
Cook,	James,	Reese, D. P.,	Welsh, E. B.,
Cooper,	Jirolanio,	Reese, R. E.	Welsh, M. J.,
Cordier,	Johnston,	Regan,	Westrick,
Corrigan,	Jones,	Rider,	Wilkinson,
Cortese,	Keenan,	Riley,	Williams,
Curran,	Kenehan,	Robertson,	Wilson,
Dalrymple,	Kline,	Rooney,	Winner,
Denman,	Knoble,	Rose,	Wood, H. M.,
DeNote,	Kowalski,	Roseberry,	Wood, L. H.,
Dick,	Krise,	Rothenberger	Wood, N.,
Dix,	Lee,	Royer,	Woodside,
Donahue,	Leisey,	Sarge,	Yeakel,
Downey,	Levy,	Sarraf,	Turner,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 902, as follows:

An Act to amend and re-enact section 801 of the act of June twenty-fourth one thousand nine hundred thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended specifying and changing the conditions of the bond of the treasurer as treasurer and as tax collector for the township county school district poor and institution district

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section 801 of the act of June twenty-fourth one thousand nine hundred thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended by the act of June fifth one thousand nine hundred thirty-seven (Pamphlet Laws 1736) is hereby further amended and re-enacted to read as follows

Section 801 Fidelity Bond The treasurer of each township shall give a fidelity and not a surety bond to the Commonwealth in a sum to be prescribed by ordinance or resolution and at least equal to fifty per centum of the probable amount of the annual township tax Such bond shall be subscribed by sureties approved by the township commissioners or by a surety company or companies duly authorized to do business in this Commonwealth The bond given by the treasurer shall be conditioned [for the faithful performance of the duties of his office] on a just [account of] accounting for and paying over all moneys belonging to the township funds that may come into his hands as treasurer from taxation or otherwise for the payment over thereof only in the manner prescribed by law for the delivery to his successor in office of all papers books documents and other things held in right of his office [and] for the payment to such successor of any balance in money remaining in his hands or charged against him in the settlement of his accounts and that as tax collector of township county poor institution district and school taxes he shall account for and pay over all moneys received by him as taxes penalties and interest [and account for all tax items contained in the duplicates delivered to him during his term of office which remain uncollected] The township treasurer and his sureties shall be discharged from further liability on any bond as tax collector as soon as all tax items contained in the duplicates delivered to him are either (1) collected and paid over or (2) set forth in schedules filed with the tax authorities or (3) returned to the county commissioners for sale by the county treasurer or (4) in case of occpuation poll and per capita taxes a record of those which remain uncollected is filed with the tax authority [together with the oath of the tax collector that he has made a diligent effort to collect such taxes] The township treasurer shall be required to give but one bond which shall include his duties as township treasurer and collector of township county school institution district and poor taxes and shall cover the full term of his office Should the township county school district institution district or poor district be of the opinion at any time that the bond given is not sufficient additional security may be required to be given at the expense of the taxing district requiring the same The treasurer shall not in any event be required to give bond or bonds aggregating an amount in excess of the tax to be collected by him The bond or bonds given by the township treasurer shall be for the use of the township the county institution district the school district and the poor district Said bond shall be filed with the township commissioners

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193

Achterman,	Ely,	Long	Scanlon,
Ackermann,	Ewing,	Lovett,	Schrock,
Alspach,	Falkenstein,	Lyons,	Schrope,
Andrews,	Finnerty,	Madden,	Schwab,
Atkins,	Fisher,	Malloy,	Self,
Auker,	Fiss,	Malone,	Serrill,
Baker,	Flanagan,	Marr,	Shaw,
Balliet,	Fleming,	Matthews,	Shearer,
Bardes,	Foor,	McClester,	Simons,
Bennett,	Freed,	McGarrity,	Skale,
Bohn,	Fullerton,	McKinney,	Sloan,
Boies,	Furman,	McLane,	Snyder,
Boney,	Gates,	McNally,	Sollenberger,
Boorse,	Gillan,	McVay,	Stambaugh,
Boose,	Gillette,	Melchiorre,	Stank,
Bower,	Goll,	Mihm,	Stewart,
Boyd,	Gorski,	Montgomery,	Stockham,
Brancato,	Habbyshaw,	Mooney,	Sweeney,
Bretherick,	Haines,	Moser, F. S.,	Tahl,
Broad,	Hall,	Moser, J. L.,	Tarr,
Bronson,	Hamilton,	Muir,	Taylor,
Brown, H. S.,	Harbeson,	Munley,	Terry,
Brown, S. W.,	Haudenshield,	O'Connor,	Thistle,
Brunner,	Henry,	O'Dare,	Thompson, G. R.,
Burns,	Hess,	O'Keefe,	Tiemann,
Burris,	Hewitt,	Ominsky,	Tronzo,
Cadwalader,	Hindman,	O'Neill,	Trout,
Calvin,	Hocke,	Peacock,	VanAllsburg,
Carpenter,	Hoffman, J. N.,	Peale,	Van Belle,
Check,	Hoffman, S. K.,	Powers,	Voorhees,
Chervenak,	Holland,	Preston,	Wagner,
Christler,	Hoyt,	Readinger,	Watkins,
Clark,	Huntley,	Reagan,	Webster,
Clearwater,	Imbrie,	Reese, D. P.,	Weiss,
Cohen, H. B.,	James,	Reese, R. E.	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Regan,	Welsh, M. J.,
Cook,	Johnston,	Rhodes,	Westrick,
Cooper,	Jones,	Rider,	Wilkinson,
Cordier,	Keenan,	Riley	Williams,
Cortese,	Kenehan	Robertson,	Wilson,
Curran,	Kline,	Rooney,	Winner,
Dalrymple,	Knoble,	Rose,	Wood, H. M.,
Denman,	Kowalski,	Roseberry,	Wood, L. H.,
DeNote,	Krise,	Rosenfeld,	Wood, N.,
Dick,	Lee,	Rothenberger,	Woodside,
Dix,	Leisey,	Royer,	Yeakel,
Donahue,	Levy,	Sarge,	Turner,
Downey,	Leydic,	Sarraf,	Speaker.
Eckels,	Lichtenwalter,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 895, as follows:

An Act to amend section 402 of the act approved the twenty-second day of May one thousand nine hundred thirty-three (Pamphlet Laws 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" providing a method for the valuation of real property for taxation purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section 402 of the act approved the twenty-second day of May one thousand nine hundred thirty-three (Pamphlet Laws 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" is hereby amended to read as follows

Section 402 Valuation of Property It shall be the duty of the several elected and appointed assessors and in townships of the first class of the assessors assistant township assessors and assistant triennial assessors to assess rate and value all objects of taxation whether for county city township town school institution district poor or borough purposes according to the actual value thereof and at such rates and prices for which the same would separately bona fide sell In arriving at such value the price at which any property may actually have been sold shall be considered but shall not be controlling Instead such selling price estimated or actual shall be subject to revision by increase or decrease to accomplish equalization with other similar property within the taxing district

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—123

Ackermann,	Dix,	Jones,	Robertson,
Allmond,	Donahue,	Kline,	Rose,
Alspach,	Eckels,	Knoble,	R s berry,
Atkins,	Ely,	Kowalski,	Rothenberger,
Auker,	Ewing,	Krise,	Royer,
Balliet,	Fisher,	Lee,	Sarge,
Bardes,	Fiss,	Leisey,	Seif,
Bennett,	Fleming,	Leydic,	Serrill.
Boney,	Foor,	Lichtenwalter,	Shearer,
Boorse,	Freed,	Lyons,	Simons,
Boose,	Fullerton,	Madden,	Stockham,
Bower,	Gates,	Marr,	Sweeney,
Boyd,	Gillan,	Matthews,	Taylor,
Bretherick,	Gillette,	McClester,	Terry,
Bronson,	Goll,	McGarrity,	Thistle,
Brown, S. W.,	Habbyshaw,	McKinney,	Thompson, G. R.,
Brunner,	Haines,	McLane,	Tiemann,
Cadwalader,	Hall,	McNally,	Voorhees,
Calvin,	Hamilton,	McVay,	Wagner,
Check,	Harbeson,	Montgomery,	Watkins,
Christler,	Haudenshield,	Moser, F. S.,	Webster,
Clark,	Henry,	Moser, J. L.,	Weiss,
Clearwater,	Hess,	Muir,	Wilkinson,
Cook,	Hewitt,	O'Dare,	Wilson,
Cooper,	Hocke,	Peacock,	Winner,
Cordier,	Hoffman, J. N.,	Peale,	Wood, H. M.,
Cortese,	Hoyt,	Readinger,	Wood, L. H.,
Curran,	Huntley,	Reagan,	Woodside,
Dalrymple,	Imbrie,	Reese, D. P.,	Yeakel,
Denman,	James,	Rhodes,	Turner,
Dick,	Johnston,	Riley,	Speaker.

NAYS—43

Achterman,	Holland,	O'Neill,	Stewart,
Andrews,	Jirolanio,	Powers,	Tarr,
Baker,	Levy,	Rooney,	Trout,
Burns,	Long,	Sarrat,	VanAllsburg,
Carpenter,	Lovett,	Scanlon,	Walsh
Chervenak,	Melchiorre,	Schrock,	Welsh, E. B.,
Cohen, H. B.	Mihm,	Schrope,	Welsh, M. J.,
Cohen, R. E.,	Mooney,	Schwab,	Westrick,
Downey,	O'Connor,	Skale,	Williams,
Falkenstein,	O'Keefe,	Snyder,	Wood, N.,
Furman,	Ominsky,	Stank,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 117, entitled:

An Act to amend section two thousand and eight of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled" An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by permitting policemen to charge and receive witness fees and mileage for attendance at courts of record and validating such payments heretofore made

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	Eckels,	Leydic,	Schrock,
Ackermann,	Ely,	Lichtenwalter,	Schrope,
Allmond,	Ewing,	Long,	Schwab,
Alspach,	Falkenstein,	Lovett,	Seif,
Atkins,	Finnerty,	Lyons,	Serrill,
Auker,	Fisher,	Madden,	Shaw,
Baker,	Fiss,	Malloy,	Shearer,
Balliet,	Flanagan,	Malone,	Simons,
Bardes,	Fleming,	Marr,	Skale,
Bennett,	Foor,	Matthews,	Sloan,
Bohn,	Freed,	McClester,	Snyder,
Boles,	Fullerton,	McGarrity,	Sollenberger,
Boney,	Furman,	McKinney,	Stambaugh,
Boorse,	Gates,	McLane,	Stank,
Boose,	Gillan,	McNally,	Stewart,
Bower,	Gillette,	McVay,	Stockham,
Boyd,	Goll,	Melchiorre,	Sweeney,
Brancato,	Gorski,	Mihm,	Tahl,
Bretherick,	Habbyshaw,	Montgomery,	Tarr,
Broad,	Haines,	Mooney,	Taylor,
Bronson,	Hall,	Moser, F. S.,	Terry,
Brown, H. S.,	Hamilton,	Moser, J. L.,	Thistle,
Brown, S. W.,	Harbeson,	Muir,	Thompson, G. R.,
Brunner,	Haudenshield,	Munley,	Tiemann,
Burns,	Henry,	O'Connor,	Tronzo,

Burris,	Hess,	O'Dare,	Trout,
Cadwalader,	Hewitt,	O'Keefe,	Van Allsburg
Calvin,	Hindman,	Ominsky,	Van Belle,
Carpenter,	Hocke,	O'Neill,	Voorhees,
Check,	Hoffman, J. N.,	Peacock,	Wagner,
Chervenak,	Hoffman, S. K.,	Peale,	Walsh,
Christler,	Holland,	Powers,	Watkins,
Clark,	Hoyt,	Readinger,	Webster,
Clearwater,	Huntley,	Reagan,	Weiss,
Cohen, H. B.,	Imbrie,	Reese, D. P.,	Welsh, E. B.
Cohen, R. E.,	James,	Reese, R. E.	Welsh, M. J.,
Cook,	Jirolanio,	Regan,	Westrick,
Cooper,	Johnston,	Rhodes,	Wilkinson,
Cordier,	Jones,	Rider,	Williams,
Corrigan,	Keenan,	Riley,	Wilson,
Cortese,	Kenehan,	Robertson,	Winner,
Curran,	Kilroy,	Rooney,	Wood, H. M.,
Dalrymple,	Kline,	Rose,	Wood, L. H.,
Denman,	Knoble,	Roseberry,	Wood, N.,
DeNote,	Kowalski,	Rothenberger,	Woodside,
Dick,	Krise,	Royer,	Yeakel,
Dix,	Lee,	Sarge,	Turner.
Donahue,	Leisey,	Sarraf,	Speaker.
Downey,	Levy,	Scanlon,	

NAYS—2

Andrews,	Preston,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 616, entitled:

An Act to amend the first paragraph of section two thousand four hundred fifteen of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," so as to permit the purchase of sewers and culverts and their appliances belonging to other townships and municipal corporations.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allmond,	Ewing,	Long,	Schrock,
Alspach,	Falkenstein,	Lovett,	Schrope,
Andrews,	Finnerty,	Lyons,	Schwab,
Atkins,	Fisher,	Madden,	Seif,
Auker,	Fiss,	Malloy,	Serrill,
Baker,	Flanagan,	Malone,	Shaw,
Balliet,	Fleming,	Marr,	Shearer,
Bardes,	Foor,	Matthews,	Simons,
Bennett,	Freed,	McClester,	Skale,
Bohn,	Fullerton,	McGarrity,	Sloan,
Boles,	Furman,	McKinney,	Snyder,
Boney,	Gates,	McLane,	Sollenberger,
Boorse,	Gillan,	McNally,	Stambaugh,
Boose,	Gillette,	McVay,	Stank,
Bower,	Goll,	Melchiorre,	Stewart,
Boyd,	Gorski,	Mihm,	Stockham,
Brancato,	Habbyshaw,	Montgomery,	Sweeney,
Bretherick,	Haines,	Mooney,	Tahl,
Broad,	Hall,	Moran,	Tarr,
Bronson,	Hamilton,	Moser, F. S.,	Taylor,
Brown, H. S.,	Harbeson,	Moser, J. L.,	Terry,
Brown, S. W.,	Haudenshield,	Muir,	Thistle,
Brunner,	Henry,	Munley,	Thompson, G.R.,
Burns,	Hess,	O'Connor,	Tiemann,
Burris,	Hewitt,	O'Dare,	Tronzo,
Cadwalader,	Hindman,	O'Keefe,	Trout,
Calvin,	Hocke,	Ominsky,	VanAllsburg,
Carpenter,	Hoffman, J. N.,	O'Neill,	Van Belle,
Check,	Hoffman, S. K.,	Peacock,	Voorhees,
Chervenak,	Holland,	Peale,	Wagner,
Christler,	Hoyt,	Powers,	Walsh,
Clark,	Huntley,	Preston,	Watkins,
Clearwater,	Imbrie,	Readinger,	Webster,
Cohen, H. B.,	James,	Reagan,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Welsh, E. B.,
Cook,	Johnston,	Reese, R. E.,	Welsh, M. J.,
Cooper,	Jones,	Regan,	Westrick,
Cordier,	Keenan,	Rhodes,	Wilkinson,
Corrigan,	Kenehan,	Rider,	Williams,
Cortese,	Kilroy,	Riley,	Wilson,
Curran,	Kline,	Robertson,	Winner,
Dalrymple,	Knoble,	Rooney,	Wood, H. M.,
Denman,	Kowalski,	Rose,	Wood, L. H.,
DeNote,	Krise,	Roseberry,	Wood, N.,
Dick,	Lee,	Rothenberger,	Woodside,
Dix,	Leisey,	Royer,	Yeakel,
Donahue,	Levy,	Sarge,	Turner,
Downey,			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 762, entitled:

An Act to amend subdivision heading (i) of article eleven, and section one thousand one hundred forty, of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising,, consolidating, and changing the law relating thereto;" authorizing the township supervisors to accept lands dedicated by deed to the township for highway purposes.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Downey,	Levy,	Sarraf,
Ackermann,	Eckels,	Leydic,	Scanlon,
Allmond,	Ely,	Lichtenwalter,	Schrock,
Alspach,	Ewing,	Long,	Schrope,
Andrews,	Falkenstein,	Lovett,	Schwab,
Atkins,	Finnerty,	Lyons,	Seif,
Auker,	Fisher,	Madden,	Serrill,
Baker,	Fiss,	Malloy,	Shaw,
Balliet,	Flanagan,	Malone,	Shearer,
Bardes,	Fleming,	Marr,	Simons,
Bennett,	Foor,	Matthews,	Skale,
Bohn,	Freed,	McClester,	Sloan,
Boles,	Fullerton,	McGarrity,	Snyder,
Boney,	Furman,	McKinney,	Sollenberger,
Boorse,	Gates,	McLane,	Stambaugh,
Boose,	Gillan,	McNally,	Stank,
Bower,	Gillette,	McVay,	Stewart,
Boyd,	Goll,	Melchiorre,	Stockham,
Brancato,	Gorski,	Mihm,	Sweeney,
Bretherick,	Habbyshaw,	Montgomery,	Tahl,
Broad,	Haines,	Mooney,	Tarr,
Bronson,	Hall,	Moser, F. S.,	Taylor,
Brown, H. S.,	Hamilton,	Moser, J. L.,	Terry,
Brown, S. W.,	Harbeson,	Muir,	Thistle,
Brunner,	Haudenshield,	Munley,	Thompson, G.R.,
Burns,	Henry,	O'Connor,	Tiemann,
Burris,	Hess,	O'Dare,	Tronzo,
Cadwalader,	Hewitt,	O'Keefe,	Trout,
Calvin,	Hindman,	Ominsky,	VanAllsburg,
Carpenter,	Hocke,	O'Neill,	Van Belle,
Check,	Hoffman, J. N.,	Peacock,	Voorhees,
Chervenak,	Hoffman, S. K.,	Peale,	Wagner,
Christler,	Holland,	Powers,	Walsh,

Clark,	Hoyt,	Preston,	Watkins,
Clearwater,	Huntley,	Readinger,	Webster,
Cohen, H. B.,	Imbrie,	Reagan,	Weiss,
Cohen, R. E.,	James,	Reese, D. P.,	Welsh, E. B.,
Cook,	Jirolanio,	Reese, R. E.	Welsh, M. J.,
Cooper,	Johnston,	Regan,	Westrick,
Cordier,	Jones,	Rhodes,	Wilkinson,
Corrigan,	Keenan,	Rider,	Williams,
Cortese,	Kenehan,	Riley,	Wilson,
Curran,	Kilroy,	Robertson,	Winner,
Dalrymple,	Kline,	Rooney,	Wood, H. M.,
Denman,	Knoble,	Rose,	Wood, L. H.,
DeNote,	Kowalski,	Roseberry,	Wood, N.,
Dick,	Krise,	Rothenberger,	Woodside,
Dix,	Lee,	Royer,	Yeakel,
Donahue,	Leisey,	Sarge,	Turner, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1068, entitled:

An Act to further amend section five hundred thirty of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by changing the method of filling vacancies in boards of commissioners.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Downey,	Levy,	Scanlon,
Ackermann,	Eckels,	Leydic,	Schrock,
Allmond,	Ely,	Lichtenwalter,	Schrope,
Alspach,	Ewing,	Long,	Schwab,
Andrews,	Falkenstein,	Lovett,	Seif,
Atkins,	Finnerty,	Lyons,	Serrill,
Auker,	Fisher,	Madden,	Shaw,
Baker,	Fiss,	Malone,	Shearer,
Balliet,	Flanagan,	Marr,	Simons,
Balthaser,	Fleming,	Matthews,	Skale,
Bardes,	Foor,	McClester,	Sloan,
Bennett,	Freed,	McGarrity,	Snyder,
Bohn,	Fullerton,	McKinney,	Sollenberger,
Boies,	Furman,	McLane,	Stambaugh,
Boney,	Gates,	McNally,	Stank,
Boorse,	Gillan,	McVay,	Stewart,
Boose,	Gillette,	Melchiorre,	Stockham,
Bower,	Goll,	Mihm,	Sweeney,
Boyd,	Gorski,	Montgomery,	Tahl,
Brancato,	Habbyshaw,	Mooney,	Tarr,
Bretherick,	Haines,	Moser, F. S.,	Taylor,
Broad,	Hall,	Moser, J. L.,	Terry,
Bronson,	Hamilton,	Muir,	Thistle,
Brown, H. S.,	Harbeson,	Munley,	Thompson, G. R.,
Brown, S. W.,	Harkins,	O'Brien,	Tiemann,
Brunner,	Haudenshield,	O'Connor,	Tronzo,
Burns,	Henry,	O'Dare,	Trout,
Burris,	Hess,	O'Keefe,	VanAllsburg,
Cadwalader,	Hewitt,	Ominsky,	Van Belle,
Calvin,	Hindman,	O'Neill,	Voorhees,
Carpenter,	Hocke,	Peacock,	Wagner,
Check,	Hoffman, J. N.,	Peale,	Walsh,
Chervenak,	Hoffman, S. K.,	Powers,	Watkins,
Christler,	Holland,	Preston,	Webster,
Clark,	Hoyt,	Readinger,	Weiss,
Clearwater,	Huntley,	Reagan,	Welsh, E. B.,
Cohen, H. B.,	Imbrie,	Reese, D. P.,	Welsh, M. J.,
Cohen, R. E.,	James,	Reese, R. E.,	Westrick,
Cook,	Jirolanio,	Regan,	Wilkinson,
Cooper,	Johnston,	Rhodes,	Williams,
Cordier,	Jones,	Rider,	Wilson,
Corrigan,	Keenan,	Riley,	Winner,
Cortese,	Kenehan,	Robertson,	Wood, H. M.,
Curran,	Kilroy,	Rooney,	Wood, L. H.,
Dalrymple,	Kline,	Rose,	Wood, N.,
Denman,	Knoble,	Roseberry,	Woodside,
DeNote,	Kowalski,	Rothenberger,	Yeakel,
Dick,	Krise,	Royer,	Turner, Speaker.
Dix,	Lee,	Sarge,	
Donahue,	Leisey,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1165, as follows:

An Act to further amend section four of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (Pamphlet Laws five hundred ninety-six) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" allowing pensions to certain persons heretofore or hereafter dismissed

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (Pamphlet Laws five hundred ninety-six) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" as last amended by section one of the act approved the twenty-sixth day of April one thousand nine hundred and thirty-three (Pamphlet Laws eighty-one) is hereby further amended to read as follows

Section 4 During the lifetime of the said person he or she shall be entitled to receive a pension from the fund set aside for the purpose fifty per centum of the amount which would constitute the average rate of pay at which he or she was employed during the last five years of his or her employment by the said city Said pension shall be paid in monthly payments Provided That if any pension be granted to a person who has not been a contributor to the pension fund as herein provided during a period of twenty years such person shall be required to pay unto the board of pensions monthly an amount equal to not less than two nor more than four per centum of his or her pension until such time as his or her contribution shall have extended during a period of twenty years Should any person so employed after twenty years of service be dismissed voluntarily retire or be in any manner deprived of his or her position or employment before attaining the age fixed for retirement by this act upon continuing a monthly payment to the fund equal to the last amount due and paid monthly while in active service said person shall be entitled to the pension above mentioned notwithstanding he or she has not attained the age for retirement at the time of his or her separation from the service of such city but said pension shall not commence until he or she has attained such age Provided That any employe who has heretofore or shall hereafter be dismissed and who has been in the service of the city for a period of twenty-five (25) years or more and who has made payments into the pension fund for a period of twenty (20) years or more and who has reached the age of fifty (50) years shall upon application to the board of pensions receive the pension or compensation fixed by this act during the remainder of his or her life Should any employe however become totally and permanently disabled after fifteen years of service he or she shall be entitled to the said pension Provided That if any employe who has served less than fifteen years be-

comes totally and permanently disabled by reason of injury sustained in the actual performance of duty such employe shall be entitled to the said pension Proof of total and permanent disability shall consist of the sworn statement of three practicing physicians designated by the board that the employe is in a permanent condition of health which would totally disable him or her from performing the duties of his or her position of office Once a year the board of pensions may require a disability pensioner to undergo a medical examination by three physicians appointed by the board and should such physicians thereupon report and certify to the board that such beneficiary is no longer incapacitated and should the pension board concur in such report the pension to such beneficiary shall be discontinued The pension paid to any one employe shall not exceed one hundred and twenty-five dollars per month and shall not be computed on rate of pay in excess of two hundred and fifty dollars per month

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allmond,	Ewing,	Long,	Schrock,
Alspach,	Falkenstein,	Lovett,	Schrope,
Andrews,	Finnerty,	Lyons,	Schwab,
Atkins,	Fisher,	Madden,	Seif,
Auker,	Fiss,	Malloy,	Serrill,
Baker,	Flanagan,	Marr,	Shaw,
Balliet,	Fleming,	Matthews,	Shearer,
Bardes,	Foor,	McClester,	Simons,
Bennett,	Freed,	McGarrity,	Skale,
Bohn,	Fullerton,	McKinney,	Sloan,
Bois,	Furman,	McLane,	Snyder,
Boney,	Gates,	McNally,	Sollenberger,
Boorse,	Gillan,	McVay,	Stambaugh,
Boose,	Gillette,	Melchiorre,	Stank,
Bower,	Goll,	Mihm,	Stewart,
Boyd,	Gorski,	Montgomery,	Stockham,
Brancato,	Habbyshaw,	Mooney,	Sweeney,
Bretherick,	Haines,	Moran,	Tahl,
Broad,	Hall,	Moser, F. S.,	Tarr,
Bronson,	Hamilton,	Moser, J. L.,	Taylor,
Brown, H. S.,	Harbeson,	Muir,	Terry,
Brown, S. W.,	Haudenshield,	Munley,	Thistle,
Brunner,	Henry,	O'Brien,	Thompson, G.R.,
Burns,	Hess,	O'Connor,	Tiemann,
Burris,	Hewitt,	O'Dare,	Tronzo,
Cadwalader,	Hindman,	O'Keefe,	Trout,
Calvin,	Hocke,	Ominsky,	VanAllsburg,
Carpenter,	Hoffman, J. N.,	O'Neill,	Van Belle,
Check,	Hoffman, S. K.,	Peacock,	Voorhees,
Chervenak,	Holland,	Peale,	Wagner,
Christler,	Hoyt,	Powers,	Walsh,
Clark,	Huntley,	Preston,	Watkins,
Clearwater,	Imbrie,	Readinger,	Webster,
Cohen, H. B.,	James,	Reagan,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Welsh, E. B.,
Cook,	Johnston,	Reese, R. E.,	Welsh, M. J.,
Cooper,	Jones,	Regan,	Westrick,
Cordier,	Kane,	Rhodes,	Wilkinson,
Corrigan,	Keenan,	Rider,	Williams,
Cortese,	Kenehan,	Riley,	Wilson,
Curran,	Kilroy,	Robertson,	Winner,
Dalrymple,	Kline,	Rooney,	Wood, H. M.,
Denman,	Knoble,	Rose,	Wood, L. H.,
DeNote,	Kowalski,	Roseberry,	Wood, N.,
Dick,	Krise,	Rothenberger,	Woodside,
Dix,	Lee,	Royer,	Yeakel,
Donahue,	Leisey,	Sarge,	Turner,
Downey,	Levy,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 890, entitled:

An Act to amend section one thousand and one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one, (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto;" limiting the number of days for the completion of audits in townships of the first class.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Downey,	Leisey,	Sarge,
Ackermann,	Eckels,	Levy,	Sarraf,
Allmond,	Ely,	Leydic,	Scanlon,
Alspach,	Ewing,	Lichtenwalter,	Schrock,
Andrews,	Falkenstein,	Long,	Schrope,
Atkins,	Finnerty,	Lovett,	Schwab,
Auker,	Fisher,	Lyons,	Seif,
Baker,	Fiss,	Madden,	Serrill,
Balliet,	Flanagan,	Malloy,	Shaw,
Bardes,	Fleming,	Marr,	Shearer,
Bennett,	Foor,	Matthews,	Simons,
Bohn,	Freed,	McClester,	Skale,
Bois,	Fullerton,	McGarrity,	Sloan,
Boney,	Furman,	McKinney,	Snyder,
Boorse,	Gates,	McLane,	Sollenberger,
Boose,	Gillan,	McNally,	Stambaugh,
Bower,	Gillette,	McVay,	Stewart,
Boyd,	Goll,	Melchiorre,	Stockham,
Brancato,	Gorski,	Mihm,	Sweeney,
Bretherick,	Habbyshaw,	Montgomery,	Tahl,
Broad,	Haines,	Mooney,	Tarr,
Bronson,	Hall,	Moran,	Taylor,
Brown, H. S.,	Hamilton,	Moser, J. L.,	Terry,
Brown, S. W.,	Harbeson,	Muir,	Thistle,
Brunner,	Haudenshield,	Munley,	Thompson, G.R.,
Burns,	Henry,	O'Brien,	Tiemann,
Burris,	Hess,	O'Connor,	Tronzo,
Cadwalader,	Hewitt,	O'Dare,	Trout,
Calvin,	Hindman,	O'Keefe,	VanAllsburg,
Carpenter,	Hocke,	Ominsky,	Van Belle,
Check,	Hoffman, J. N.,	O'Neill,	Voorhees,
Chervenak,	Hoffman, S. K.,	Peacock,	Wagner,
Christler,	Holland,	Peale,	Walsh,
Clark,	Hoyt,	Powers,	Watkins,
Clearwater,	Huntley,	Preston,	Webster,
Cohen, H. B.,	Imbrie,	Readinger,	Weiss,
Cohen, R. E.,	James,	Reagan,	Welsh, E. B.,
Cook,	Jirolanio,	Reese, D. P.,	Welsh, M. J.,
Cooper,	Johnston,	Reese, R. E.	Westrick,
Cordier,	Jones,	Regan,	Wilkinson,
Corrigan,	Kane,	Rhodes,	Williams,
Cortese,	Keenan,	Rider,	Wilson,
Curran,	Kenehan	Riley	Winner,
Dalrymple,	Kilroy,	Robertson,	Wood, H. M.,
Denman,	Kline,	Rooney,	Wood, L. H.,
DeNote,	Knoble,	Rose,	Wood, N.,
Dick,	Kowalski,	Roseberry,	Woodside,
Dix,	Krise,	Rothenberger,	Yeakel,
Donahue,	Lee,	Royer,	Turner,
			Speaker.

NAYS—2

Moser, F. S., Stank,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 822, entitled:

An Act to amend section two thousand twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by permitting public roads to be less than thirty-three feet in width.

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. MORAN. Mr. Speaker, I would like to ask the sponsor of this bill to explain it, please.

Mr. BRETHERICK. Mr. Speaker, the purpose of the bill is to permit township commissioners to build roads less than thirty-three feet in width.

Mr. MORAN. Mr. Speaker, I would like to ask the sponsor of this bill if it is not a fact that at the present time the roads are already too narrow in the townships.

The SPEAKER. Does the gentleman from Allegheny, Mr. Moran desire to interrogate the gentleman from Delaware, Mr. Bretherick?

Mr. MORAN. I do, Mr. Speaker.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. BRETHERICK. I will, Mr. Speaker.

Mr. MORAN. Mr. Speaker, I would like to ask the sponsor of this bill, Mr. Bretherick, if it is not a fact that at the present time the roads are already too narrow in the townships.

Mr. BRETHERICK. Mr. Speaker, as far as the bill is concerned I think that is a matter entirely for the township commissioners. If they see fit, within their discretion, to build a road less than thirty-three feet in width, that is for them to determine. I think they ought to be given that discretionary right. There are cases where a road should be probably less than thirty-three feet in width.

Mr. MORAN. Mr. Speaker, I would like to ask the sponsor of this bill what is the required width of a road to allow two automobiles to pass with safety.

Mr. BRETHERICK. Mr. Speaker, I think the Automobile Code requires that when cars are parked on both sides of the road there must be at least fifteen feet between those parked cars and I would say that sixteen feet is probably a reasonable width.

Mr. MORAN. Mr. Speaker and members of the House, probably thirty-three feet is all right, but I do not like to see these roads made too narrow. As it is now a lot of the roads look like cow paths to me. Some of these commissioners in the different townships would reduce the width of the roads to less than they are now. I don't think we ought to give them too much jurisdiction on reducing the width of the road.

Mr. BRETHERICK. Mr. Speaker and members of the House, I think we have a right to assume that the township commissioners are going to build roads for the best interests of their constituents. It is only giving them a discretionary right to build a road less than thirty-three feet in width and I think they ought to have that right.

Mr. KILROY. Mr. Speaker and members of the House, I know the road Mr. Bretherick has in mind. After all, Delaware county contributes plenty of money into the highway fund and I ask every member of the House to vote for this bill, because it is the neck of a bottle, especially for Philadelphians going to Washington at this time of the year to see the cherry blossoms.

Mr. BOHN. Mr. Speaker, I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Delaware, Mr. Bretherick, permit himself to be interrogated?

Mr. BRETHERICK. I will, Mr. Speaker.

Mr. BOHN. Mr. Speaker, as I understand this bill, it gives the Board of Commissioners in first class townships the right to declare a street or road less than thirty-three feet wide an accepted road. We have a situation up in my township where coal companies, as I understand the present law, if a road isn't thirty-three feet wide, cannot be compelled to maintain or repair that road. Now, as I understand the bill, it will correct this, is that right?

Mr. BRETHERICK. Mr. Speaker, I think so.

Mr. BOHN. Then I would ask the members of the House to favor this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Downey,	Leisey,	Scanlon,
Ackermann,	Eckels,	Levy,	Schrock,
Allmond,	Ely,	Leydic,	Schrope,
Alspach,	Ewing,	Lichtenwalter,	Schwab,
Andrews,	Falkenstein,	Lyons,	Seif,
Atkins,	Finnerty,	Madden,	Serrill,
Auker,	Fisher,	Malloy,	Shaw,
Baker,	Fiss,	Marr,	Shearer,
Balliet,	Flanagan,	Matthews,	Simons,
Bardes,	Fleming,	McClester,	Skale,
Bennett,	Foor,	McGarrity,	Sloan,
Bohn,	Freed,	McKinney,	Snyder,
Bois,	Fullerton,	McLane,	Sollenberger,
Boney,	Furman,	McNally,	Stambaugh,
Boorse,	Gates,	McVay,	Stank,
Boose,	Gillan,	Melchiorre,	Stewart,
Bower,	Gillette,	Montgomery,	Stockham,
Boyd,	Goll,	Mooney,	Sweeney,
Brancato,	Gorski,	Moser, F. S.,	Tahl,
Bretherick,	Habbyshaw,	Moser, J. L.,	Taylor,
Broad,	Haines,	Muir,	Terry,
Bronson,	Hall,	Munley,	Thistle,
Brown, H. S.,	Hamilton,	O'Brien,	Thompson, G. R.,
Brown, S. W.,	Harbeson,	O'Connor,	Tiemann,
Brunner,	Haudenshield,	O'Dare,	Tronzo,
Burns,	Henry,	O'Keefe,	Trout,
Burris,	Hess,	Ominsky,	Van Allsburg,
Cadwalader,	Hewitt,	O'Neill,	Van Belle,
Calvin,	Hindman,	Peacock,	Voorhees,
Carpenter,	Hocke,	Peale,	Wagner,
Check,	Hoffman, J. N.,	Powers,	Walsh,
Chervenak,	Hoffman, S. K.,	Preston,	Watkins,
Christler,	Holland,	Readinger,	Webster,
Clark,	Hoyt,	Reagan,	Welsh, E. B.,
Clearwater,	Huntley,	Reese, D. P.,	Welsh, M. J.,
Cohen, R. E.,	Imbrie,	Reese, R. E.,	Westrick,
Cook,	James,	Regan,	Wilkinson,
Cooper,	Jirolanio,	Rhodes,	Williams,
Cordier,	Johnston,	Rider,	Wilson,
Corrigan,	Jones,	Riley,	Winner,
Cortese,	Kane,	Robertson,	Wood, H. M.,
Curran,	Keenan,	Rooney,	Wood, L. H.,
Dalrymple,	Kilroy,	Rose,	Wood, N.,
Denman,	Kline,	Roseberry,	Woodside,
DeNote,	Knoble,	Rothenberger,	Yeakel,
Dick,	Kowalski,	Royer,	Turner,
Dix,	Krise,	Sarge,	Speaker.
Donahue,	Lee,	Sarraf,	

NAYS—8

Cohen, H. B.,	Long,	Mihm,	Tarr,
Kenehan,	Lovett	Moran,	Weiss,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 285, entitled:

An Act to amend section five hundred twenty of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by providing for the election of auditors.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allmond,	Ewing,	Long,	Schrock,
Alspach,	Falkenstein,	Lovett,	Schrope,
Andrews,	Finnerty,	Lyons,	Schwab,
Atkins,	Fisher,	Madden,	Seif,
Auker,	Fiss,	Malloy,	Serrill,
Baker,	Flanagan,	Marr,	Shaw,
Balliet,	Fleming,	Matthews,	Shearer,
Bardes,	Foor,	McClester,	Simons,
Bennett,	Freed,	McGarrity,	Skale,
Bohn,	Fullerton,	McKinney,	Sloan,
Bois,	Furman,	McLane,	Snyder,
Boney,	Gates,	McNally,	Sollenberger,
Boorse,	Gillan,	McVay,	Stambaugh,
Boose,	Gillette,	Melchiorre,	Stank,
Bower,	Goll,	Mihm,	Stewart,
Boyd,	Gorski,	Montgomery,	Stockham,
Brancato,	Habbyshaw,	Mooney,	Sweeney,
Bretherick,	Haines,	Moran,	Tahl,
Broad,	Hall,	Moser, F. S.,	Tarr,
Bronson,	Hamilton,	Moser, J. L.,	Taylor,
Brown, H. S.,	Harbeson,	Muir,	Terry,
Brown, S. W.,	Haudenshield,	Munley,	Thistle,
Brunner,	Henry,	O'Brien,	Thompson, G.R.,
Burns,	Hess,	O'Connor,	Tiemann,
Burris,	Hewitt,	O'Dare,	Tronzo,
Cadwalader,	Hindman,	O'Keefe,	Trout,
Calvin,	Hocke,	Ominsky,	VanAllsburg,
Carpenter,	Hoffman, J. N.,	O'Neill,	Van Belle,
Check,	Hoffman, S. K.,	Peacock,	Voorhees,
Chervenak,	Holland,	Peale,	Wagner,
Christler,	Hoyt,	Powers,	Walsh,
Clark,	Huntley,	Preston,	Watkins,
Clearwater,	Imbrie,	Readinger,	Webster,
Cohen, H. B.,	James,	Reagan,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Welsh, E. B.,
Cook,	Johnston,	Reese, R. E.	Welsh, M. J.,
Cooper,	Jones,	Regan,	Westrick,
Cordier,	Kane,	Rhodes,	Wilkinson,
Corrigan,	Keenan,	Rider,	Williams,
Cortese,	Kenehan,	Riley,	Wilson,
Curran,	Kilroy,	Robertson,	Winner,
Dalrymple,	Kline,	Rooney,	Wood, H. M.,
Denman,	Knoble,	Rose,	Wood, L. H.,
DeNote,	Kowalski,	Roseberry,	Wood, N.,
Dick,	Krise,	Rothenberger,	Woodside,
Dix,	Lee,	Royer,	Yeakel,
Donahue,	Leisey,	Sarge,	Turner,
Downey,	Levy,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 733, entitled:

An Act defining the civil service status of certain persons employed by fire departments in cities of the second class.

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. MORAN. Mr. Speaker, may I ask the sponsor of this bill to explain it.

Mr. TRONZO. Mr. Speaker, for the benefit of the gentleman from Allegheny, Mr. Moran, back in 1935, due to an emergency in the city of Pittsburgh, firemen were employed provisionally. They served anywhere from a period of ninety days to almost seventeen months. Due to the fact that these firemen had not taken a civil service examination, they were forced to leave the employment of the department. Later on a number of these firemen or ex-firemen took the civil service examination and today twenty-seven of these men are in active service. All that they request is that the provisional time be added to their regular service time, and they are naturally justly entitled to that but the only way they can get that time is through an act of the Legislature. That is the reason this bill was introduced.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allmond,	Ewing,	Long,	Schrock,
Alspach,	Falkenstein,	Lovett,	Schrope,
Andrews,	Finnerty,	Lyons,	Schwab,
Atkins,	Fisher,	Madden,	Seif,
Auker,	Fiss,	Malloy,	Serrill,
Baker,	Flanagan,	Marr,	Shaw,
Balliet,	Fleming,	Matthews,	Shearer,
Bardes,	Foor,	McClester,	Simons,
Bennett,	Freed,	McGarrity,	Skale,
Bohn,	Fullerton,	McKinney,	Sloan,
Bois,	Furman,	McLane,	Snyder,
Boney,	Gates,	McNally,	Sollenberger,
Boorse,	Gillan,	McVay,	Stambaugh,
Boose,	Gillette,	Melchiorre,	Stank,
Bower,	Goll,	Mihm,	Stewart,
Boyd,	Gorski,	Montgomery,	Stockham,
Brancato,	Habbyshaw,	Mooney,	Sweeney,
Bretherick,	Haines,	Moran,	Tahl,
Broad,	Hall,	Moser, F. S.,	Tarr,
Bronson,	Hamilton,	Moser, J. L.,	Taylor,
Brown, H. S.,	Harbeson,	Muir,	Terry,
Brown, S. W.,	Haudenshield,	Munley,	Thistle,
Brunner,	Henry,	O'Brien,	Thompson, G.R.,
Burns,	Hess,	O'Connor,	Tiemann,
Burris,	Hewitt,	O'Dare,	Tronzo,
Cadwalader,	Hindman,	O'Keefe,	Trout,
Calvin,	Hocke,	Ominsky,	VanAllsburg,
Carpenter,	Hoffman, J. N.,	O'Neill,	Van Belle,
Check,	Hoffman, S. K.,	Peacock,	Voorhees,
Chervenak,	Holland,	Peale,	Wagner,
Christler,	Hoyt,	Powers,	Walsh,
Clark,	Huntley,	Preston,	Watkins,
Clearwater,	Imbrie,	Readinger,	Webster,
Cohen, H. B.,	James,	Reagan,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Welsh, E. B.,
Cook,	Johnston,	Reese, R. E.	Welsh, M. J.,
Cooper,	Jones,	Regan,	Westrick,
Cordier,	Kane,	Rhodes,	Wilkinson,
Corrigan,	Keenan,	Rider,	Williams,
Cortese,	Kenehan,	Riley,	Wilson,
Curran,	Kilroy,	Robertson,	Winner,
Dalrymple,	Kline,	Rooney,	Wood, H. M.,

Denman,	Knoble,	Rose,	Wood, L. H.,
DeNote,	Kowalski,	Roseberry,	Wood, N.,
Dick,	Krise,	Rothenberger,	Woodside,
Dix,	Lee,	Royer,	Yeakel,
Donahue,	Leisey,	Sarge,	Turner.
Downey,	Levy,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 840, entitled:

An Act to amend Clause I of section one thousand five hundred two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto" by changing regulations as to advertising of certain ordinances.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eckels,	Leydic,	Scanlon,
Ackermann,	Ely,	Lichtenwalter,	Schrock,
Allmond,	Ewing,	Long,	Schrope,
Alspach,	Falkenstein,	Lovett,	Schwab,
Andrews,	Finnerty,	Lyons,	Seif,
Atkins,	Fisher,	Madden,	Serrill,
Auker,	Fiss,	Malloy,	Shaw.
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Bardes,	Foor,	McClester,	Skale,
Bennett,	Freed,	McGarrity,	Sloan,
Bohn,	Fullerton,	McKinney,	Snyder,
Boies,	Furman,	McLane,	Sollenberger,
Boney,	Gates,	McNally,	Stambaugh,
Boorse,	Gillan,	McVay,	Stank,
Boose,	Gillette,	Melchiorre,	Stewart,
Bower,	Goll,	Mihm,	Stockham,
Boyd,	Gorski,	Montgomery,	Sweeney,
Brancato,	Habbyshaw,	Mooney,	Tahl,
Bretherick,	Haines,	Moran,	Tarr,
Broad,	Hall,	Moser, F. S.,	Taylor,
Bronson,	Hamilton,	Moser, J. L.,	Terry,
Brown, H. S.,	Harbeson,	Muir,	Thistle,
Brown, S. W.,	Haudenshield,	Munley,	Thompson, G. R.,
Brunner,	Henry,	O'Brien,	Tiemann,
Burns,	Hess,	O'Connor,	Tronzo,
Burris,	Hewitt,	O'Dare,	Trout,
Cadwalader,	Hindman,	O'Keefe,	VanAllsburg,
Calvin,	Hocke,	Ominsky,	Van Belle,
Carpenter,	Hoffman, J. N.,	O'Neill,	Voorhees,
Check,	Hoffman, S. K.,	Peacock,	Wagner,
Chervenak,	Holland,	Peale,	Walsh,
Christler,	Hoyt,	Powers,	Watkins,
Clark,	Huntley,	Preston,	Webster,
Clearwater,	Imbrie,	Readinger,	Weiss,
Cohen, H. B.,	James,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Welsh, M. J.,
Cook,	Johnston,	Reese, R. E.,	Westrick,
Cooper,	Jones,	Regan,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rothenberger,	Yeakel,
Dix,	Lee,	Royer,	Turner.
Donahue,	Leisey,	Sarge,	Speaker.
Downey,	Levy,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 821, Printer's No. 238, was passed over at the request of Mr. BRETHERICK.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 592, entitled:

An Act to further amend section four hundred and one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one, (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further regulating the creation and abolition of wards.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eckels,	Leydic,	Scanlon,
Ackermann,	Ely,	Lichtenwalter,	Schrock,
Allmond,	Ewing,	Long,	Schrope,
Alspach,	Falkenstein,	Lovett,	Schwab,
Andrews,	Finnerty,	Lyons,	Seif,
Atkins,	Fisher,	Madden,	Serrill,
Auker,	Fiss,	Malloy,	Shaw.
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Bardes,	Foor,	McClester,	Skale,
Bennett,	Freed,	McGarrity,	Sloan,
Bohn,	Fullerton,	McKinney,	Snyder,
Boies,	Furman,	McLane,	Sollenberger,
Boney,	Gates,	McNally,	Stambaugh,
Boorse,	Gillan,	McVay,	Stank,
Boose,	Gillette,	Melchiorre,	Stewart,
Bower,	Goll,	Mihm,	Stockham,
Boyd,	Gorski,	Montgomery,	Sweeney,
Brancato,	Habbyshaw,	Mooney,	Tahl,
Bretherick,	Haines,	Moran,	Tarr,
Broad,	Hall,	Moser, F. S.,	Taylor,
Bronson,	Hamilton,	Moser, J. L.,	Terry,
Brown, H. S.,	Harbeson,	Muir,	Thistle,
Brown, S. W.,	Haudenshield,	Munley,	Thompson, G. R.,
Brunner,	Henry,	O'Brien,	Tiemann,
Burns,	Hess,	O'Connor,	Tronzo,
Burris,	Hewitt,	O'Dare,	Trout,
Cadwalader,	Hindman,	O'Keefe,	VanAllsburg,
Calvin,	Hocke,	Ominsky,	Van Belle,
Carpenter,	Hoffman, J. N.,	O'Neill,	Voorhees,
Check,	Hoffman, S. K.,	Peacock,	Wagner,
Chervenak,	Holland,	Peale,	Walsh,
Christler,	Hoyt,	Powers,	Watkins,
Clark,	Huntley,	Preston,	Webster,
Clearwater,	Imbrie,	Readinger,	Weiss,
Cohen, H. B.,	James,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Welsh, M. J.,
Cook,	Johnston,	Reese, R. E.,	Westrick,
Cooper,	Jones,	Regan,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rothenberger,	Yeakel,
Dix,	Lee,	Royer,	Turner.
Donahue,	Leisey,	Sarge,	Speaker.
Downey,	Levy,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. DAVID P. REESE.

The House resumed the consideration on third reading of House Bill No. 892, entitled:

An Act to amend section one hundred thirty-six as amended and section one hundred thirty-seven of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for the establishment of the office of controller in certain counties and for the abolition of the office of county auditor and for the audit of accounts of the county and its officers for the preceding year in certain cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Eckels,	Levy,	Scanlon,
Ackermann,	Ely,	Leydic,	Schrock,
Allmond,	Ewing,	Lichtenwalter,	Schrope,
Alspach,	Falkenstein,	Long,	Schwab,
Andrews,	Finnerty,	Lovett,	Seif,
Atkins,	Fisher,	Lyons,	Serrill,
Auker,	Fiss,	Madden,	Shaw,
Baker,	Flanagan,	Malloy,	Shearer,
Balliet,	Fleming,	Marr,	Simons,
Bardes,	Foor,	Matthews,	Skale,
Bennett,	Freed,	McGarrity,	Sloan,
Bohn,	Fullerton,	McLane,	Snyder,
Boles,	Furman,	McNally,	Sollenberger,
Boney,	Gates,	McVay,	Stambaugh,
Boorse,	Gillan,	Melchiorre,	Stank,
Boose,	Gillette,	Mihm,	Stewart,
Bower,	Goll,	Montgomery,	Stockham,
Boyd,	Gorski,	Mooney,	Sweeney,
Brancato,	Habbyshaw,	Moran,	Tahl,
Bretherick,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	Imbrie,	Reagan,	Weiss,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cook,	Johnston,	Regan,	Westrick,
Cooper,	Jones,	Rhodes,	Wilkinson,
Cordier,	Kane,	Rider,	Williams,
Corrigan,	Keenan,	Riley,	Wilson,
Cortese,	Kenehan,	Robertson,	Winner,
Curran,	Kilroy,	Rooney,	Wood, H. M.,
Dalrymple,	Kline,	Rose,	Wood, L. H.,
Denman,	Knoble,	Roseberry,	Wood, N.,
DeNote,	Kowalski,	Rothenberger,	Woodside,
Dick,	Krise,	Royer,	Yeakel,
Dix,	Lee,	Sarge,	Turner,
Downey,	Leisey,	Sarraf,	Speaker.

NAYS—3

Donahue,	McClester,	McKinney,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. DAVID P. REESE.

The House resumed the consideration on third reading of House Bill No. 893, entitled:

An Act fixing the salary of the controller in counties of the seventh and eighth classes and providing for a salary board to fix the number and salary or compensation of any deputies and clerks to assist the controller.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	Ely,	Leydic,	Sarge,
Ackermann,	Ewing,	Lichtenwalter,	Sarraf,
Allmond,	Falkenstein,	Long,	Scanlon,
Alspach,	Finnerty,	Lovett,	Schrock,
Andrews,	Fisher,	Lyons,	Schrope,
Atkins,	Flanagan,	Madden,	Schwab,
Auker,	Fleming,	Malloy,	Seif,
Baker,	Foor,	Marr,	Serrill,
Balliet,	Freed,	Matthews,	Shaw,
Bardes,	Fullerton,	McClester,	Shearer,
Bennett,	Furman,	McGarrity,	Simons,
Bohn,	Gates,	McKinney,	Skale,
Boles,	Gillan,	McLane,	Sloan,
Boney,	Gillette,	McNally,	Snyder,
Boorse,	Goll,	McVay,	Sollenberger,
Boose,	Gorski,	Melchiorre,	Stambaugh,
Bower,	Habbyshaw,	Mihm,	Stank,
Boyd,	Haines,	Montgomery,	Stewart,
Brancato,	Hall,	Mooney,	Stockham,
Bretherick,	Hamilton,	Moran,	Sweeney,
Bronson,	Harbeson,	Moser, F. S.,	Tahl,
Brown, H. S.,	Haudenshield,	Moser, J. L.,	Taylor,
Brown, S. W.,	Henry,	Muir,	Terry,
Brunner,	Hess,	Munley,	Thistle,
Burns,	Hewitt,	O'Brien,	Thompson, G. R.,
Burris,	Hindman,	O'Connor,	Tiemann,
Cadwalader,	Hocke,	O'Dare,	Tronzo,
Calvin,	Hoffman, J. N.,	O'Keefe,	Trout,
Carpenter,	Hoffman, S. K.,	Ominsky,	VanAllsburg,
Check,	Holland,	O'Neill,	Van Belle,
Chervenak,	Hoyt,	Peacock,	Voorhees,
Christler,	Huntley,	Peale,	Wagner,
Clark,	Imbrie,	Powers,	Walsh,
Clearwater,	James,	Preston,	Watkins,
Cohen, R. E.,	Jirolanio,	Readinger,	Webster,
Cook,	Johnston,	Reagan,	Weiss,
Cooper,	Jones,	Reese, D. P.,	Welsh, E. B.,
Cordier,	Kane,	Reese, R. E.,	Welsh, M. J.,
Corrigan,	Keenan,	Regan,	Westrick,
Cortese,	Kenehan,	Rhodes,	Wilkinson,
Curran,	Kilroy,	Rider,	Williams,
Dalrymple,	Kline,	Riley,	Wilson,
Denman,	Knoble,	Robertson,	Winner,
DeNote,	Kowalski,	Rooney,	Wood, H. M.,
Dick,	Krise,	Rose,	Wood, L. H.,
Dix,	Lee,	Roseberry,	Wood, N.,
Donahue,	Leisey,	Rothenberger,	Woodside,
Downey,	Levy,	Royer,	Yeakel,
Eckels,			Turner,
			Speaker.

NAYS—4

Broad,	Cohen, H. B.,	Fiss,	Tarr,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. ATKINS.

The House resumed the consideration on final passage of House Bill No. 221, as follows:

An Act declaring prosecutions against defendants finally ended and terminated where the Grand Jury has returned bills of indictment ignoramus unless a re-submission is authorized by the court for certain reasons and providing the procedure and for appeals in such cases.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 When the Grand Jury of any county of this Commonwealth has considered evidence in support of a bill of indictment for any one or more offenses alleged to have been committed against the laws of this Commonwealth by a defendant and has made to the court a return of ignoramus the case against the defendant charged with such offense or offenses shall be deemed finally ended and terminated unless the District Attorney of the county shall within thirty (30) days from the date such bill was ignored petition the court in which the prosecution is pending for authority to re-submit the bill of indictment to the same or a subsequent Grand Jury

Section 2 No such petition to re-submit a bill of indictment theretofore ignored shall be allowed by the court unless the District Attorney shall allege in his petition and shall prove by competent testimony that the bill of indictment was returned ignoramus by the Grand Jury by reason of oversight or fraud or mistake or that he has obtained additional evidence since the indictment was so returned which in his opinion would justify its resubmission to a grand jury

Section 3 Due notice of the filing of any such petition for authority to re-submit any such bill of indictment shall be given to the defendant charged with such offense or offenses in such manner as the court may determine

To any such petition the person charged with the offense or offenses may file an answer at any time before the day of hearing thereon fixed by the court

Section 4 After consideration of the petition and answer and hearing the testimony of the District Attorney and the defendant the court shall make such order allowing or dismissing the petition of the District Attorney as to it appears just and proper

Section 5 From any decision of the court allowing the petition of the District Attorney the defendant may appeal to the Supreme or Superior Court as in other cases

Section 6 This act shall apply to all pending prosecutions where a bill of indictment has been returned ignoramus but in such cases the petition to re-submit the bill of indictment may be presented at any time within thirty days from the effective date of this act and not thereafter

Section 7 This act shall become effective immediately upon final enactment.

On the question recurring.

Shall the bill pass finally?

PARLIAMENTARY INQUIRY

Mr. ROSE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Cambria will state his parliamentary inquiry.

Mr. ROSE. Mr. Speaker, has this bill been on the postponed calendar for more than five days?

The SPEAKER. The Chair would advise the gentleman from Cambria, Mr. Rose, that this bill has been on the calendar more than five days, today being the sixth day.

Mr. ROSE. Mr. Speaker, I yield to the gentleman from Armstrong, Mr. Atkins.

Mr. ATKINS. Mr. Speaker, I had an extension of five days granted on bill, if you will look at the record. I merely called it up because so many people have their speeches prepared. I wanted a little oratory tonight and I thought I might defend it.

The SPEAKER. The bill is not properly on the calendar.

RESOLUTION NO. 28

Mr. DALRYMPLE. Mr. Speaker, I desire to call up at this time Resolution No. 28, Printer's No. 226.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 8, 1939.

Whereas, the President of the United States has publicly indicated a desire to have the Senate of the United States ratify a pending Treaty between the United States and the Dominion of Canada whereby the Great Lakes—St. Lawrence Deep Waterways would be constructed; and

Whereas, the ratification of such a Treaty would seriously and dangerously affect the economic, industrial, agricultural, commercial and shipping interests of the Commonwealth of Pennsylvania by reason of a disruption in the manufacturing, mining and agricultural production of the Commonwealth, the transportation facilities of common carriers which traverse this Commonwealth and the port facilities of Erie and Philadelphia; and

Whereas, such Treaty if ratified would furthermore materially reduce the exportation of the combined manufacturing, mining and agricultural products of this Commonwealth and would encourage the importation of products manufactured in European countries under living conditions far below the standard maintained in the Commonwealth of Pennsylvania and below the wage standard paid by the industrial, mining and agricultural transportation and shipping interests of this Commonwealth and would result in heavy loss of employment and revenue and would prove to be a contributing factor to increased taxation; therefore be it

Resolved, (if the Senate concur) that the General Assembly of Pennsylvania goes on record as opposed to ratification of the Treaty by the Senate of the United States and the opening of the Great Lakes—St. Lawrence Deep Waterways and requests the United States Senators to use their influence and vote against the ratification of the Treaty and the furtherance of this project; and be it further

Resolved, that the Senior United States Senator from Pennsylvania so record in the Congressional Record this body's opposition to ratification; and be it further

Resolved, that the Chief Clerk of this House immediately transmit a copy of this Resolution to each of the United States Senators from Pennsylvania.

On the question,

Will the House adopt the resolution?

Mr. ANDREWS. Mr. Speaker and members of the House, the St. Lawrence Waterway project has been a dream of American statesmanship for seventy-five years and a policy of the Republican party since the presidency of Warren Harding. The St. Lawrence Waterway project was actively discussed in the days of McKinley, tentatively proposed in the days of Theodore Roosevelt, and the beginning of the administration of Warren Harding was the answer of the Republican party to the problems of the great Nothwest and the Middle West. The St. Lawrence Waterway project was especially dear to the heart of Herbert Hoover, who found in the fulfillment of

that project the manner and method and means of meeting the problems of the Mississippi valley.

Beginning with the days of Warren Harding and with the plans formed by Engineer Hoover there began a monumental contest between the leaders of the Republican party interested in the rehabilitation of agriculture and manufacture in the Northwest and the Middle West, and the power interests. At the present time the power interests have been able to stymie the St. Lawrence Waterway project in the halls of Congress, because this St. Lawrence Waterway project is not only a thoroughfare to the sea for the lake ports but when completed will develop an immense amount of power.

Now, I submit to the Republican members of this House that with the scanty knowledge, the small attention that they have given to this monumental question, that they are hardly in a position to advise the leadership of their own party, which has studied this question so soundly for more than a quarter of a century.

Mr. STOCKHAM. Mr. Speaker and members of the House, I rise to support this resolution. This is a very momentous subject. It has been defeated by the United States Senate, and it carries in its provisions certain facts which I think are well worth knowing.

Canada has not been very friendly to the treaty itself. So far as getting the products of the great Northwest to the Atlantic Coast is concerned the New York Barge Canal, all within the bounds of the United States, on traffic which has to be moved through the Great Lakes, it will provide relief for the Northwest. Nine-tenths of this waterway is in a foreign country. Portions of the year the Atlantic coast harbor is ice-bound. Canadian labor and materials will be used almost exclusively in the construction of the waterway and payment for this waterway shall be made entirely by American money.

On the strength of those conditions the Senate of the United States rejected this compact several years ago. It seems rather inconsistent that our money should be spent for Canadian labor and materials on a waterway that runs through a foreign country almost exclusively, and following a course which the Canadians themselves do not believe practicable.

I ask the members of the House to support this resolution.

Mr. KANE. Mr. Speaker and members of the House, I rise to support this resolution, because of the fact that I am very strongly opposed at this time to the St. Lawrence waterway. As the Speaker well knows we have already encountered situations in regard to New York State's water plans, Delaware River plans, and other plans, which were obsolete before they were commenced and that is exactly the situation or predicament, if you want to call it such, as to the St. Lawrence waterway. It has this logical effect, that every port on the Great Lakes' chain which could be reached by canals or rivers of equal depth would become a foreign port of entry, thereby greatly complicating the trouble with which the United States is now confronted.

It would have as a further effect, as the gentleman from Bucks has very capably pointed out, the setting up of a very extensive power business up there completely with American money, using Canadian labor and materials, which Canada does not need nor want and which American engineers do not find to be highly practical.

Mr. Speaker and members of the House, as far as the country is concerned, the building of the Canadian St. Lawrence waterway would only have one practical effect and that is, it would cause ruination to the ports of Erie, Cleveland, Buffalo, New York and Philadelphia, and build up the Canadian ports of Quebec, Montreal, Winnipeg and Port Arthur, thus enabling foreign steamers which run cheaper than American steamers from Canadian ports and American ports as well, to ship the products from the whole Great Lakes origin to Europe, thereby hastening the ultimate bankruptcy of American railroads which seems so well underway.

Mr. Speaker and members of the House, I might say that those of you who are interested in reemployment in this country at this time, should think twice before any movement or gesture of yours could be construed as an effort to put into foreign steamships the products which are now hauled by American railroad labor and keeping employees in the dockyards and ships in the ports of this state and our neighboring state of New York. It is quite important that this St. Lawrence waterway project, if it should ever come through, should be carefully planned so that it may have some utility, but it certainly cannot be undertaken at a terrific public expense at such time as American labor is so badly in need of jobs as at the present time.

Mr. ANDREWS. Mr. Speaker and members of the House, it is true that on a number of occasions the United States Senate has rejected the treaty, but if the gentleman will consult the record they will find that the treaty has invariably been rejected by the preponderance of Democratic votes.

I am somewhat familiar with this proposition but I do not intend to take up the time of the House to point out the mistakes the gentlemen have made in presenting the statements they have made. It happens that a number of years ago, during the presidency of Warren Harding, and later under Coolidge, I was a member of a publicity organization retained for the purpose of helping defeat the treaty. So I know how the treaty was defeated. I know to what extent the gentlemen who have spoken in favor of this resolution are in error, both as to their statements of policy and their statements of statistics.

I am not greatly concerned in this matter. If this House wishes to align itself with the Democratic party's position on the waterway proposition, a position that I personally am opposed to except at one period when as a hired man I was on the other side. Not being a hired man now I can express my convictions on the floor. But if the majority side wants to come across and accept the Democratic position on this waterway proposition it is quite all right with me.

Mr. KANE. Mr. Speaker and members of the House, the remarks of the gentleman from Cambria remind me of a story I once heard about a little girl whose father was always bragging about being a self-made man. So one day she said, "Daddy, are you really a self-made man?" He said, "Yes." She said, "Daddy, don't you think that God could have made a better job?"

I am wondering, Mr. Speaker, if in the days when the gentleman from Cambria was writing publicity as a paid

agent, he did not write better publicity than he has given us now, because as a free lancer I do not think he is as familiar with facts as he used to be in the days when he was paid for writing publicity.

I want to say I am not only familiar with this treaty but I am also familiar with the St. Lawrence River. I go up there. It is not a bad place to fish, but as a route over which to ship American goods it does not compare with the Pennsylvania Railroad.

I want to say further, while I regret to agree with the gentleman's previous activities in defeating the treaty in behalf of the Democratic members of the Senate, I must say that the Democrats were precisely right at that time, as they have been right on many other occasions.

I want to call to the attention of the members of the House that I was late tonight by reason of the fact that I heard a very splendid speech over the radio by the President of the United States with regard to the crime situation.

Mr. FURMAN. Mr. Speaker and members of the House, I am opposed to this resolution for the reason that I don't know anything about this treaty, and I believe that applies to at least a majority of the members of the House. We do not know what we are voting on.

I think we are making a mistake in trying to tell Congress what to do about our national problems and neglecting our own state problems. If we wish to show the people of Pennsylvania some sign of statesmanship, I think we should devote our time and energy to solving our own problems and letting Congress solve national problems. I ask the members of the House to vote "no" on this resolution.

Mr. HOYT. Mr. Speaker and members of the House, I do know just one thing about this treaty, and that is that President Roosevelt went up there and made a speech about a year ago, in which he offered to bear the full cost of this canal, and I am against it.

On the question recurring,

Will the House adopt the resolution?

The Speaker declares the noes appeared to have it.

Whereupon, a division was called for one hundred and six members having voted in the affirmative and twelve in the negative, and the question was determined in the affirmative and the resolution was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON SECOND READING

Mr. ROSE asked and obtained unanimous consent to call up out of order House Bill No. 439, Printer's No. 73, on page 17 of today's calendar, bill on second reading.

Agreeably to order,

The House resumed the consideration on second reading of House Bill No. 439, entitled:

An Act to amend section one of the act approved the fourth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 127) entitled "An act relating to adoption" as amended by authorizing nonresidents to adopt persons within the Commonwealth and validating certain adoption proceedings heretofore decreed

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the fourth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 127) entitled "An act relating to adoption" as amended by section one of the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 822) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be lawful for any adult citizen of this Commonwealth [residing therein] or of any other state regardless of where such person shall reside desirous of adopting any person either a minor or an adult as his or her heir or as one of his or her heirs to present his or her petition to the orphans' court or to a law judge thereof of the county where he or she may be resident or of the county in which the person to be adopted is a resident declaring such desire and that he or she will perform all the duties of a parent to such person Such petition shall also set forth the name age date and place of birth of the person proposed to be adopted the name residence and marital status of the adopting parent or parents the name and place of residence of each of the natural parents or of the surviving parent or of any other person whose consent to the proposed adoption is necessary as hereinafter provided and shall embody or have attached thereto the consents in writing of the person or persons whose consent to the proposed adoption is necessary as hereinafter provided

On the question,

Will the House agree to the section?

Mr. ROSE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, line 1, by striking out the words: "Section one" and inserting in lieu thereof: 'Sections one and two"

Amend Sec. 1, page 1, line 6, by striking out the word: "is" and inserting in lieu thereof: "are"

Amend Sec. 1, page 2, by inserting between lines 23 and 24, the following: "Section 2. Consents Necessary to Adoption. Consent to the adoption is necessary as follows:

(a) Of the person proposed to be adopted, if over twelve years of age, and of said persons' husband or wife, if any;

(b) Of the adopting parent's husband or wife, unless they jointly adopt such person;

(c) Of the parents or surviving parent of the person proposed to be adopted, except that, in the case of an illegitimate child, the consent of the mother only is necessary, unless the father has acknowledged such child, but the consent of a parent who has been adjudged a lunatic or habitual drunkard, or who has abandoned the child, is unnecessary, provided such fact is proven to the satisfaction of the court or judge hearing the petition, in which case such court or judge shall so find as a fact;

(d) If the person proposed to be adopted has no father or mother living or whose consent is necessary hereunder, then of the legal guardian, if any there be, and of the person or persons having the legal custody of such child, if any such person can be found, but if such child has no father or mother living or whose consent is necessary hereunder, and no legal guardian, and no person can be found who has the legal custody of such child, and the same be proven to the satisfaction of the court or judge hearing the petition, the said court or jujdge shall so find as a fact;

(e) If the person proposed to be adopted has theretofore been adopted, then of such adopting parents, or surviving adopting parent, subject to the same exception provided in clause (c) of this section in the case of natural parents;

(f) If the adopting parent or parents are not residents of the Commonwealth, then the consent of the Department of Welfare of the Commonwealth, unless the court shall be satisfied after a thorough investigation

that the adopting parent or parents are proper persons and financially able to provide a suitable home for the person proposed to be adopted."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read and agreed to as follows:

Section 2 Any adoption heretofore granted or decreed by any court of record of this Commonwealth in which either the person or persons adopting or the person or persons adopted was a nonresident or were nonresidents of this Commonwealth at the time such adoption was granted or decreed and any adoption which was granted prior to the expiration of the full ten days required by the act of Assembly to intervene between the filing of the petition for the adoption and the hearing of such petition by the court and any adoption which was granted without the formal entry of findings of fact is hereby declared valid and lawful as though made with full observance of all the requirements of the said act of Assembly mentioned Provided That the petition and decree or such adoption was otherwise in accordance with the act of Assembly pertaining thereto

The title was read as follows:

An Act to amend section one of the act approved the fourth day of April, one thousand nine hundred and twenty-five (P. L. 127), entitled, "An act relating to adoption," as amended, by authorizing nonresidents to adopt persons within the Commonwealth, and validating certain adoption procedings heretofore decreed.

On the question,

Will the House agree to the section?

Mr. ROSE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 1 of title, by striking out the words: "section one" and inserting in lieu thereof: "sections one and two"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

ADDRESS BY MR. SHEARER

Mr. SHEARER asked and obtained unanimous consent to address the House.

Mr. Speaker, on February 28th I introduced into the House of Representatives Bill No. 311 the intent of which is to abolish tolls on toll bridges immediately on acquisition by the State. On the same date I introduced Bill No. 310 which provides for the to-be-issued toll bridge bonds to be paid in convenient installments from the Motor License Fund.

The Constitution of Pennsylvania has been amended by popular vote so that the State can issue up to ten million dollars worth of bonds for the specific purpose of freeing toll bridges. Six intrastate toll bridges come under this plan. The Market Street Bridge at Harrisburg was appraised by the Department of Highways at $1,501,000.

Clarks Ferry was appraised $475,000 over the Susquehanna.

Sunbury was appraised at $221,600 over the Susquehanna.

West Hickory was appraised at $25,000 over the Allegheny.

Walnut Street, Harrisburg, over the Susquehanna, under consideration.

Point Marion was appraised at $221,500 over the Monongahela.

Naturally the counties nearest the bridges are most affected by tolls and yet motorists from other parts of the State who travel any distance are obliged to pay some tolls. It costs a car owner who has to cross these toll bridge highways from Cumberland to Dauphin County thirty-six dollars a year minimum to get to daily work across the river or three times the cost of his license. Some truck owners pay between three and four hundred dollars a year for use of a mile of bridge highway.

There are almost ten thousand smaller bridges between municipalities on highway land routes in Pennsylvania on which no tolls are paid. In 1937 the earnings on the Market Street Bridge, Harrisburg, alone were reported at over four hundred thousand dollars.

Thirty thousand persons have signed petitions asking relief from tolls. The Pennsylvania Motor Truck Association, The Harrisburg Motor Club affiliated with the A.A.A. and many other organizations are backing up these bills because of the economic loss to motorists and because they consider toll bridges as outmoded as toll gates.

By an expenditure of an average cost of about one hundred and ten thousand dollars a year from the Highway Fund (provided by motorists) there can be a saving to motorists of about seven hundred thousand dollars a year or nearly three millions of dollars during the present administration and a similar amount during future administrations.

We have been looking for economies during the present administration. This economy is not a party measure. Senator Kunkel (Democrat) of Dauphin County introduced my identical bills into the Senate last week.

Both Democrats and Republicans can win the approval of their constituents by getting behind these bills in committee and get them out on the floor of the House. Many bills have come out of committee that did not have the backing that Bills Nos. 310 and 311 have.

These toll bridges should not be considered a local matter. They should be the concern of the whole State just as distressed school districts, relief and flood control projects concern the whole State.

Motorists paid about eight hundred thousand dollars last year to use a few miles of bridge highways in Pennsylvania. Tolls on bridge highways on three routes are in effect taxes although paid to a private corporation. The passage of my bills would take a toll tax load off of hundreds of thousands of motorists in Pennsylvania by using a small percentage of the funds which the motorist supplies.

Completion of the Tunnel Highway from Pittsburgh to Carlisle next year will increase the flow of traffic over

the bridges at Harrisburg which will interest more car and truck owners in free bridges.

I respectfully request that Bills Nos. 310 and 311 which have been in the Committee on Highways since February 28th be promptly acted upon.

Since administrative costs of essential functions of State government together with legitimate demands for relief have narrowed the opportunities for less taxes, the enactment of this type of legislation at the small expense involved would make our constituents feel that our legislative efforts have not been in vain.

ADDRESS BY MR. HOLLAND

Mr. HOLLAND asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, three issues have been raised during the last week to which I believe this House should give much thought and consideration, as all three affect taxation in Pennsylvania.

These issues are as follows:

First: The declaration of the unconstitutionality of the five mill Franchise Tax on out-of-state corporations operating in Pennsylvania;

Second: The $3,500,000.00 owed to teachers in salaries;

Third: The petition of Indiana County, the Pittsburgh Chamber of Commerce and the Tri-State Authority to the Federal Government for reimbursement of taxes to local taxing units lost as a result of land acquisitions for flood control reservoirs.

The first issue not only concerns revenue to the state but should concern revenue to local municipalities. The paying of the five mill franchise tax on out-of-state corporations operating in Pennsylvania was fought by the Columbia Gas and Electric Corporation. Now let us trace where the profits of a public utility of Pennsylvania go. The Columbia Gas and Electric Corporation is a subsidiary of the great J. P. Morgan interests of Wall Street. The Manufacturers Light, Heat and Power Company doing business in Western and Central Pennsylvania is a subsidiary of the Columbia Gas and Electric Corporation, in other words, three bags are used to carry Pennsylvania money out of the State. The Columbia Gas and Electric Company operates in Pennsylvania through the Manufacturers Light, Heat and Power Company without paying to the local communities any real estate tax on its property, and is also exempt from any special franchise taxes for the use of our streets. Every subsidiary of the Columbia Gas and Electric Corporation pays these taxes in every state in the United States where they operate—but under a Court decision rendered one hundred and fourteen years ago it still enjoys exemption on paying taxes on its real estate in Pennsylvania. Although the Columbia Gas and Electric Company who has saved millions of dollars from the non-payment of real estate taxes in Pennsylvania, is well acquainted with the fact that these taxes are paid by them in forty-seven states—it was this foreign corporation doing business in Pennsylvania who refused to pay their fair share of the cost of government in Pennsylvania.

I do not intend to make this a lengthy speech, as I would like to have the attention of every member of this House to this statement. For, if the Columbia Gas and Electric Company paid taxes on the real estate of its subsidiary and taxes for the use of the streets in the forty-seven states, it certainly could pay these taxes in Pennsylvania.

The second issue is the $3,600,000 back salaries that are owed to teachers. I will have to couple up this issue with the other two issues, especially since the Commissioners of Indiana County complain that dams and reservoirs, constructed by the Federal Government, should be taxed for local purposes. For in Indiana County there are millions of dollars worth of utility property which receives all the benefits derived from local governments but do not pay their share of the cost of that local government.

I am surprised that the Commissioners of Indiana County and the Pittsburgh Chamber of Commerce have not raised their voices before now in protest of the reservoirs, valued at millions and millions of dollars, owned by public utilities in Pennsylvania and which are exempt from taxation.

This House would not have to be worrying about raising money to help the distressed school districts if the utilities were paying their local taxes. According to the survey made, the schools of Pennsylvania would receive in School Taxes around $3,000,000.00—but again I want to point out to you that these $3,000,000 should be $9,000,000—as there is no authentic report with the exception of the one received from Allegheny County that gives the exact real estate holdings of the utilities.

To you from the rural districts, especially the 3rd and 4th Class School Districts, you would receive around $3,000,000 if you wiped out this Court decision made one hundred and fourteen years ago and passed legislation as introduced by me, which is now in the Utility Committee, granting your local municipality the power to tax this exempt property.

If ever three issues were raised that should convince every member of this House that utility property should be taxed, these three issues should do this very thing. The Columbia Gas and Electric Company refuses to cooperate with the State of Pennsylvania, but the Columbia Gas and Electric Corporation does business in the state of Pennsylvania and places the burden for the cost of local government on the coal mines in Pennsylvania. These coal mine owners are not exempt from real estate taxes, although their industry employs thousands and thousands of Pennsylvania workers. Why even our schools have to pay the Columbia Gas and Electric Corporation for the service that Columbia may sell them. And I think that the argument put forth by the Commissioners of Indiana County and the Chamber of Commerce of Pittsburgh should be applied to every utility company in the state, for if large areas of lands which the Federal Government is using for the storage of water to protect life and property in Pennsylvania should be taxed locally, then surely the dams of the water companies, the buildings of the telephone companies, of the gas companies, of the light companies, of the telegraph and railroad companies should be taxed—because they were not built for the protection of the people of Pennsylvania, but were built for profit—yes, and profit goes to great holding companies like the Columbia Gas and Electric Corporation controlled by the J. P. Morgan interests whose main offices are not even in our own State.

I appeal to the members of this House, if they are sincere in helping Pennsylvania industries—if they are sincere in protecting Pennsylvania industries, that we should

pass House Bill No. 78 which is held in the Public Utility Committee and save our school system by demanding that utility property pay real estate taxes the same as every farmer—the same as every coal mine owner—the same as our industrial factories—and the same as every little home owner who today is not only carrying his burden of real estate taxes but is carrying the burden of the utilities of Pennsylvania as well.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 241.

An Act authorizing counties of the second class to make appropriations to the State World's Fair Commission.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORT FROM COMMITTEE

Mr. CURRAN from the Committee on Cities—Third Class reported as amended, House Bill No. 900, entitled:

An Act to amend sections one thousand four hundred two, two thousand five hundred fifty-six, and two thousand five hundred fifty-nine, and to repeal section two thousand five hundred fifty-three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws 932), entitled, "An act relating to cities of the third class; and amending revising and consolidating the law relating thereto," as amended, clarifying the conditions of the bond of the city treasurer; providing for the determination of certain expenses in connection with the collection of taxes for the city, county, institution district, school and poor district; providing for delinquent tax collectors for the collection of taxes; and repealing a certain inconsistent section

COMMITTEE MEETINGS

There will be meetings of the Committees on

Agriculture, Tuesday, April 18th at 10 a. m., in Room 325.

Boroughs, Tuesday, April 18th at 11 a. m., in Room 546.

Cities—First Class, Tuesday, April 18th at 11:30 a. m., in Room 546.

Cities—Second Class, Tuesday, April 18th at 12 noon, in Room 546.

Education, Wednesday, April 19th at 11 a. m., in Room 323.

Game, Tuesday, April 18th at 11 a. m., in Room 325.

Judiciary General, Tuesday, April 18th at 11 a. m., in Room A.

Mines and Mining, Tuesday, April 18th at 4:30 p. m., in Room A.

Municipal Corporations, Tuesday, April 18th at 11 a. m., in Room 541.

Professional Licensure, Tuesday, April 18th at 10 a. m., in Room 541.

State Government, Tuesday, April 18th, one hour after close of Session, in Room 147.

Townships, Tuesday, April 18th at 11:30 a. m., in Room 418.

There will be a meeting of the Criminal Code Sub-Committee immediately after the session in Room 323.

ADJOURNMENT

Mr. SARRAF. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1 p. m.

The motion was agreed to, and (at 10:35 p. m.) the House adjourned until Tuesday, April 18, 1939, at 1 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

Session 1939. 133d of the General Assembly.

Vol. 23. HARRISBURG, PA., TUESDAY, APRIL 18, 1939. No. 39.

SENATE

TUESDAY, April 18, 1939.

The Senate met at 2:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

Our Heavenly Father, howsoever grave may be the international situation or perplexing our internal problems, today the minds of millions of our citizens turn to the opening of the great national game of baseball clothed in its centennial garb. Surely we must learn to play a little while we work that the state of dullness may not o'ertake us nor rob us of efficient workmanship.

We would learn from this great game some of the lessons of the greater game of life. It is a terrible thing for us "to strike out" when so many fellow players are depending upon our ability "to hit safely." It is noble in us "to sacrifice" for the advancement of others for by so doing we will share in the final score of life when the "game's ended." We must play hard, fairly and honestly thereby we become "players" approved of God. If we make an "error" in the commission of a task we lessen the faith and confidence of others in our ability, yet, thank God, that confidence may be restored by the successful handling of similar or more difficult "chances" thereafter.

And, of course, Our Father, we all desire to reach "home base" safely, honestly and victoriously. It may be through the "sacrifice" play of others. It may be by our own hard work and continual practice or it may be our own ability "to hit for the circuit", but whatever it may be we pray that our game of life may be played fairly, honestly and in good sportmanship and that we reach "home" at last to receive the crown of righteousness, not made with hands, eternal in the Heavens. We pray in the name of the Perfect Player of all Life. Jesus Christ. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. GELDER, the further reading was dispensed with, and the Journal was approved.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

THE PRESIDENT. The Senator from Philadelphia will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, at last night's session I suggested that the motion, which I had stated I would make to discharge the Committee on Municipal Government from further consideration of Bills No. 1, 2, and 3, would be deferred until after today's meeting of that Committee.

We had a public hearing of that Committee today; and we had some short discussion afterwards. I want to say very frankly to my colleagues in the Senate that I do not believe that the Committee will be able to get that bill out. I do not believe the Chairman will be able to get that bill out, no matter how much he may want to have it out.

I believe the organization on the other side has made up its mind to kill these bills. I hope I am wrong.

I have a co-sponsor to these bills, and, while I am very much worked-up about the situation, I feel I am under some obligations to him, and before I make my motion to discharge this Committee, I should like to interrogate the Senator from Philadelphia, my colleague and good friend, Dr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, with great pleasure.

Mr. SHAPIRO. Mr. President, in view of the statements I have just made and my assurance that I think the efforts that are being made in hearings before the Committee are to find reasons why the bills should be killed and not why it should be brought out; is the Senator from Philadelphia still requesting that we wait until next Tuesday, and does he still feel we still have a chance to get that Bok Award by the passage of this bill?

Mr. WOODWARD. Mr. President, forgetting for a time the Bok Award, I believe that for the time we should exercise patience, because I think that the Gods are on our side and public sentiment in Philadelphia is increasing every day in our favor.

I believe that even the Republican organization will see the light: but I think they are not prepared to do it today or this week, and I am perfectly willing to wait until Tuesday. They have pledged their honor that on Tuesday it will be settled.

Therefore, I hope my co-sponsor will not make a motion to discharge the Committee because, after all it will all come out in the wash, I think.

Mr. SHAPIRO. Mr. President, the responsibility for this bill rests not only with me but with my co-sponsor;

and in view of that request I cannot make a motion. I therefore suggest to my co-sponsor, and I hope he will agree with me, that after Tuesday of next week I will be relieved of any such responsibility.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, following the example set by the senior Senator from Philadelphia, Dr. Woodward, last night, I wish to state that this morning in nearly every newspaper of any circulation in this Commonwealth we found an article which substantially reads as follows:

"Governor James today challenged the Democratic minority in the State Senate to confirm his nominations for County Relief Boards and see if they are political."

Now, Mr. President, I think that it is not bad taste to call the attention of the Governor at this time, and the members of this Senate, to the fact that on February 6, 1939, we heard the same argument on the confirmation of the Secretary of Revenue.

On that date, because of that argument and because of the insistence of the majority members on the other side of this Senate that if we did not confirm the Secretary of Revenue that the financial administration of this State would be stymied or interferred with, this Senate by constitutional vote did confirm the Secretary of Revenue.

Up until today the people of this Commonwealth, who have the right to the services of a Secretary of Revenue, do not know whether they have a Secretary of Revenue or not. This week, or last week, in papers of general circulation in this State. I also found a very—could I say, beautiful picture—in which appeared some eminent citizens of this Commonwealth and also members of this Senate. Over the top of this picture in the newspaper, we found these words.

"Leaders discuss legislative situation."

Then, immediately under the picture we find these words.

"At a dinner given by Senator Franklin S. Edmonds (inset) legislative and Capitol leaders went over the general situation. The others are, left to right: Senator Charles H. Ealy, Walter J. Kress, Deputy Secretary of Revenue; Senator Fred T. Gelder, President Pro Tempore of the Senate, and William J. Hamilton, Jr., Philadelphia, Secretary of Revenue."

Now, Mr. President, in all fairness to the members of this Senate, and to the people of this Commonwealth who live outside of Philadelphia, we are entitled to know who is the Secretary of Revenue and whether or not he has complied with the Constitutional provision which requires him to take an oath before he assumes the duties of his office.

At this time I call upon my colleagues, Senator Ealy, from Somerset, and the gentleman from Susquehanna, Senator Gelder, and the gentleman from Montgomery, Senator Edmonds, to apprise their colleagues in this Senate whether Mr. Hamilton is the Secretary of Revenue and whether or not he has subscribed to the Constitutional oath prescribed by the Constitution.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate the following communications:

FAVORING CERTAIN PROVISIONS OF THE PROPOSED NEW CITY CHARTER

Communication from George E. Bartol, Jr., President of the Philadelphia Bourse, favoring and recommending certain features in the proposed new City Charter.

URGING INCREASED STATE OR FEDERAL GOVERNMENT SUBSIDIES TO TOWN BOROUGHS OR COUNTIES.

Petition from Mark R. Bittner, President of the Tax Justice League of Pennsylvania, requesting that Federal or State Government grants of subsides to townships, boroughs, or counties decrease the amount of revenue to be raised by local taxation.

URGING CONSTRUCTION OF LAKE ERIE AND OHIO RIVER CANAL.

Communication from J. P. Leaf, President of the Beaver Valley Waterways Improvement Association, urging construction of Lake Erie and Ohio River Canal.

URGING LEGISLATION TO SAFEGUARD AMERICANISM IN COMMONWEALTH.

Communication from Pennsylvania Society of Sons of the Revolution, urging the passage of legislation to safeguard Americanism in this Commonwealth against Communisism.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nomination for appointment as Notaries Public which were laid on the table.

HOUSE MESSAGES

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 117, (Senate Bill No. 564), entitled:

An Act to amend section two thousand and eight of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law" by permitting policemen to charge and receive witness fees and mileage for attendance at courts of record.

Which was committed to the Committee on Municipal Government.

House Bill No. 285, (Senate Bill No. 565), entitled:

An Act to amend section five hundred twenty, section five hundred thirty as amended, and sections seven hundred three and two thousand twelve of the act, approved the twenty-fourth of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law," by providing for the election of auditors for vacancies in office of commissioners for compensation to township commissioners and fixing the width of public roads, streets, lanes and alleys.

Which was committed to the Committee on County Government.

House Bill No. 592, (Senate Bill No. 566), entitled:

An Act to further amend section four hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1203), entitled "First Class Township Law" further regulating the creation and abolition of wards.

Which was committed to the Committee on County Government.

House Bill No. 605, (Senate Bill No. 567), entitled:

An Act to amend sections 904, 905, 1006, 1125, 1309, 1313 and 1314 of the Act approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "General Borough Act" as amended, by further regulating the affairs of boroughs and revising, amending, and changing the law relating thereto.

Which was committed to the Committee on Municipal Government.

House Bill No. 616, (Senate Bill No. 568), entitled:

An Act to amend the first paragraph of section two thousand four hundred fifteen of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Laws," so as to permit the purchase of sewers and culverts and their appliances belonging to other townships and municipal corporations.

Which was committed to the Committee on County Government.

House Bill No. 733, (Senate Bill No. 569), entitled:

An Act defining the civil service status of certain persons employed by fire departments in cities of the second class.

Which was committed to the Committee on Municipal Government.

House Bill No. 762, (Senate Bill No. 570), entitled:

An Act to amend subdivision heading (i) of article eleven, and section one thousand one hundred forty, of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," authorizing the township supervisors to accept lands dedicated by deed to the township for highway purposes.

Which was committed to the Committee on County Government.

House Bill No. 822, (Senate Bill No. 571), entitled:

An Act to amend section two thousand twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "First Class Township Law," by permitting public roads to be less than thirty-three feet in width.

Which was committed to the Committee on County Government.

House Bill No. 840, (Senate Bill No. 572), entitled:

An Act to amend Clause I of section one thousand five hundred two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law" by changing regulations as to advertising of certain ordinances.

Which was committed to the Committee on County Government.

House Bill No. 890, (Senate Bill No. 573), entitled:

An Act to amend section one thousand and one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law" limiting the number of days for the completion of audits in townships of the first class.

Which was committed to the Committee on County Government.

House Bill No. 892, (Senate Bill No. 574), entitled:

An Act to amend section one hundred thirty-six as amended, and section one hundred thirty-seven, of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," providing for the establishment of the office of controller in certain counties and for the abolition of the office of county auditor; and for the audit of accounts of the county and its officers for the preceding year in certain cases.

Which was committed to the Committee on County Government.

House Bill No. 893, (Senate Bill No. 575), enttiled:

An Act fixing the salary of the controller in counties of the seventh and eighth classes; and providing for a salary board to fix the number and salary or compensation of any deputies and clerks to assist the controller.

Which was committed to the Committee on County Government.

House Bill No. 895, (Senate Bill No. 576), entitled:

An Act to amend section 402 of the act approved the twenty-second day of May, one thousand nine hundred thirty-three (P. L. 853) entitled "The General County Assessment Law," providing a method for the valuation of real property for taxation purposes.

Which was committed to the Committee on County Government.

House Bill No. 902, (Senate Bill No. 577), entitled:

An Act to amend and re-enact section 801 of the act of June twenty-fourth one thousand nine hundred thirty-one (Pamphlet Laws one thousand two hundred six) entitled "First Class Townhsip Law," as amended, specifying and changing the conditions of the bond of the treasurer as treasurer and as tax collector for the township, county, school district, poor and institutional district.

Which was committed to the Committee on County Government.

House Bill No. 1068, (Senate Bill No. 578), entitled:

An Act to further amend section five hundred thirty of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law" by changing the method of filling vacancies in boards of commissioners.

Which was committed to the Committee on County Government.

House Bill No. 1165, (Senate Bill No. 579), entitled:

An Act to further amend section four of the act approved the twenty-eighth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, five hundred ninety-six), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulation the administration and the payment of such pensions." allowing pensions to certain persons heretofore or hereafter dismissed.

Which was committed to the Committee on Municipal Government.

HOUSE MESSAGES

GENERAL ASSEMBLY TO GO ON RECORD AS OPPOSED TO RATIFICATION OF A TREATY BETWEEN UNITED STATES AND CANADA WHEREBY THE GREAT LAKES-ST. LAWRENCE DEEP WATERWAYS WOULD BE CONSTRUCTED.

The Clerk of the House of Representatives being introduced, presented an extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on Federal Relations.

In the House of Representatives, March 8, 1939.

Whereas, the President of the United States has publicly indicated a desire to have the Senate of the United States ratify a pending Treaty between the United States and the Dominion of Canada whereby the Great Lakes-St. Lawrence Deep Waterways would be constructed; and

Whereas, the ratification of such a Treaty would seriously and dangerously affect the economic, industrial, agricultural, commercial and shipping interests of the Commonwealth of Pennsylvania by reason of a disruption in the manufacturing mining and agricultural production of the Commonwealth, the transportation facilities of common carriers which traverse this Commonwealth and the port facilities of Erie and Philadelphia; and

Whereas, such Treaty if ratified would furthermore materially reduce the exportation of the combined manufacturing, mining and agricultural products of this Commonwealth and would encourage the importation of products manufactured in European countries under living conditions far below the standard maintained in the Commonwealth of Pennsylvania and below the wage standard paid by the industrial, mining and agricultural transportation and shipping interests of this Commonwealth and would result in heavy loss of employment and revenue and would prove to be a contributing factor to increased taxation; therefore be it

Resolved (if the Senate concur) That the General Assembly of Pennsylvania goes on record as opposed to ratification of the Treaty by the Senate of the United States and the opening of the Great Lakes-St. Lawrence Deep Waterways and requests the United States Senators to use their influence and vote against the ratification of the Treaty and the furtherance of this project; and be it further

Resolved, That the Senior United States Senator from Pennsylvania so record in the Congressional Record this body's opposition to ratification; and be it further

Resolved, that the Chief Clerk of this House immediately transmit a copy of this Resolution to each of the United States Senators from Pennsylvania.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 34

He also presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, April 17, 1939.

Resolved (If the House of Representatives concur) That Senate Bill No. 34, entitled:

An Act to further amend section five hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the incurring of temporary indebtedness and the repayment thereof.

be recalled from the Governor for the purpose of amendment.

RESOLUTION FOR CONCURRENCE.

He also presented an extract from the Journal of the House, which was read as follows, considered and agreed to:

In the House of Representatives, April 18, 1939.

Resolved, (if the House of Representatives concur), That House Bill No. 610, (Printer's No. 126), entitled:

A Supplement to the act, approved the twenty-first day of July, one thousand nine hundred and thirty-seven (Appropriation Acts page 74), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," by lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation, and re-appropriating such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for its concurrence.

On the question,

Will the Senate concur in the resolution of the House?

It was concurred in.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 291, entitled:

An Act to amend section one of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2681), entitled "An act relating to, and regulating the manufacture, storing, and possession of explosives; requiring permits for magazines, and prescribing permit fees; and providing penalties," by excluding from the provisions of said act explosives used in clay mining or in rock or stone quarries.

House Bill No. 576, entitled:

An Act to further amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-three (P. L. 223, 1933-34), entitled "Veterans Compensation Act" as amended, extending the time during which application may be filed for veterans' compensation.

House Bill No. 639, entitled:

An Act to repeal certain obsolete acts relating to military history, records and historical works.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

BILLS INTRODUCED

Mr. HEYBURN read in his place and presented to the Chair Senate Bill No. 580 entitled:

An Act to amend the act, approved the first day of June, one thousand nine hundred and thirty-seven (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," further defining and adding to the powers and duties of the board; changing and supplementing certain definitions contained therein; further defining certain labor practices by employers; further providing that representatives of a majority of all of the eligible employes in an appropriate unit to be the exclusive representatives of all those employes; empowering an employer to petition for an election among his employes under certain circumstances; providing that in certain circumstances strikes shall be illegal; providing that in certain circumstances the act known as the Pennsylvania Anti-Injunction Act, shall be inapplicable where labor disputes are involved and depriving employes and labor organizations performing illegal acts, under certain circumstances, of the benefits of that act; reorganizing the procedure to be used by the board, both in certification proceedings and in other cases; altering the investigatory powers of the board, including the power and duty to issue subpoenas; conferring a right of an appeal thereon to the courts of common pleas; requiring the separation of the functions of all examiners appointed by the board from the functions of other employes of that board; providing for the filing of narrative transcript on appeal to the Supreme Court; requiring the board to honor collective bargaining agreements; providing for the participation in hearings and cases of special deputies attorney general; altering the bindng effect of the findings of the board before the courts; further defining the public policy of this Commonwealth; altering the qualifications of members of the board; providing for the appointment of employes of the board in accordance with the merit system; further defining the rights and duties of employes and the rights and duties of employers; and for other purposes.

Which was committed to the Committee on Labor and Industry.

He also read in his place and presented to the Chair Senate Bill No. 581 entitled:

An Act to amend paragraphs (a), (b) and (l) of Section 4, Sections 205, 301 and 302, Section 309 as amended, Sections 401, 403, 405, 406 and 501, and to repeal paragraph (d) of Section 4 and Section 404, of the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties"; by changing certain definitions and contributions of employes; providing for the settlement of past due accounts with employers; changing the rate of, and providing for compensation for, partial unemployment; providing for certain payment in case of appeals; imposing duties on the State Treasurer; and providing for the transfer of certain moneys into the Unemployment Compensation Fund and for the time of payments hereunder.

Which was committed to the Committee on Labor and Industry.

Mr. DiSILVESTRO, by request, read in his place and presented to the Chair Senate Bill No. 582, entiled:

An Act to promote public health, safety, morals and welfare; by creating a Rent Adjustment Board to regulate the renting and leasing of all dwelling units used for living quarters in cities of the first class and making an appropriation for these purposes; by conferring upon said Broad the duty and power to hold hearings, compel the introduction of evidence by subpoena and otherwise, and make determinations fixing reasonable charges for, and making other reasonable provisions including standard forms of contracts of leasing arising out of the occupancy of all dwelling units and for all services in connection therewith and providing for the invalidating of unreasonable rental charges and leasing provisions; by conferring upon the said Board the power to prescribe the method of procedure and of initiating proceedings before it, to fix and receive schedule of rates for tenement and apartment houses, to compute damages sustained by parties for violation of the Board's determinations, to commence, prosecute, or otherwise resort to legal process in Municipal Court of cities of the first class and Superior Court of Pennsylvania for the purpose of effectuating the Board's determinations or violations of such determinations; by setting forth rights and duties of tenants and owners of all dwelling units affected thereby with methods of appeal to Municipal Court of cities of the First Class from determinations; by providing penalties for violations of provisions of this act; and by repealing all laws inconsistent therewith.

Which was committed to the Committee on Public Health.

He also, by request, read in his place and presented to the Chair Senate Bill No. 583, entitled:

An Act to protect the lives and secure the safety and health of the people by making it unlawful to evict persons from dwellings or levy or distrain upon and sell necessary household goods under certain conditions; requiring notice of intent to serve any writ of distress or summons for rent, writ of possession or execution to be served on occupant of dwelling, authorizing courts of record to grant injunctions against the service or execution of such writs and in such cases allow landlords to apply to county boards of assistance for payment of rent; and prohibiting waiver of provisions of this act.

Which was committed to the Committee on Judiciary General.

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 584, entitled:

An Act to repeal section two of the act, approved the first day of April, one thousand seven hundred and ninety-seven (3 Smith's Laws 294), entitled "An act to regulate the manner of selling loaf bread, and to repeal certain existing laws respecting the same."

Which was committed to the Committee on Judiciary Special

MR. DENT. Mr. President, I rise in my place and present the following bill; and by way of explanation I desire to make a few brief remarks. I want to call attention to the chairman of the various committees in the hope that the chairman who receives this bill in his committee will take immediate action upon it. It relates purely to a local situation at home, where over a hundred homeowners are forced, every spring, to drink contaminated water because of laws governing the township relating to the setup of the water system.

The only way to relieve the situation is by passing this Act. I desire the committee chairman, who receives this bill, to give it immediate consideration.

Mr. DENT read in his place presented to the Chair Senate Bill No. 585, entitled:

An Act to amend clause three of section seven hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concering townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," authorizing townships to provide fire hydrants and hose; to pay for and maintain the same by tax levy or from revenues derived from the general road tax.

Which was committed to the Committee on County Goverment.

Mr. OWLETT. Mr. President, the bill I am about to introduce is a bill prepared by the Order of Eagles. It sets up a comprehensive system for the administration of old age pensions.

This Order is the Order which led the fight that brought about the original Old Age Pension Act in this State, and at their request it is with pleasure that I introduce a bill on their behalf.

Mr. OWLETT, by request read in his place and presented to the Chair Senate Bill No. 586, entitled:

An Act providing for and regulating, subject to certain restrictions, limitations and liabilities, assistance to certain aged persons, providing for their burial; creating an independent administrative commission, to be known as the Old Age Assistance Commission, and in each county an old age assistance board; defining the powers and duties of said commission and boards, providing for and prescribing the manner of employment and removal of all persons employed by the commission and the said board, and creating an old age employment board to prepare and conduct examinations for such employment; making the Commonwealth liable for certain expenses; imposing duties upon the Attorney General and upon the orphans' courts of the various counties; authorizing the said commission to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the recovery of moneys expended for assistance in certain cases, and a proportional return thereof to the Federal Government; prohibiting political activites by employes and member of the county boards; making an appropriation and repealing inconsistent laws.

Which was committed to the Committee on Welfare. Public Assistance and Pensions.

Mr. MUNDY read in his place and presented to the Chair Senate Bill No. 587, entitled:

An Act authorizing the courts of common pleas of this Commonwealth to appoint standing masters in divorce within their respective jurisdictions, fixing the salaries of such masters, and providing for the payment of those salaries.

Which was committed to the Committee on Judiciary General.

Mr. JASPAN, by request read in his place and presented to the Chair Senate Bill No. 588, entitled:

An Act declaring it a misdemeanor and imposing penalties on landlords or their agents who intentionally fail to furnish any incidental service required by lease, and prohibiting waivers of this right.

Which was committed to the Committee on Judiciary General.

He also, by request, read in his place and presented to the Chair Senate Bill No. 589, entitled:

An Act prohibiting the waiver in a written instrument of any exemption from execution or distress for rent granted by law to debtors.

Which was committed to the Committee on Judiciary General.

Mr. JACOBS read in his place and presented to the Chair Senate Bill No. 590, entitled:

An Act requiring school districts to progressively reduce their tax rate on real estate and providing that the Commonwealth shall pay to the school districts the amount of such annual loss in revenue.

Which was committed to the Committee on Education.

Mr. TALLMAN read in his place and presented to the Chair Senate Bill No. 591, entitled:

An Act to amend section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 337), entitled "An act relating to the jurisdiction, powers, and procedure of the several orphans' courts in proceeding for the partition and valuation of real estate, and for the sale of real estate for the purpose of distribution; and the fees, costs, and expenses therein," by extending the jurisdiction of the orphans' court to include partition proceeding between heirs of a deceased co-tenant and the surviving co-tenant.

Which was committed to the Committee on Judiciary General.

Mr. DEITRICK read in his place and presented to the Chair Senate Bill No. 592, entitled:

An Act authorizing depositors of closed banks to elect trustees to represent their interests.

Which was committed to the Committee on Banking.

He also read in his place and presented to the Chair Senate Bill No. 593, entitled:

An Act to further amend section four hundred and eight of the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liaability and compensation thereunder; and prescribing penalties," prohibiting modification, suspension, reinstatement, or termination of agreements for compensation entered into after a year from date of accident except as provided in such agreements.

Which was committed to the Committee on Labor and Industry.

He also read in his place and presented to the Chair Senate Bill No. 594, entitled:

An Act to further amend section three of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 988), entitled "An act providing for and regulating the State registration of nurses and licensed attendants, the annual recording of registration certificates; and regulating the profession of nursing; and repealing certain existing laws," providing for the licensing of certain nurses without examination.

Which was committed to the Committee on Public Health.

REPORTS FROM COMMITTEES

URGING THE ENACTING OF FEDERAL AND STATE LEGISLATION TO RELIEVE DISTRESSFUL SITUATION IN THE ANTHRACITE COAL FIELDS.

Mr. MILLER, from the Committee on Mines and Mining, to which was referred resolution offered by Mr. MUNDY, on March 28, 1939, reported the same without amendment as follows:

In the Senate, March 28, 1939.

Whereas, the Members of the General Assembly of the Commonwealth of Pennsylvania are keenly aware of the sad plight of thousands of families residing in the anthracite coal region of Pennsylvania; and

Whereas, it is their belief that the State and Federal Government should rehabilitate and revitalize the anthracite coal industry which has helped make this Commonwealth great, and thereby relieve the distress of many anthracite miners and their families; and

Whereas, the Members of the General Assembly are appreciative of the fact that rehabilitation of the anthracite coal industry will not only provide sustenance for many destitute families, but will generally revive all of industrial and agricultural Pennsylvania, therefore be it

Resolved (if the House of Representatives concur), That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to enact legislation, if necessary, to recreate gainful employment in the anthracite coal fields; and be it further

Resolved, That the General Assembly of Pennsylvania review the study of the anthracite coal problem and if in their opinion legislation is necessary for the rehabilitation of the industry, give due and proper consideration to same at the present session of the Legislature.

A motion was made by Mr. MILLER and Mr. HOMSHER.

That rule 39, which requires resolutions reported from committee to lie over for one day be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

Which was agreed to.

On the question,

Will the Senate agree to the resolution?

It was was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

Mr. SNOWDEN, from the Committee on State Government reported as committed, Senate Bill No. 431, entitled:

An Act to amend sections one and six of the act, approved the nineteenth day of July, one thousand nine hundred and thirty-five (P. L. 1356), entitled "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of Internal Affairs; and providing penalties," by providing for reciprocal recognition of weight certificates for solid fuel between the Commonwealth of Pennsylvania and bordering states requiring such certificates; and defining the term "licensed weighmaster".

Mr. FARRELL, from the Committee on State Government reported as committed, Senate Bill No. 432, entitled:

An Act authorizing the Department of Property and Supplies, with the consent of the Department of Military Affairs and the approvel of the Governor, to sell or exchange and convey the property of the Pennsylvania State Arsenal at Harrisburg; appropriating the proceeds thereof to the Department of Military Affairs; and providing for the construction of an arsenal or warehouse on the military reservation at Indiantown Gap, and for the removel of State and Federal supplies thereto.

Mr. WOODWARD, from the Committee on State Government, reported as committed, Senate Bill No. 289, (House Bill No. 282), entitled:

An Act to repeal the act approved the twenty-second day of September, one thousand nine hundred and thirty-eight (P. L. 37), entitled "An act relating to and removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth, one thousand nine hundred and thirty-one (P. L. 575), entitled 'An act providing for the joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river, authorizing the Governor for these purposes to enter into an agreement with New Jersey, creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds, transferring to the new commission all the powers of The Delaware River Bridge Joint Commission and making an appropriation' and providing for the appoitnment of their successors."

QUESTION OF PERSONAL PRIVILEGE

Mr. HALUSKA. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Cambria, Mr. Haluska, will state his question of personal privilege.

Mr. HALUSKA. Mr. President, I have listened patiently to the reports of committees at this time and I have not heard the Committee on Welfare report out Senate Bill No. 47.

I would like at this time, briefly, to give my colleagues some knowledge concerning this bill, if they will bear with me.

On the sixth day of February I introduced Senate Bill No. 47, which was referred to the Committee on Judiciary General. They referred the bill back to the Senate and we re-referred it to the Committee on Welfare.

I have been informed that the Committee on Welfare met and discussed this bill, and I have not heard the bill being reported. This bill, Mr. President, is one of the most important bills touching the pulse of the people at this time.

This bill relates to aged persons of our State applying for assistance. The present law states that any person at the age of seventy that is found to be indigent can receive assistance, providing, of course, that he or she will first assign his personal property to the Government for repayment of any money that he or she may receive.

Senate Bill No. 47 takes out that clause of providing a bond for repaying money to this Government. The time has come when I believe we should forget about politics. If my name on that bill is keeping it from coming out, I ask to remove my name. This is not a personal issue; this

is not a partisian measure; it is a piece of humane legislation.

What does it mean? It means that today, under our present law, the pioneers of this State, the persons that have settled here, that were born here, that were naturalized here, the same people that helped to build up our communities, our schools, our churches, persons who are taking an active part in civic affairs, are today, through no fault of their own, found to be indigent. They only have a few years to live. They must be seventy years of age. They must be found indigent. They are in the sunset of life; probably they have two, three or four years to live; and we say to them, "Mr. Citizen, because you have been aggressive, because you have helped to build our county, because you have helped to build our community, and because you have built yourself a little home, you must sign this bond and give us that home."

At the same time we are telling the drone, the man that never cared, the man that possibly never did anything for anyone, not even for himself—we say, "Walk up, Mr. Citizens, we will give you a check and ask nothing back in return."

Certainly, I think such an act should be eliminated and I present Senate Bill No. 47 trusting and hoping that my colleagues to the right, and my own colleagues here, would surely be humane enough to study such a measure and give the people of Pennsylvania, both Democrats and Republicans, a new lease on life. Let them live, let them have that property, and let them hand it down to their young ones that they leave behind.

I am sorry to say, Mr. President, that up until this present time, and at this late time of the Session, the Committee on Welfare has failed to report out such an important measure.

Therefore, Mr. President, I offer the following motion.

I MOVE THAT THE COMMITTEE ON WELFARE BE DISCHARGED FROM FURTHER CONSIDERATION ON SENATE BILL NO. 47

Mr. President, I ask for the discharge of this Committee so that a humane committee may act on this bill.

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. OWLETT. Mr. President, I should like to interrogate the sponsor of this bill, the Senator from Cambria.

The PRESIDENT. Will the Senator from Cambria, Mr. Haluska, permit himself to be interrogated?

Mr. HALUSKA. Mr. President, I will.

Mr. OWLETT. Mr. Presidlent, I should like to ask the Senator from Cambria if I understood him correctly when he said that this bill applied to old age pensioners, solely.

Mr. HALUSKA. Mr. President, people receiving old age assistance, yes.

Mr. OWLETT. I should like to ask the Senator whether he has examined the Act to find out whether this amendment will be permitted under the Federal law.

Mr. HALUSKA. Mr. President, I see no reason why it should not be permitted.

Mr. OWLETT. Mr. President, my understanding is that the Federal Grant which gives Pennsylvania a portion of the money paid out for old-age assistance requires the State, in administering the Act, to give assistance only to aged persons who are in need of such assistance; and has certain provisions with reference to the reimbursement of the State for the money paid out to those people.

It seems to me that for this Senate to even consider discharging the Committee on a bill which might lose to the Commonwealth millions of dollars, if enacted, until we know certainly, at least, that it would not interfere with the Federal grant which pays part of the old-age assistance, would be the height of folly.

Now, I understand, Mr. President, that this Committee on Welfare is giving very earnest and careful consideration to all these problems; and certainly at this stage of procedure on this Legislation the Committee should not be discharged from further consideration of this matter.

Mr. HALUSKA. Mr. President, in order to further enlighten my colleague from Tioga, I wish to state that in the 1935 Session of the State Legislature, and in the 1937 Session, we passed an amendment to the Constitution and, if you recall, in the fall of 1936—in effect, in 1935—I helped to carry through that amendment—in 1937, rather, and in the fall of 1937 the amendment was placed on the ballot.

You recall very clearly that we had five amendments on our bill and this was Amendment No. 3, and the people of the State of Pennsylvania voted, by referendum, to legalize the payment of old-age assistance. Therefore, the Federal Government cannot in any way stop the payment of this assistance by removing this part of the Act.

Mr. OWLETT. Mr. President, what the Senator from Cambria has said with reference to the fact that the people of Pennsylvania amended the Constitution to permit old-age assistance, is, of course, correct. I was in the legislature and helped to pass the first Old-Age Assistance Act that we adopted after that amendment.

When the Senator states the Federal Government cannot lay a condition on this State at this stage, he certainly is under a misapprehension as to its provisions; if the State wanted to pay all the money itself he is, undoubtedly, correct. We can make any conditions we wish with reference to old-age assistance; but when the Federal Government says that if the State does this and so, we will give you so much money, and that is what we have done, and it is certainly obvious that we cannot pay old-age assistance without complying with provisions of the Federal Government.

I introduced, just a short time ago, a bill prepared by the Order of Eagles, which has probably made a greater study of this problem than any group in the State; and if the Senator will examine this Act he will find, in order to comply with the provisions of the Federal Government, they had to insert a provision that the Board may require people receiving old-age assistance to turn over their property to the State to be administered in their behalf, so that the State and Federal government will receive a return of this money.

Now, the object of the Senator's motion, I think many of us sympathize with. We all agree with much that the Senator has said; but we must look at this thing in a different manner.

I repeat that the Senator from Cambria at this time should not move to discharge the Committee in a matter as important as this.

Mr. HALUSKA. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga permit himself to be interrogated?

Mr. OWLETT. Mr. President, I shall be very glad.

Mr. HALUSKA. Mr. President, I understood the Senator from Tioga to say the Federal law sets forth that the Federal Government "may" ask for the re-reinstatement of the property or "shall."

Mr. OWLETT. Mr. President, the exact wording of the Federal Act I am not familiar with; but, I do know that the Act, the Federal Act, requires a showing of need in order to obtain assistance and provides for refund and provides that there must be a means for the refund of the money if the recipient of that old-age assistance has any property.

I, therefore repeat, unless this has been thoroughly studied, to be sure it complies with the Federal Act this State certainly cannot afford to pass this bill.

Mr. HALUSKA. Mr. President, it is true, as the Senator from Tioga stated, that there first must be a need; secondly, the present Act says they must be found indigent, and the word "indigent" means there must be a need. But I have checked the Federal Act and I find no provision whatsoever where it states that they must be more than indigent.

There is no such part in the Federal Act, Mr. President; and if there is I should like to have someone point it out to me, stating that the property of an indigent must first be assigned to the Government for repayment of any moneys received.

It is true, as the Senator from Tioga has stated, there must be a need, but the word "indigent" takes care of that; and I am trying to put this person, that has acquired a little property, on the same basis as the person who has nothing. Certainly they are entitled to it.

I say, this is not a partisan measure. I would like this Committee to reconsider this matter. I will withdraw my motion to discharge the Committee if the Committee will bring the bill out on the floor and keep it on the calendar until such time as we can prove to ourselves whether or not the Federal Act in any way is inconsistent with the laws of our State.

If the Chairman of the Committee on Welfare will agree to bring this bill out, I shall be glad to withdraw my motion and await further action. I wish to be fair in this matter.

Mr. MALLERY. Mr. President,

Mr. CAVALCANTE. Mr. President, I yield to the Senator from Blair, Mr. Mallery.

Mr. MALLERY. Mr. President, in 1935 or 1937, I believe it was, the Senator from Cambria introduced this same bill, or a similar bill, and the members of this Senate will recall that I supported that measure. I did so because I felt that those people who are inclined to be thrifty, who are willing to deny themselves of certain luxuries anyone would naturally want to enjoy, but would prefer to provide a home, that those people should be preferred when we came to dispense relief.

We all know that you cannot eat a home; but when this bill was referred to the Judiciary General Committee, and it was pointed out by a member of that committee that the share that the Federal Government contributes towards relief would not be given them—if the people who had property were not required first to make use of that property to keep themselves—then it was the consensus of that committee on Judiciary General that before reporting out the bill, the basis of which would be declared unconstitutional, it was decided in that committee that further study should be given to the bill.

I want to state that I am still in accord with the Senator from Cambria, Mr. Haluska; that I would like to see something done for those people, so that they would not have to sacrifice their homes; and if anything can be worked out I will certainly support that measure; but I would not be in favor of discharging the committee in view of the serious question as to the constitutionality of the act.

Mr. HALUSKA. Mr. President, no doubt my colleagues recall that during the 1937 session I sponsored the same measure, and, if I recall correctly, the Republicans and Democrats voted for that measure. I recall very clearly when the vote was being taken, when back of the rail my friend DeSchweinitz, at that time head of the Department of Public Assistance, walked up and down and said, "Well, we will kill this bill in the House."

I blamed the Democratic party then for killing that bill, and today I will accuse the Republican party the same way.

I am more-or-less independent. This is not a partisan measure and I say that this bill haunted the Democratic party up until this present time and I say to you gentlemen now it will haunt you for a great many years.

Now, Mr. President, I desire to interrogate the Senator from Blair, Mr. Mallery.

The PRESIDENT. Will the Senator from Blair permit himself to be interrogated?

Mr. MALLERY. Mr. President, I will.

Mr. HALUSKA. Mr. President, can the Senator from Blair point out specifically any part of the Act of the Federal Government wherein it is stated that properties must first be assigned to the government, the Federal Government, for repayment of any moneys received for assistance? Does the Senator from Blair know of any part of the act stating that?

Mr. MALLERY. Mr. President, I as going to suggest that we should determine from someone in authority in the Federal Government whether or not the State of Pennsylvania would forfeit the money to which, under the present set-up, the Commonwealth is entitled. It seems to me that that question could be determined, possibly, by inquiring of proper authority in Washington and end this question.

Mr. HALUSKA. Mr. President, in reply to the remarks of the Senator from Blair, I have conferred with a number of persons and I have been told by all of them that no part of the Act states they must comply with that request. Can the Senator from Blair show me where I am wrong?

Mr. MALLERY. Mr. President, may I inquire from whom the Senator from Cambria obtained that information?

Mr. HALUSKA. Mr. President, I have obtained that information from a number of my friends who have studied the Act. I should like to ask the Senator from Blair, or anyone else on that side of the house or on this side of the house, whether they have any knowledge of any part of the Act, and where I can find it, stating that I am wrong. If I am wrong, I will gladly yield.

Mr. MALLERY. Mr. President, it seems to me inquiry might be made of the Attorney General of the United States, or someone in authority, interpreting that law, as to whether or not, if we pass this bill, we might forfeit the State's right.

Mr. HALUSKA. Mr. President, is it not a fact that the

Senator from Blair is just assuming that that part is stated in the Act and that he has no knowledge of that; is that correct?

Mr. MALLERY. Mr. President, it was defeated in 1937 for that reason, as I understand it.

Mr. HALUSKA. Mr. President, I am asking the Senator from Blair whether he is just assuming that that part is in the act or whether or not he really knows. I would suggest that he answer yes or no.

Mr. MALLERY. Mr. President, I do not know. That is the reason why I should like to have further information.

Mr. HALUSKA. Mr. President, I would like to ask the entire membership of the Senate—I am honest and sincere about this—whether anyone in this body has any knowledge, including yourself—has any knowledge of any part of the Act stating that I am wrong in my understanding. Does anyone in the Senate have any knowledge of the Federal Act? If not, Mr. President, certainly there must be some other reason for trying to delay this bill.

I would like to ask the Chairman of the Committee on Welfare whether or not he would be willing to reconsider his actions on this bill again.

The PRESIDENT. The Chairman of that Committee is not in his seat at the present time.

Mr. WOODWARD. Mr. President, might I explain, in the absence of my colleague, the chairman? I asked the Chairman if he would call up Secretary Russell, on the telephone, and ask Secretary Russell whether he was acting under authority of an Act of Assembly or by rule and regulation of his Department. By the way, there is the Senator from Northumberland now.

Mr. HALUSKA. Mr. President, I should like to interrogate the Senator from Northumberland, Mr. Deitrick.

The PRESIDENT. Will the Senator from Northumberland permit himself to be interrogated?

Mr. DEITRICK. Mr. President, I will.

Mr. HALUSKA. Mr. President, I would like to ask the Senator from Northumberland whether or not he asked Secretary Russell whether this measure could have the clause removed that we have spoken of this afternoon? Did he ask him whether or not the property of indigent persons could legally be exempted and payment still continued for aged persons.

Mr. DEITRICK. Mr. President, I did.

Mr. HALUSKA. Mr. President, what did he say?

Mr. DEITRICK. Mr. President, he said he did not think there was anything in the law to keep them from doing that.

Mr. HALUSKA. Mr. President, I thought I was right for once. There is nothing in the law that pertains to that act. Now, Mr. President, I would like to interrogate the Senator from Northumberland.

The PRESIDENT. Will the Senator from Northumberland permit himself to be interrogated?

Mr. DEITRICK. Mr. President, I will.

Mr. HALUSKA. Mr. President, since the Senator from Northumberland is apparently convinced now that the Act in no way could be unconstitutional, if I withdrew my motion to discharge this committee, would the Chairman of the Committee once again be willing to reconsider this measure in committee?

Mr. DEITRICK. Personally, Mr. President, I would be glad to, yes.

Mr. HALUSKA. Mr. President, in view of the attitude of the Senator from Northumberland, I desire at this time to withdraw my motion to discharge this committee.

Mr. CAVALCANTE. Mr. President, I have seconded that motion, and I am not so sure that I am in full accord with the Senator from Cambria. I want to be broad-minded enough to feel that the gentleman from Northumberland, Dr. Deitrick, fully appreciates that he cannot speak for the whole committee.

In addition to being the seconder of the motion, I also, by accident or otherwise, happen to be a member of that committee and engaged in a discussion and consideration of this bill in committee. I think that I appreciate fully the mental temperament of the members of that committee on this most important measure.

We had a hard time here to have anything to say on this motion and on the bill. I am amazed that as many intelligent members of this Senate—I say that I am amazed in view of the number of intelligent attorneys that are sitting here in this room, that we must go to a man like Mr. Russell to ask him what the law might be.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga will state his point of order.

Mr. OWLETT. Mr. President, there is now nothing before the Senate.

The PRESIDENT. The Chair rules there is a motion before the Senate.

Mr. OWLETT. Mr. President, the matter before the Senate is the withdrawal of a motion, and the Senator from Fayette is not discussing that motion.

The PRESIDENT. The seconder did not join in the request to withdraw.

Mr. CAVALCANTE. Mr. President, I am amazed at the gentleman from Tioga, as brilliant a lawyer as he is, that he should stand on the floor of this Senate and try to confuse our minds on what might be the Federal provisions of this most vital question.

I say plainly, and looking squarely in the face of the gentleman from Tioga, that he knows the answer to the question; that he has been a member of this Senate and in committees now for more than four years—several sessions—and that same problem has come up and he knows the answer.

He knows that the only thing the Federal side of this problem requires is that the applicant for old age assistance shall be needy and indigent and if he is a proper case—if the applicant is indigent—if there is need, he is entitled to that relief; and this bill that we are trying to bring to the floor of this Senate, by discharging this committee deals with a very humane, a very honest problem, and that problem is this: after this mighty State of Pennsylvania, with its army of social welfare workers, trained in the art of social welfare, have gone to the home of an aged man or woman and gone into the private life and pedigree of that old man or woman and it is determined that they are indigent and entitled to receive old age assistance—whether this mighty Commonwealth of Pennsylvania will turn around then and be an Indian giver and take it back from them.

I say, if we need any regulation, if we need any legislation here on this problem, it is an Act of Assembly making it unlawful for these flat-wheels of public assistance, these professional social welfare workers, from giving relief or

old age assistance to people who are not entitled to it; but if they are entitled to it and we give it to them, then we should not take it back from them. I am amazed at the subtle arguments, by the camouflage of the other side. They do not want to come to grips with this problem on the floor of this Senate; they do not want the people to get the state of their minds; they do not want to come out and show the people where they stand on this question.

You are trying to evade the question and I say, Mr. President, that I am very reluctant to withdraw my second to that motion, because I think that the people of this Commonwealth are entitled to know where the members from the other side stand on this problem, and I am just as positive and sure as I stand before them, that the Committee on Welfare—the majority members on that committee—are opposed to the principle of that bill; and I say and I accuse the gentleman from Tioga, from the floor of this Senate, that he, himself, is opposed to the principle of that bill. If he is not opposed to it, let him then vote for the discharge of this committee.

Mr. WOODWARD. Mr. President, as a layman, I should like to rise to uphold a rule of law. I am in favor of a "rule of law"—I am not in favor of a "rule of lawyers."

And now, it seems to me that the Senator from Fayette has missed the point, the big point involved, which in my mind is a question of administrative law—what is called the new despotism, or, in one word, "bureaucracy."

The Chairman of the Committee telephoned Secretary Russell and asked him to consider the question, as to whether his ruling was the result of an act of Assembly, or whether it was an administrative order of his Department. The answer was that this was an administrative order from Secretary Russell's department.

That is the point, to my mind. I do not care whether it is bad or good, I am against administrative orders, any order from a bureaucrat, or from a bureaucracy. If the members of the Senate would read the book called "The New Despotism" they will agree with me—it is a book wriiten by Dean Landis of the Harvard Law School, and Dean Landis has brought out about a hundred of these bureaus in Washington and they are fast becoming a law to themselves.

I consider this question a sample of that evil and, therefore, I will vote against an administrative order of Secretary Russell or any other member of the administration. If it is a violation or not, according to an act of Assembly, I think it is high time the members of the General Assembly should assert their rights. I don't care whether it is wrong or right.

Mr. CAVALCANTE. Mr. President, I should like to interrogate the Senator from Philadelphia, Mr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, will the Senator from Philadelphia tell us how we can vote for or against that proposition, if the bill is not brought to the floor of the Senate?

Mr. WOODWARD. Well, Mr. President, in the Committee meeting today there were a number of the members of the Committee who were impressed with the same idea; that it is not right for any member of any bureau to issue an order which is not in accord with the Act of the General Assembly.

Mr. CAVALCANTE. Mr. President, I should like to enlighten the Senator from Philadelphia on this bill, that we have two problems before us that are almost identical. One of them is the requirement by the Department of Public Welfare requiring relief recipients to sign a bond; and the other is the problem involved in the bill that the Committee now holds, which Committee we are trying to discharge from further consideration.

This bill is not the same question that the Senator from Philadelphia has in mind. This is not an administrative order; but we are trying to change an act of Assembly which gives the Department or the State the power to take the property of indigent people, after they are dead—after they are gone; and that is the problem that is involved here.

I agree fully with the gentleman from Philadelphia that he himself has publicly said—or at least I heard him state in committee—that he is opposed to the order made by Mr. Russell requiring this five thousand-dollar judgment note from the recipient. But I want to summarize again—and I am emphasizing it, so that the gentleman from Philadelphia may understand, that the question we are arguing about in this motion is an Act of Assembly and not an administrative order.

Mr. EALY. Mr. President, I want to say that I am not afraid to state my position on this bill. This bill is not for the relief of old people who have a home or a certain amount of property. The bill as amended would tend to give the property of these people, which should be spent for their support, to their children—in many cases worthless sons and daughters who ought to support their parents, but are not willing to do so.

I would like to ask a little latitude to express my view on this whole subject a little more clearly.

If this country were able to wipe out the past six years of misgovernment in State and Nation and to start over again at the time we abandoned the basic rules of thrift and self-reliance and financial stability for foolish experimentation and the more abundant life, how much better we would be both in government stability and in individual moral fiber.

While we may cast much blame on the leaders who permitted and who still continue to permit a vast orgy of wasteful spending which must inevitably lead to financial chaos, yet the rank and file of the people cannot excuse themselves from the responsibility for our dire plight. Government subsidies in so many forms are demanded; government regulation and inspection seem to be insisted upon. The government is being called upon to remedy not only all kinds of wrongs but also all kinds of inconveniences.

We have wasted untold sums of money in buildings that are unnecessary and too costly; in the administration of relief and the various forms of work relief; in subsidies which have given false temporary aid but which have weakened the vitality of the industry or business. We have encouraged idleness and are destroying self-reliance and initiative.

The Federal government unfortunately has the power to borrow unlimited sums of money for its extravagances. It has encroached upon the taxing power of the states and to prevent criticism it has made grants to the states of Federal funds. Pennsylvania has felt forced to accede

to the demands of the Federal government for otherwise moneys which should remain with us are taken away.

And what the Federal government does is of vital interest to us for the collapse of its credit results in financial chaos everywhere. If it is supposed that the Congress or the Legislature can pass a few laws which will solve our problems we are doomed to disappointment. We must suffer the penalty for our excesses and we should soon begin to realize that fact. To temporize is merely to put off the day of reckoning.

It is sad indeed that the lessons of history and the warnings of the prophets alike go unheeded.

I hold in my hand a little booklet by Hon. Andrew D. White, one time President of Cornell University, and also formerly Ambassador to Germany. It is called "Fiat Money Inflation in France"—during the French Revolution. I wish that all members of Congress and the people's representatives in government everywhere in the United States might read it.

From the foreword to the book by John Mackay of Toronto, Canada, I quote, "There are limitations to the powers of governments and of peoples that inhere in the constitution of things, and that neither despotisms nor democracies can overcome.

"Legislatures are as powerless to abrogate moral and economic laws as they are to abrogate physical laws. They cannot convert wrong into right nor divorce effect from cause, either by parliamentary majorities, or by untiy of supporting public opinion. The penalties of such legislative folly will always be exacted by inexorable time. While these propositions may be regarded as mere commonplaces, and while they are acknowledged in a general way, they are in effect denied by many of the legislative experiments and the tendencies of public opinion of the present day. The story, therefore, of the colossal folly of France in the closing part of the eighteenth century and its terrible fruits, is full of instruction for all men who think upon the problems of our own time."

I mention this tragic story of French finances which failed to make any impression on the rulers of post-war Germany and which our own government does not heed, for we in Pennsylvania have been shutting our eyes to the painful truth that spending beyond our income means bankruptcy.

In our homes, in our schools, arithmetic seems to be regarded as an almost unnecessary branch of study. To the contrary I quote, as once before, from the old philosopher "arithmetic is the first of the sciences and the mother of safety."

The answer to our problem is not easy. We can put all business in the hands of the State, give up our independence in thought and action, and become more regimented animals to work for a living as in the totalitarian states—and that living will be much inferior to that to which we have been accustomed; or we can cut out many governmental functions which are not absolutely necessary, and we can put out relief assistance on a basis of actual need and under a simplified system where the overhead will be at a minimum. The labor groups will have to adopt a more helpful policy toward business; some social welfare workers will have to find ways to make money instead of spending it; private charity will have to be encouraged instead of being discouraged by harsh legislation, and more consideration will have to be given in the laws to property rights and business enterprises.

The Governor is calling upon each Secretary to simplify the work of his department as much as possible and to coordinate with other departments to prevent duplications. I think with more study we can repeal some laws which impose duties not essential. We can get along with less government. Some bills have been introduced for that purpose in this session.

As to relief, my position has always been that the present system must be changed before we can lessen the tremendous burden which it imposes, and restore confidence in the people. Plutarch, the Greek historian said, about 1800 years ago, "The man who first ruined the Roman people was he who first gave them treats and gratuities."

John Smith, who founded the first English colony in America, knew the truth of that statement. He established the rule that he who would not work should not eat. The man who is unwilling to do an honest day's work for his support is doing an injustice to all those who are forced to work to keep him in idleness.

It seems to me that it is time for those in authority to express in no uncertain terms that our joy ride in extravagant relief expenditures is over, and that the position of the man on relief shall not be better than he who works for a living.

The imposition of the so-called Social Security tax for Unemployment Compensation has crippled many smaller businesses, and driven some to bankruptcy. The method of payment of the compensation under the present law is in many cases unjust and should be changed in many particulars if we can do so.

We hear frequently the expression "human rights against property rights." This is very inaccurate. Of course the right of life and liberty and health is higher than the right of property. But the right to own and possess goods is a "human" right, one of the dearest and noblest. It is set forth in the first section of the first article of our State Constitution, and when we fail to protect and defend that right we are taking a big step back toward the jungle.

I am mentioning these things because it seems to me that before we can do much good by passing laws the people of our Commonwealth must get the right attitude toward government. We must return to the old spirit of enterprise, of self-reliance. We must give encouragement to those who have initiative and business skill. We must learn the truth so well expressed by President Grover Cleveland—"The people should support the government, not the government the people."

Mr. MUNDY. Mr. President, I am very much interested in this filing of a bond, but I must admit I am very much confused as to the exact status of the bill as it is now.

I listened to the Senator from Somerset delivering one of those typical Hamilton Fish resistance speeches and I almost closed my eyes and thought I was listening to Herbert Hoover in 1929 or in 1930. I dismiss some of his remarks, very briefly, by saying we do not parallel our present political situation in this country with anything in the foreign countries, so we might very much profit by not paralleling our financial status with anything that is foreign or that savors of foreign extraction today.

What I should like to know, to become practical, if the Chairman of the Welfare Committee will permit himself to be interrogated, I would like him to find out the present situation on this bill.

The PRESIDENT. Will the Senator from Northumberland permit himself to be interrogated?

Mr. DEITRICK. Mr. President, I will.

Mr. MUNDY: Mr. President, I understand that bill is now in the Committee on Welfare—the bill under discussion.

Mr. DEITRICK. Mr. President, it is.

Mr. MUNDY. Mr. President, has that bill been definitely acted upon?

Mr. DEITRICK. Mr. President, action has been postponed by the Committee.

Mr. MUNDY. Mr. President, as the Chairman of that Committee, the Senator from Northumberland has the right, a proper right, to assure us that that bill will be reconsidered.

Mr. DEITRICK. It will be, Mr. President, yes.

Mr. MUNDY. Mr. President, I understand that the Senator from Northumberland has given the Senate that assurance.

Mr. DIETRICK. Mr. President, I have.

Mr. MUNDY. Mr. President, in view of the fact that we all have confidence in the statement of the Senator from Northumberland, I think the situation, as it presents itself, is to wait until this Committee reconsiders this bill and reports out its action before we go into any serious discussions of a definite reason or a definite thing.

Several members here have risen on the floor and said they have ideas different from some of those of the speakers I heard; and it is only fair to give them a chance to reconsider the bill before we further discuss it.

Mr. SHAPIRO. Mr. President, with all due respect to the enthusiasm and the position of the Senator from Cambria, I think his position, in a great measure, is correct; but I want to point out that this bill requires more consideration. There is a confusion of ideas. The law, as it exists today, provides that the property of persons who receive relief is liable for the money.

The Department in Harrisburg, the Department of Public Assistance, without any law, has added a rule which provides, in addition to that Act, that section—it requires that those people—their property, is liable for relief. Having property, they must file a bond, give security; and that bond contains, I assume, a confession of judgment; and, therefore, can be entered of record and be proceeded upon.

Now, when this bill was first passed on, when the Department of Public Assistance met, under Dr. de Schweinitz—it has already been pointed out here on the floor—the question was whether it would be given the right to sue; and it was answered that there could not be a waiver of that right; but there is no necessity for suit, under the Act, in order to get a Federal Government grant.

There is no question in my mind that we cannot pass any legislation now providing for that Department of Public Assistance shall not make a rule. We are passing an Act, or amending this by saying, no bond shall be required, but that it shall be proceeded with as in any other claim. That, we can do so. So, I take it that what happened between Dr. Deitrick and Dr. Russell is that Dr. Deitrick inquired whether or not there was a rule with regard to a bond, or whether it was law, and Mr. Russell said it was a rule of the Department.

Now, this bill provides a new change in the law; namely, that a certain portion of that real and personal property should be exempt from any claim during the lifetime of the person who is receiving the money. When the person who is receiving money under this bill dies, his property will be subject to suit for the relief; but that, as long as he lives, his home will not be subject to suit—and certain personal property, which I think is the furnishings of the home, and three hundred dollars in cash are exempt.

I do not think that this bill is so bad, and I do not think the situation should be closed. We have exemption laws even for debtors, people who owe money. Their property is exempt up to three hundred dollars.

The person who lives in a home is entitled, under this act, even though he owns a house, to receive relief. Threfore, he is entitled to that. There is no reason why it cannot be exempted during his lifetime from any action.

I do not think the Federal Government will interfere with this because there is nothing in the Federal Law which says that you must enter judgment. They merely provide that a law furnishing relief shall provide that the person's property shall be liable. They do not say the extent to which it may be liable.

I think there is a great deal of merit in this bill, and the motion to discharge the committee, however, may have the effect of our not getting any action on the bill at all. I should like to urge my friends, the Senator from Fayette, and my friend from Cambria, that they agree to the withdrawal of this motion and let the matter be considered by the committee further.

This is a very important proposition—if there should be anything in this bill which prevents the Federal Government from giving us the money, there are too many millions of dollars involved in this thing to pass it this way.

Mr. DENT. Mr. President, with the permission of the Senator from Northumberland, Mr. Deitrick, I would like to elaborate a little upon the conversation held between him and Mr. Russell, as I happened to be the second party in the telephone booth and heard every word of it. With his permission. I would like to add a little to what he said.

As I understand it, the Senator from Northumberland asked Secretary Russell these questions, that were asked on the floor of this Senate: whether or not a Federal regulation determined the amount that was set up, as allowed to those persons who receive public assistance, or rather, old age assistance; and whether or not, if we remove this proposition of the collecting from the deceased's estate, the Federal government would cease and not give us anymore funds for old age assistance.

As I understand it, Mr. Russell said that the Federal Government had kept a close tabulation in all cases and that the amount recovered was so small that they had practically given up the idea; and that no interference would come from the Federal Government on the particular ruling or upon this law, if passed.

The second question is relative to the bond, which was taken up later. I would like to interrogate the Senator from Tioga, if he will condescend.

Mr. OWLETT. Mr. President, I shall be very glad to be interrogated.

Mr. DENT. Mr. President, will the Senator from Tioga

tell me, and the members of the Senate, what the limit is that has been set up in the bill introduced by him today.

Mr. OWLETT. Mr. President, this Act provides that:

"Section 15. On the death of a person receiving assistance under this act or of the survivor of a married couple, both of whom were so assisted, the total amount paid as assistance, together with simple interest at three per centum annually, shall be allowed and deducted from the estate by the court having jurisdiction to settle the estate, and paid into the treasury of the Commonwealth."

The next section, Section 16, provides:

"If the commission deems it necessary to protect the interest of the Commonwealth, it may require, as a condition to the grant of assistance, a certificate that all, or any part, of the property of an applicant for assistance be transferred to the commission. Such property shall be managed by the commission, which shall pay the net income to the person or persons entitled thereto. The commission shall have power to sell, lease, or transfer such property or defend and prosecute all suits concerning it, and to pay all just claims against it, and to do all other things necessary for the protection, preservation, and management of the property."

Now, Mr. President, there is another interesting clause that will add or throw some light on this subject:

"So long as required as a condition of Federal participation, one-half of the net amount collected or recovered by way of restitution from any aged person, or from his estate, by or for the commission, shall be promptly paid to the United States, and the remainder thereof shall be paid into the State Treasury, and shall be credited to the current appropriation to the commission, as provided by law."

Mr. DENT. Mr. President, does the Senator from Tioga say that this organization is known as the "Eagles"?

Mr. OWLETT. That is correct, Mr. President.

Mr. DENT. Old age pension plan, Mr. President?

Mr. OWLETT. That is correct, Mr. President.

Mr. DENT. From my recollection, Mr. President, in their plan, they set up a maximum of three thousand dollars that a person was allowed to retain in an estate.

Mr. OWLETT. Mr. President, in answer to the interrogation of the Senator from Westmoreland, I understand he is correct. They provide that a person may receive old age assistance even though they have three thousand dollars; but at the same time they provide that that person shall pay it back and the commission may go to the extent of requiring the turning over of the property to that commission wholly to assure that the money will be paid back at the death of the pensioner, with the thought that as long as the aged person lives they should be allowed the use of it.

When they die there is no reason why the property should be turned over to a child who ought to be supporting that parent and the parent not be on the relief roll. I think that is a proper attitude.

Now, let me say further, Mr. President, that no matter what device is finally determined upon to protect the Commonwealth, I think we all agree, I take it, at least most of the Senate would agree, that there ought to be some provision, some plan, devised, where, if a bond is not the right procedure, something else be devised so that when an aged person is gone, and they have had their assistance, their property should be used to reimburse the State for that assistance so rendered; and not turn it over to the heirs who ought to have been supporting that person.

Mr. DENT. Mr. President, I thank the Senator for his explanation. I want to say, Mr. President, along this line, that no consideration has been given to the fact up until now, anyway, that many in the working class families—many of the children contribute to the buying of the home. Some children have gone to work at the age of twelve or thirteen, and have helped their fathers buy the home; and in some cases they actually bought the home in the name of their father and their mother. No provision is made whatsoever to allow this property to return to the rightful heirs.

Now, we talk about protection. I would suggest that the Senators read Section 13 of the Act of 1937, in which it clearly takes care of any case in which a person, that has more than they should have receives old age assistance, or any other assistance. That section clearly sets up machinery whereby the State can recover any amount that it spends; and I cannot understand why all the fuss over this piece of legislation, when the Republican members who were here in 1937 understood, I believe—with the debate on the floor of the Senate—that the Constitutional amendment was passed with this idea in mind, that we would come back later and pass legislation that would relieve old age pensioners of Pennsylvania from the necessity of signing over their home and their homestead.

I remember the statement being made clearly on the floor, both of the House and of the Senate—I served in both sessions—there was a purpose behind the Constitutional amendment. The Constitutional amendment was presented to the people, they voted in favor of it, and we came back and argued the same question that we defeated before, because we said it was unconstitutional. We passed a law, an amendment to the Constitution, to make it possible to pass this very same piece of legislation that we have before us today.

Now, if we do not want to pass it, let's say so. Do not let us hide behind some subterfuge. No person in this Senate wants the relief chiseler, whether he be an old age pensioner, whether he be a mother's assistance recipient, whatever he may be—we do not want any chiselers receiving any of the State's money; but we do want those persons, who have tried to work and save and build a home, to retain in the twilight years of their lives—as the Senator from Cambria, Mr. Haluska, so ably put it, the self-respect that they should be able to maintain in their communities.

I happen to know the answer in committee this morning; I am a co-sponsor of this act. I would say that if it were not for this debate this afternoon that this bill was going to the pickling barrel for good.

I hope that this argument this afternoon will have the affect of having it reconsidered and of bringing the bill out on the floor. If you do not vote for it, vote against it; but at least bring it out here so the Senators who want to vote for it, who are committed to this type legislation, will be in a position to vote for it.

I think my good friend, the Senator from Philadelphia, Dr. Woodward, gave me some good advice this morning something about what Shakespeare said about "much ado about nothing."

Mr. McGINNIS. Mr. President, I do not think we, on this side, who heard the statements of the Senator from

Somerset, Mr. Ealy, should let them go by, at least, without a challenge.

I well remember when this Government, local, State and National, was in the hands of the Republican party when we had those "good old days" that the Senator from Somerset is yearning for now. I am sure there is not a person on this floor but would be happy if we could do away with W. P. A., relief, old age assistance. We all hope that some day those things will not be necessary, and I regret that they ever were necessary.

So, things today are not so good, but I say things could be a great deal worse. Under the very theory of government that the Senator from Somerset so eloquently advocates, no matter what the cause, I saw this country go to the dogs. We had all the rules that he is asking for today. We had the "good old days"; we had no relief; we had no W. P. A.; but something happened in this country.

Those of you who lived from 1929, and even earlier, on, saw what happened to this country—I know that none of you would ask us to go back and go through those harrowing days.

I saw people I had not seen for a month or two and did not know them. You have seen people come to your homes, and into your office, that you had not seen for a few months, and you did not know them. Their homes had been swept away; their life savings had been swept away; banks were closing; ten thousand in a few years; and the rest of them were ready to close up like paper shells.

Now, if this theory of government is perfect today, why did it not work then?

I don't know what the cause was; whether if was machinery, whether it was the war that took twenty to twenty-two billions of dollars out of the pockets of the American people; or whether it was that orgy of stock selling in the United States. They sold stock to every stenographer and every clerk; and they grabbed at that time about eighteen billion dollars of the peoples' money —forty billion was spent in a few years.

What for? For destruction and for fake stocks. I saw the income of the United States go from sixty or seventy billion dollars down to forty billion dollars. With this New Deal, that we hear so much about, I saw that yearly income of the American people go up to over sixty billion dollars since 1922, every year. And so, if we increase the income of the American people from forty billion dollars a year to sixty or seventy billion a year, and if it does cost us a few billion dollars to keep up relief, to keep up W. P. A., or P. W. A., I can see some grand results from the works of P. W. A. and W. P. A.; and I can see, and have seen, many a soul saved, many a family kept together by W. P. A. alone.

We could go back to the old way; but, for me, I prefer a government that is concerned deeply about human beings. I do not want to go back and go through what I did before. I appreciate and am proud of our party that has been concerned about the poorest soul in the narrowest alley; and I want to say to you, Mr. President, that in these trying times throughout the world, give me a people that have faith in its government, faith in its sincerity, faith in its concern about human beings, whether they are on relief, whether on W. P. A., or even for business.

Let me say to you I do not know what business would do in this country today if we did not have W. P. A. and P. W. A. and relief. What would your store keepers do? Why, they would fold up, like they did fold up from 1929 to 1932.

Mr. President, in these troublesome times throughout this world, I say to you that you can rely on this country to stand by its government, because it has had a government in the most trying and distressing times that has been concerned about the aged, the unemployed, the sick, the unfortunate, the unlucky. I thank you.

Mr. GELTZ. Mr. President, I am very much surprised to hear our good friend and colleague from Allegheny, Mr. McGinnis, revert to a campaign speech, which was successful in 1932, but which the people have now tired of.

He and his colleagues apparently, at every opportunity, wish to attempt to blame the situation which came on here in the 30's on the Republican administration, and the form of government which we had.

We know now that that is not true. We know that this country was drawn into a situation which was world-wide. We know there was a world-wide depression in which people in every country were suffering as they suffered in this country.

We were fooled a while following 1932. We thought that maybe they had something; but we have been sadly awakened. We know they have nothing that was worthwhile. We know, if we consider figures given to us by Senator Reed—one of their own colleagues—that, while other countries in the world were making great progress, this country stood still.

The Senator from Allegheny, Mr. McGinnis, speaks of the increase in the national income from forty to sixty billion. That is true, partially, because a lot of money was distributed around very loosely; and while that was going on, and while this country was going deeper in the hole, and in the red, to a greater extent than it had ever been before, still employment in this country was not increasing. In fact, we fell so far behind that, according to the figures given by the Senator from Washington, Mr. Reed—his own figures which he gave us a couple of weeks ago—while there are 14,000,000 unemployed employables in the world, over 10,000,000 of those are in this country.

And now, is that not a record of which to be proud? Is that not something which is so worthwhile that we should continuously bring it back again to brag about when there are so many things on the other side? I think we have wasted several hours this afternoon over what amounts to practically nothing.

Of course, I understand our colleagues on the other side of this chamber are the self-annointed saviors of the poor and distressed; "self-annointed," I say, because the citizens of the Commonwealth are not convinced of that, as demonstrated by the last election. But notwithstanding that fact, our colleagues on the other side of this chamber still apparently cannot see the light; and so when they have an opportunity they get up on the floor of this Senate and broadcast as best they can, trying to make and to prove to the suffering people of this Commonwealth that they, and they alone, have their interests at heart, they are then assuming, once again I say, an attitude entirely of fakers, demogogues and hypocrites.

I happened to be on the Committee which considered this bill and I voted against it; and the reason I voted

against it was because I did not understand it. The sponsor of the bill was present in the Committee and when the objections which were raised as the creation of estates for irresponsible and unworthy children of these indigent people, who thought so little of their parents that they were not willing to sacrifice a little bit and try to take care of them during their lifetime, but who, nevertheless, wanted to be the recipients and benefactors when those old people died, by receiving the property which was in the name of the indigent—when that question was raised the sponsor of this bill, who is so outraged by the action of the Committee, who so loved the people of the Commonwealth that he, and he alone, is concerned with their welfare, he did not answer the question. Whether it was because he did not know that clause was in it, whether because the person who gave him the idea and gave him the bill to present, or who drew the bill up for him, I don't know—but for some reason or other the sponsor himself did not answer that question.

It was not until after the committee meeting was over, when I had a chance to read and study this bill and discuss it with the Senator from Washington, Mr. Reed, that I then found that this exemption applied only during the lifetime of the indigent. That is the principal objection here.

This motion to discharge this Committee is ill-timed, and I think it is ill-advised on the part of the Senator who makes it. If he is so much concerned with the welfare of those individuals, of whom he speaks, why then has he not prepared himself; why has he not familiarized himself with the bill so that he can advise the committee members when such questions arise?

I think I can assure him that there are just as many on this side of the Senate Chamber who are sincerely interested in the unfortunates in this state as there are on the other side of the Chamber, or even those who are not sincerely interested in these people.

Mr. CAVALCANTE. Mr. President, the fledging from Allegheny has waxed very eloquently; but it is so much like him to vote "no" before he reads any bill. He is so much like the sheep that I made reference to last night, that, to obey, they need but the dominating voice of the gentleman from Tioga, and the fledgling from Allegheny follows very docilely.

Now, if I am well informed, the gentleman from Allegheny has never had any wrinkles around his abdomen because, as I understand, ever since he was a young lad he has had his proboscis in the public trough. But there are hundreds of thousands of young men who did not have the opportunity that he had. There are hundreds and thousands of them whose proboscises have never been in the public trough, but who have tried by honest labor, in the coal mines, in the shops, on the farms, to earn a decent living by the sweat of their brow. It is of those young men and women that we are now talking about.

It is for them that we are pleading, and not pleading for these hundred or so political hacks who have lived on the public payroll all their lives.

Mr. President, in order to bring this matter to a conclusion, if it is satisfactory to the members of this Senate, and the gentleman from Cambria, I will agree that this motion lay on the table, and permit this Committee on Welfare to reconsider their actions on that bill.

Mr. OWLETT. Mr. President, I object to laying the motion on the table. I move the previous question.

Mr. SHAPIRO. Mr. President, I should like to suggest to the gentleman from Tioga that no matter what his personal feeling may be about what has been done or said, that we are still dealing with a problem that is very important to all the people involved; and, if there is a chance of this matter being adjusted now in Committee, that there should be no action on this motion if it is to be withdrawn.

Mr. OWLETT. Mr. President, the Senator did not withdraw the motion, and, therefore, I have moved the previous question, namely, that the motion to discharge this Committee be now considered by this Senate.

The PRESIDENT. The question is on the motion of the Senator from Cambria, Mr. Haluska, seconded by the Senator from Fayette, Mr. Cavalcante, to discharge the Committee on Welfare, Public Assistance and Pensions, from further consideration of Senate Bill No. 47.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. DENT. Mr. President, I rise to a question of Parliamentary inquiry.

The PRESIDENT. The Senator from Westmoreland will state his question of Parliamentary inquiry.

Mr. DENT. Mr. President, does a vote on this question carry the main question; are we now voting to dismiss or not dismiss the committee?

The PRESIDENT. The Chair so understands.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. OWLETT and were as follows, viz:

YEAS—19

Cavalcante,	Frey,	Kunkel,	Rice,
Coleman,	Haluska,	Lanius,	Ruth,
Dando,	Jacobs,	McCreesh,	Shapiro,
Dent,	Jaspan,	McGinnis,	Stiefel,
DiSilvestro,	Kilgallen,	Reed,	

NAYS—27

Bartlett,	Gelder,	Mallery,	Stevenson,
Chapman,	Geltz,	Miller,	Tallman,
Crowe,	Gilson,	Mundy,	Thomas,
Deitrick,	Heyburn,	Owlett,	Walker,
Ealy,	Homsher,	Pierson,	Wolfenden,
Edmonds,	James,	Scarlett,	Woodward,
Farrell,	Letzler,	Snowden,	

So the question was determined in the negative.

Mr. HALUSKA. Mr. President, I ask for a verification of the roll.

The roll will be verified and reads as follows: The Senators voting "aye" are Messrs. Cavalcante, Coleman, Dando, Dent, DiSilvestro, Frey, Haluska, Jacobs, Jaspan, Kilgallen, Kunkel, Lanius, McCreesh, McGinnis, Reed, Rice, Ruth, Shapiro, and Stiefel.

Mr. GILSON. Mr. President, in order that there may not be any misunderstanding, I take this opportunity, after the roll has been verified, to explain that my vote in the negative is based purely on the proposition that the mover of this motion was willing to withdraw his motion upon the assurance of the chairman of the committee that the measure would be considered.

Mr. MUNDY. Mr. President, I wish to explain my vote. I listened to the chairman of this committee frankly offer to give fair reconsideration to this bill, and, therefore, I voted against discharging this committee, because I had confidence in the chairman.

The Clerk will proceed to call the negative votes.

The Senators having voted "no" were Messrs. Bartlett,

Chapman, Crowe, Deitrick, Ealy, Edmonds, Farrell, Gelder, Geltz, Gilson, Heyburn, Homsher, James, Letzler, Mallery, Miller, Mundy, Owlett, Pierson, Scarlett, Snowden, Stevenson, Tallman, Thomas, Walker, Wolfenden and Woodward.

The roll stands as verified (yeas 19—nays 27).

So the motion is lost.

MOTION TO EXPUNGE FROM THE RECORD THE REMARKS OF THE SENATOR FROM FAYETTE

Mr. OWLETT. Mr. President, I move that the last remarks of the Senator from Fayette, Mr. Cavalcante, be expunged from the record.

Mr. MILLER. Mr. President, I second the motion.

Mr. CAVALCANTE. Mr. President, I submit that I have been called a faker, a demogogue and everything else.

The PRESIDENT. It has been moved by the Senator from Tioga, and seconded by the Senator from Luzerne, Mr. Miller, that the remarks of the Senator from Fayette, Mr. Cavalcante, be expunged from the record.

Mr. DENT. Mr. President, in order that we may vote intelligently on this question, I ask that the remarks of my colleague from Allegheny, Mr. Geltz, be read to the members of this Senate. I ask that those remarks be read.

The PRESIDENT. There is now a motion pending.

Mr. DENT. That is right, Mr. President. It has been moved and seconded that the remarks of the Senator from Fayette be expunged from the record; and I ask that the remarks which provoked the remarks of the Senator from Fayette, Mr. Cavalcante, be read to this Senate, in order that we may see whether or not they were justified. Particularly, Mr. President, that portion of them which referred to "fakers," "demogogues," and anything of that sort, and "insincerity."

The PRESIDENT. The Senators can discuss that, and make any motion they want, after this motion is put.

Mr. DENT. Mr. President, in order to vote intelligently on this particular motion we must know what provoked the remarks, whether or not they are out of order. The only reason to remove them from the record, I would assume, is that they are out of order, and not a proper answer. But when an answer has been provoked by remarks made by a preceding speaker, we are entitled to know what provoked the remarks.

Mr. REED. Mr. President, in order that we may vote intelligently, will the mover of this motion state what the remarks are that he desires expunged from the record.

The PRESIDENT. Will the Senator from Tioga state the remarks that the Senator from Fayette, Mr. Cavalcante, made that are objectionable, and which he desires to have expunged from the record.

Mr. OWLETT. Mr. President, the remarks, the subject of my motion, are the remarks the Senator from Fayette, Mr. Cavalcante, who has been very careless in what he said this session, and which were derogatory to the personal character of the Senator from Allegheny, Mr. Geltz; and they were contained in the last statement that the Senator from Fayette made.

Mr. REED. Mr. President, I regret to say that the Senator from Tioga has not answered the question yet: what were the remarks made by the Senator from Fayette? so that we may intelligently vote on this motion.

The PRESIDENT. Will the Senator from Tioga permit himself to be interrogated by the Senator from Washington?

Mr. OWLETT. Mr. President, I will.

Mr. REED. Mr. President, I think the gentleman from Tioga knows the information I desire.

Mr. OWLETT. Mr. President, I did not hear the question of the Senator from Washington; I am sorry.

The PRESIDENT. Will the Senator from Washington please repeat the question?

Mr. REED. Mr. President, will the Senator from Tioga inform the Senate what remarks the Senator from Fayette made that the Senator from Tioga desires expunged from the record? This is for the purpose of giving the Senators the information that is necessary in order to vote intelligently on this motion.

Mr. OWLETT. Mr. President, I would not presume to repeat the remarks the Senator from Fayette made. This Senate heard them, every member of the Senate heard them.

Mr. REED. Mr. President, I am sincere in my request; I do not know what the words were; and I still insist, in order that I may vote intelligently, that those remarks be quoted verbatim.

Mr. SHAPIRO. Mr. President, I am quite sure that upon the request of any Senator, in voting on this subject, the remarks may be read. Of course, that is somewhat in the discretion of the Chair; but I think it is essential, in voting on a subject, that we know what we are voting on.

I know exactly what the remarks are, but I want to take occasion to say now that I have listened to a great many speeches on the other side of the house which, in my opinion, have gone far beyond what is reasonable, right and fair in the discussion.

I have sat here and had my sincerity and my intergrity challenged by the same gentleman who evoked the remarks from the Senator from Fayette. I listened to that gentleman call me a hypocrite, I listened to him call me a demogogue, I listened to him call me a faker; and I say now what I said the first time he challenged my integrity—at that time he singled me out, but today he grouped me—I say I will not lose my respect for him; I simply blame it on his youth and inexperience in Senatorial tradition; but I do not think there is any justification in the other side of the house making a motion to expunge the remarks of the Senator from Fayette, Mr. Cavalcante—because, while I am of a calmer temperament than he, whatever remarks he made were evoked by the gentleman from Allegheny, and the remarks that he made were simply that the gentleman from Allegheny has not been accustomed to being hungry, because he has his proboscis in the public payroll. And now, while he may have used the word "proboscis" to designate a particular part of the anatomy of the gentleman from Allegheny, I do not think that those remarks are at all to compare with the remarks made by the gentleman from Allegheny; and I am perfectly willing, if the motion is to expunge, to vote to expunge both the remarks of the Senator from Allegheny and of the Senator from Fayette from the record, because I do not believe the gentleman from Allegheny should have made the remarks he did; but to vote that the remarks of my colleague from Fayette be expunged I certainly will not.

MOTION TO LAY ON THE TABLE

Mr. GELTZ. Mr. President, I move that the motion be laid upon the table.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Westmoreland will state his question of personal privilege.

Mr. DENT. Mr. President and members of the Senate, the mere fact that we have laid that motion on the table does not remove the onus of the motion itself. The motion was made by the Senator from Tioga, in utter disregard of the remarks made by the preceding gentleman, to expunge the remarks of the Senator from Fayette. I am frank to say that if I had received recognition by the Chair prior to the gentleman from Fayette that my remarks would have been a little worse than those of the gentleman from Fayette.

I am not accustomed to be called insincere. Whatever else I might have in this world I do hope that I have sincerity. I listened to the gentleman from Allegheny accuse a colleague of mine, and co-sponsor of this Act, of having an Act handed him by somebody, accuse him of not knowing what was in it, and accuse him of being insincere and a faker.

We listened and took it. We were able to take it. But just as soon as a few remarks hit the thin skin of the Republican floor leader, why, they seem to prick him deeply, and he called for the expunging from the record of those remarks which named a simple truth, in that the man who called others fakers had himself never been hungry or knew the problem of the poor or needy. So I say, if you wish to be treated courteously, treat us, too, as you wish us to treat you.

I remember that there was an election last year and the people of Pennsylvania did refute, as the gentleman from Allegheny has said, our program and our legislation; but I ask him to remember that the Senator from Fayette was elected at that election and that his constituents did not refute his policy and his principles; and I ask him to remember that all of us who sit over here were elected by our constituents and he cannot say we have been refuted or that our principles have been refuted until we face again those voters; and so I say to the gentleman from Allegheny, "Be a little more careful in your remarks" and you will not need to have the protection of the "big bad wolf" from Tioga.

Mr. HALUSKA. Mr. President, I tried to get the floor before my colleague from Tioga in order to answer my colleague from Allegheny County. I wish to inform him that no one drew the bill for me; and secondly, I knew and know the contents of the bill; and, third, that I have no knowledge of anyone asking a question which I did not answer; and, fourth and last, if not least, I am not a faker, and some day these churlish words might be carried too far.

I am sincere in my work and I challenge any man to call me a faker outside of these Halls, I do not care who it is.

BILL INTRODUCED

Mr. EDMONDS. Mr. President, I offer this bill to carry into effect an article of the Constitution giving to all cities the right to frame their own charters—under legislative limitations, but without asking the consent of the Legislature.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Yes, Mr. President.

Mr. SHAPIRO. Mr. President, did the gentleman from Philadelphia, Mr. Woodward, hear the title of the bill and the purpose of it—which was just introduced?

Mr. WOODWARD. Mr. President, for home rule.

Mr. SHAPIRO. Yes, Mr. President.

Mr. WOODWARD. Mr. President, I am for home rule

Mr. SHAPIRO. Mr. President, did the Senator from Philadelphia, Mr. Woodward, hear the title of the bill?

Mr. WOODWARD. Mr. President, all I heard was "home rule."

Mr. SHAPIRO. Mr. President, did not the Senator from Philadelphia, hear that this is a proposed Act to give to all cities the right to frame their own charters?

Mr. WOODWARD. Yes, Mr. President.

Mr. SHAPIRO. Mr. President, does the Senator from Philadelphia still believe that the Committee on Municipal Government is going to report out Senate Bills Nos. 1, 2 and 3?

Mr. WOODWARD. I think there is no connection between these two.

Mr. SHAPIRO. Mr. President, the gentleman does think that?

Mr. WOODWARD. I think so, Mr. President.

Mr. SHAPIRO. Mr. President, I think the gentleman should be happy, because nothing can disturb his mind

Mr. WOODWARD. Mr. President, the Senator from Montgomery, Mr. Edmonds, introduced this bill and I believe always in his sincerity and singleness of purpose and therefore I do not believe there is anything in the woodpile.

Mr. EDMONDS. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS read in place and presented to the Chair Senate Bill No. 595, entitled:

An Act to carry into effect section one of article fifteen of the Constitution giving cities the right and power to frame, adopt and amend their own charters, and to exercise the powers and authority of local self-government and providing the procedure therefor; imposing certain restrictions, limitations and regulations; imposing duties upon city councils, city officers, county boards of elections courts of common pleas and the Secretary of the Commonwealth; and providing for the payment of certain expenses by cities.

Which was committed to the Committee on Municipal Government.

REPORT FROM COMMITTEE

Mr. MILLER. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MILLER, from the Committee on State Government reported as committed, Senate Bill No. 226, entitled:

An Act abolishing the Oil Industry Investigation Commission; terminating the terms of its members; and lapsing the unobligated balance of any appropriation made therefor

BILL INTRODUCED

Mr. JAMES. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES read in place and presented to the Chair Senate Bill No. 596, entitled:

An Act to prohibit the transfer of personal property from a resident decedent to an alien beneficiary of a foreign country which prohibits such transfers to citizens of this Commonwealth; and providing for the escheat and distribution of such property.

Which was committed to the Committee on Judiciary General.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 250, (House Bill No. 28), entitled:

An Act to regulate the sale of sulfanilamide and its derivatives in the interest of public health

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Mundy,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 259, entitled:

An Act to amend section thirty-eight of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 382), entitled "An act to consolidate, revise and amend the penal laws of this Commonwealth," by permitting the trial for the offense of fornication and bastardy to be held either where the child was begotten or where it was born.

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having beeen printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Farrell,	Kunkel,	Rice,
Chapman,	Frey,	Lanius,	Ruth,
Coleman,	Gelder,	Letzler,	Scarlett,
Crowe,	Geltz,	Mallery,	Snowden,
Dando,	Gilson,	McCreesh,	Stevenson,
Deitrick,	Haluska,	Miller,	Tallman,
Dent,	Heyburn,	Mundy,	Thomas,
DiSilvestro,	Homsher,	Owlett,	Walker,
Ealy,	Jacobs,	Pierson,	Wolfenden,
Edmonds,	James,	Reed,	Woodward,
Eroe,	Kilgallen,		

NAYS—5

Cavalcante,	McGinnis,	Shapiro,	Stiefel,
Jaspan,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 266, (House Bill No. 444), entitled:

An Act to amend section nine of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (P. L. 1050) entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" by changing the amount and method of contributions for and payment of death benefits.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Gilson,	Mallery,	Snowden,
Crowe,	Geltz,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Mundy,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL POSTPONED

Mr. EALY. Mr. President, I move that further consid-

eration of Senate Bill No. 267, (House No. 449), on third reading, entitled:

An Act to amend clause (a) of section one and section four of the act approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160) entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; defining in part the powers and duties of such commission; abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsylvania Public Utility Commission the records, employes, property, and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings, legal or otherwise, instituted before, by or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission, and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania," by changing method of appointing and removing members of the Commission and making political activity a grounds for their removal.

to be postponed for the present.

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, yesterday I inquired of the gentleman from Tioga whether he intended to have this bill acted upon finally today. He suggested that he did, but there was some gentleman on this side who requested that the matter be postponed until Monday.

I inquired and I discovered that one of my colleagues had discussed such a postponement with the Senator from Tioga; that after discussing the matter with the Senator from Tioga the Senator on this side withdrew any request he may have been understood to have made for the postponement of this bill.

This bill has been on the Calendar for some time, and we were told yesterday that this was a bill that ought to be passed—I have no illusions about what is going on concerning this bill—that this bill ought to be disposed of.

This bill changes the Constitutional requirement that the appointments made by the Governor shall be confirmed by a two-thirds majority.

I think the members of this Senate should guard very zealously their rights in this respect. It is our constitutional right and it is a pity that that right only extends to a few officials, because if it extended to other officials we might not have the spectacle today of an appointment coming from the Governor's office of a man in Delaware County who was convicted in the United States District Court of operating a bawdy house and being a collector from bawdy houses—his name was John Bauer and he was appointed as a Registrar of Vital Statistics, and I am quite sure that if the members of this Senate had the right to give the Governor advice and consent upon that appointment we would neither have advised nor consented to it--but of course, this bill, which hsa been hanging on the Calendar for some time proposes to take away from us any prerogative of questioning appointments of this kind.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, the Senator from Philadelphia, Mr. Shapiro, is not discussing the motion; the motion is to place the bill on the postponed calendar.

Mr. SHAPIRO. Mr. President, I am talking on the motion, and I say that this bill should not be placed on the postponed Calendar. it should be brought on the floor and voted down, because we should maintain and continue our control over the departments.

In view of what I have just said I think we ought to continue, extend, our rights further, and I say I do not believe the Governor knew the name of this man, but that he was, I am quite sure, appointed there in Delaware County. I believe that politics are being restored there in the same way that they were before, and caused such a blot upon the State of Pennsylvania, and I am asking my colleagues to vote against this motion.

I remember saying yesterday that this bill would not be disposed of, but that this bill is going to hang around here until my friends can get 27 votes, and then they will bring it out on the floor and have it passed, and until then it will be on the postponed Calendar, and that is not my way of handling legislation.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. OWLETT and were as follows, viz:

YEAS—25

Bartlett,	Gelder,	Mallery,	Stevenson,
Chapman,	Geltz,	Miller,	Tallman,
Crowe,	Heyburn,	Owlett,	Thomas,
Deitrick,	Homsher,	Pierson,	Walker,
Ealy,	James,	Scarlett,	Wolfenden,
Edmonds,	Letzler,	Snowden,	Woodward.
Farrell,			

NAYS—22

Cavalcante,	Frey,	Kunkel,	Reed,
Coleman,	Gilson,	Lanius,	Rice,
Dando,	Haluska,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro
DiSilvestro,	Jaspan,	Mundy,	Stiefel,
Eroe,	Kilgallen,		

So the question was determined in the affirmative.

Mr. JASPAN. Mr. President, I desire to be recorded as voting "no."

Mr. SHAPIRO. Mr. President, for the information of the Senate may we have the motion, that was just adopted, read?

The PRESIDENT. If there is no objection, the stenographer will read the motion.

(The Stenographer read as follows: "Mr. OWLETT. Mr. President, I move that House Bill No. 449, (Senate Bill 267), be placed on the postponed calendar.

"Mr. GELDER. Mr. President, I second the motion.")

Mr. SHAPIRO. Mr. President, I understood the motior was until Monday.

The PRESIDENT. The Chair did not so understand.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 299, (House Bill No. 364) entitled:

An Act making business records competent legal evidence under certain conditions and making uniform the law with reference thereto.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Mundy,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 300, (House Bill No. 365), entitled:

An Act for the judicial notice of the laws of other jurisdictions and for proof thereof and to make uniform the law with reference thereto.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Mundy,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 339, entitled:

An Act to further amend subparagraph two of subsection (a) of section five hundred five of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by further regulating the security for the deposits of State moneys.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Mundy,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 389, (House Bill No. 574), entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordniary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first one thousnad nine hundred thirty-nine and providing for the payment of certain of the deficiency appropriations out of revenues of the fiscal biennial period beginning Jur first one thousand nine hundred thirty-nine

An said bill having been read at length the third time,
On the question,
Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL NO. 574

Mr. EALY. Mr. President, I move that the Senate do now reconsider the vote by which the bill passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. EALY. Mr. President, I voted "aye".

Mr. EDMONDS. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. EDMONDS. Mr. President, I vote "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. EALY. Mr. President, I move that the Senate do now reconsider the vote by which the title was agreed to.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

Sections, from one to three inclusive of the bill were severally considered.

The first section of the bill was read as follows and agreed to:

Section 1 The following sums or as much thereof as may be necessary for deficiencies in appropriations made to certain departments by the act to which this is a supplement are hereby specifically appropriated to the several departments or agencies hereinafter named

Executive Department

To the Department of Welfare

For the payment of the deficiency in the appropriation for the payment of salaries wages or other compensation of the superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Allentown State Hospital at Allentown the Danville State Hospital at Danville the Farview State Hospital at Farview the Harrisburg State Hospital at Harrisburg the Norristown State Hospital at Norristown the Philadelphia State Hospital at Philadelphia the Torrance State Hospital at Torrance the Warren State Hospital at Warren the Wernersville State Hospital at Wernersville and any other institution established for the care and treatment of the insane as may be authorized and approved by the Secretary of Welfare the sum of one million forty-five thousand dollars ($1,045,000)

To the Department of Property and Supplies

For the payment of the deficiency in the appropriation for the purchase of office supplies and equipment stationery printing supplies and printing processes for the purchase of legal books periodicals maps pamphlets for the purchase of all other materials supplies and equipment for the costs of repairing office equipment for the payment of rental charges of telephone and other leased devices for the payment of telephone toll charges and telegrams required by the General Assembly and the Judicial Department for the payment of costs including delivery expenses of documents and publications furnished to members and officers of the General Assembly for the payment of the costs of all printing incident to the sessions of the General Assembly including the printing of the Pamphlet Laws and for the payment of the cost of postage freight express paper and printing of departmental documents distributed to members of the Legislature in accordance with law the sum of three hundred eighty thousand dollars ($380,000)

Judicial Department

To the Municipal Court of Philadelphia

For the payment of the deficiency in the appropriation for salaries of the judges of the Municipal Court of Philadelphia in accordance with law the sum of seventy-nine thousand dollars ($79,000)

The second section of the bill was read as follows:

Section 2 The following sums or as much thereof as may be necessary for deficiencies in appropriations made to certain departments by the act to which this is a supplement are hereby specifically appropriated to the several departments hereinafter named

Executive Department

To the Department of Forests and Waters

For the payment of the deficiency in the appropriation for expenses incurred for the extinction and control of forest fires the sum of sixty thousand dollars ($60,000)

To the Department of Health

For the payment of deficiency in the appropriation for the general maintenance and operation of the State tuberculosis sanatoria and the Crippled Children's Hospital at Elizabethtown to the extent that additioanl funds are required for the purchase of furnishings equipment and supplies necessary to put into service the new buildings constructed by The General State Authority at such institutions the sum of two hundred seventy-five thousand dollars ($275,000)

To the Department of Public Instruction

For the payment of the deficiency in the appropriation for reimbursement to school districts for transportation of school children as required by law the sum of one hundred forty thousand dollars ($140,000)

For the payment of the deficiency in the appropriation for reimbursing school districts for the salaries of school teachers and for closed schools and for non-resident high school tuition as required by law the sum of one million five hundred ten thousand dollars ($1,510,000)

For the payment of deficiencies in the appropriations for the general maintenance and operation of the State-owned institutions under the supervision of the Department of Public Instruction to the extent that additional funds are required for the purchase of furnishings equipment and supplies necessary to put into service the new buildings constructed by the General State Authority at such institutions the sum of two hundred seventy-five thousand dollars ($275,0000)

To the Department of Welfare

For the payment of deficiencies in the appropriations for the general maintenance and operation of State-owned institutions under the supervision of the Department of Welfare to the extent that additional funds are required for the purchase of furnishings equipment and supplies necessary to put into service the new buildings constructed by The General State Authority at such institutions the sum of five hundred fifty thousand dollars ($550,000)

Mr. EALY. Mr. President, I move to amend section 2, page 4, by striking out lines 13 to 22, inclusive.

Amend section 2, page 5 by striking out lines 6 to 23, inclusive.

Mr. EDMONDS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section of the bill was read as follows and agreed to.

Section 3 Section two of this act shall become effective on the first day of June one thousand nine hundred thirty-nine but in all other respects this act shall become effective immediately upon its final enactment

The title of the bill was read as follows and agreed to.

A Supplement to the act, approved the second day of July, one thousand nine hundred thirty-seven, (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," providing for deficiencies in certain appropriations for fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine and providing for the payment of certain of the deficiency appropriations out of revenues of the fiscal biennial period beginning June first, one thousand nine hundred thirty-nine.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 429, (House Bill No. 549), entitled:

An Act to amend section nine of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," as amended, by increasing clothing allowances and requiring a report by commanding officers.

And said bill having been read at length the third time, and agree to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Mundy,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 430, (House Bill No. 856), entitled:

An Act making a deficiency and emergency appropriation to aid certain school districts

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Mundy,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 488, entitled:

An Act authorizing boards of trustees of State institutions within the Department of Public Instruction, with the approval of the Superintendent of Public Instruction, to contract with municipalities and townships for fire protection, and to pay therefor out of their appropriations for support and maintenance.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Mundy,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 82, (House Bill No. 186), entitled:

An Act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

And said bill having been read at lnegth the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 214, as follows:

An Act requiring retail dealers in liquid fuels to display the price of liquid fuels on signs specifying the location thereof maximum size thereof minimum size of lettering and figures thereon conferring powers and duties upon the Department of Revenue and imposing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Every person copartnership association or corporation engaged in the retail sale of liquid fuels as defined by law for purposes of taxation shall display the price of such liquid fuels and also State and Federal taxes as separate items on signs in a conspicuous place on each and every pump or other dispensing equipment Signs displaying the price of liquid fuel shall not be larger in size than eight inches by ten inches The letters and figures on such signs shall be not less than two inches in height and all figures including fractions upon said signs shall be uniform in size and be in solid black on a white background These limitations however shall not apply to the figures displayed in the computing mechanism constituting a part of any pump or dispensing equipment except as herein provided No other price signs for displaying the price of liquid fuel so dispensed or signs relating to indicating or intending to indicate the price of such liquid fuel shall be used or displayed on or about the premises where liquid fuel is sold at retail

Section 2 The Department of Revenue is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations for such purpose

Section 3 Any person partnership association or corporation violating any of the provisions of this act shall upon conviction in a summary proceeding b esentenced to pay a fine of twenty-five dollars ($25.00) for the use of the Commonwealtn and costs of prosecution and in default of payment thereof such person or the partners of such partnership or the officers of such association or corporation shall undergo imprisonment for not more than ten days Whenever such person partnership association or corporation having been convicted and sentenced as aforesaid shall constitute to violate the provisions of this act the Department of Revenue or any person aggrieved by such violation may institute proper suits or proceedings in any court of competent jurisdiction and upon proof of such continued violation the court may enjoin such person partnership association or corporation from further violations of the provisions of this act

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time,

On the question.

Will the Senate agree to the bill on second reading?

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Allegheny, Mr. Geltz.

The PRESIDENT. Will the Senator from Allegheny permit himself to be interrogated?

Mr. GELTZ. Mr. President, I will.

Mr. SHAPIRO. Mr. President, we are now discussing Senate Bill No. 214, and I would like to ask the Senator from Allegheny to tell us the purpose of this bill; why we need to regulate, and upon what authority we can regulate, the size of a man's sign on a gasoline station, provided it shall not be larger than a certain size?

Mr. GELTZ. Mr. President, there is an Act now, as I understand it, which compels the approval of a license on each pump—which shows there can be regulation.

The reason for this bill is to attempt to eliminate the so-called price wars between gasoline stations, for the purpose of trying to preserve for those who have legitimate service stations, gasoline stations, the investment which they have in their business.

Under the present set-up we have, all over the Commonwealth, these price wars, which generally are instituted by someone who puts in a little one-pump proposition for a temporary reason, and then he reduces the price and the first thing you know you have a general war throughout that particular district, with the result that many of those who have been established are now reaching the point where they are about to lose their places of business. This bill is for the specific purpose of trying to lend them some assistance.

Mr SHAPIRO. Mr. President, as I understand it, this bill prvoides that the sign must be placed on the pump and no where else and the size must be confined to eight by ten inches and the letters on that sign, giving the price, must not be larger than two inches in size.

Mr. GELTZ. That is right, Mr. President.

Mr. SHAPIRO. Mr. President, how does the gentleman from Allegheny think this will prevent price cutting?

Mr. GELTZ. Mr. President, price wars cannot very well succeed without signs placed out on poles before you reach the service station—something to attract the motorist as he comes along, and without those signs there is nothing to attract the motorist.

Mr. SHAPIRO. Mr. President, does the gentleman from Allegheny think he has the right to provide by law, that I, owning a gasoline station, cannot put a sign 300 yards away, that I am selling gasoline 300 yards from here at a price of fifteen or twenty cents a gallon, or what ever I want to say on that sign?

Mr. GELTZ. Mr. President, that is what we are attempting to accomplish.

Mr. SHAPIRO. Mr. President, that is what the Senator from Allegheny is attempting to accomplish by this bill?

Mr. GELTZ. Yes, Mr. President.

Mr. JAMES. Mr. President, may I interrogate the Senator from Allegheny, Mr. Geltz?

The PRESIDENT. Will the Senator from Allegheny, Mr. Geltz, permit himself to be interrogated?

Mr. GELTZ. Mr. President, I will.

Mr. JAMES. Mr. President, does the Senator from Allegheny regard the bill as being constitutional?

Mr. GELTZ. Mr. President, I understand the question was, whether or not I regard the bill as being constitutional. I believe it can be brought in under the police power of the State. I understand the State Motor Police are in favor of something of this kind, to eliminate these big signs, too, because they are an obstruction to traffic; because, they say, they cause accidents in traffic.

Mr. SHAPIRO. Mr. President, I should like to know under what police power, and by what stretch of the imagination—I use that intentionally—can we say that keeping a sign on a gasoline pump down to 10 inches will create safety on the highways, or putting a sign on a billboard which is off the highway tends to create safety.

Mr. GELTZ. Mr. President, it lessens the distraction of the driver and tends to increase the safety of the highway.

Mr. SHAPIRO. Mr. President, I think the thing we ought to do is to amend the Act in a certain way, and that is, to eliminate all billboards, because I know one billboard that always distracts me when I go down the road. It has a beautiful girl on it, and the sign says "Chesterfields—they satisfy," and I can never get my mind off that sign, and I think this bill ought to be amended to include that.

Mr. DiSILVESTRO. Mr. President, I should like to interrogate the Senator from Allegheny, Mr. Geltz.

The PRESIDENT. Will the Senator from Allegheny, Mr. Geltz, permit himself to be interrogated?

Mr. GELTZ. Mr. President, I will.

Mr. DiSILVESTRO. Mr. President, I should like to know from my colleague—and I wish him to know that I am not an attorney—whether he thinks that it is fair for this body to tell the vendors of gasoline size of the signs they put up. This is just a question coming from a layman and a "faker" from the Senate of Pennsylvania.

Mr. GELTZ. Mr. President, what was the question?

Mr. DiSILVESTRO. I should like to know from my colleague—

Mr. GELTZ. Mr. President, I wish the Senator from Philadelphia, Mr. DiSilvestro, would not put so many trimmings on the question.

Mr. DiSILVESTRO. Mr. President, I will leave the trimmings to my colleague from Allegheny. My colleague from Allegheny was asked the following question: "Whether he thinks it is right for us to tell the vendors of gasoline the size of the signs they should have in front of their establishments."

Mr. GELTZ. Mr. President, I think it is right.

Mr. DiSILVESTRO. Or, Mr. President, he thinks it is constitutional.

Mr. GELTZ. Mr. President, I think it is right and I think it is fair. These service station and gasoline station operators are for the most part individuals who have made investments and are taxpayers—from whom we receive our taxes to carry out these many new forms of improvement.

Mr. DENT. Mr. President, I may not be here tomorrow, so I would like to inject my two cents into the discussion for what it is worth. I want to say that this sounds like a piece of New Deal Legislation to protect the man who has an investment. The Republicans are trying to pass legislation to tell a man how to run his business. I am glad to see that the Senator from Allegheny subscribes to the policies of the New Deal.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcrbied for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 317, entitled:

An Act to amend sections four hundred fifteen and four hundred sixteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds association reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended further defining group life insurance to include additional classes of persons

The first section of the bill was read as follows and agreed to.

Section 1 Clause (a) of section four hundred fifteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as added by section one of the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 785) is hereby amended to read as follows

Section 415

(a) Group life insurance is hereby declared to be that form of life insurance covering not less than fifty enployees with or without medical examination written under a policy issued to the employer the premium on which is to be paid by the employer or by the employer and employees jointly and insuring only all of his employees or all of any class or classes thereof determined by conditions pertaining to the employment for amounts of insurance based upon some plan which will preclude individual selection for the benefit of persons other than the employer Provided however That when the premium is to be paid by the employer and employee jointly and the benefits of the policy are offered to all eligible employees not less than seventy-five per centum of such employees may be so insured Such group policy may provide that the term "employees" shall include the officers managers and employees of subsidiary or affiliated corporations and the individual proprietors partners and employees of affiliated individuals and firms when the business of such subsidiary or affiliated corporations firms or individuals is controlled by the group policyholder through stock ownership contract or otherwise

The second section of the bill was read as follows:

Section 2 Clause (b) of said section four hundred fifteen of said act as last amended by the act approved the twenty-sixth day of April one thousand nine hundred and thirty-three (Pamphlet Laws 86) is hereby further amended to read as follows

(b) The following forms of life insurance are hereby declared to be group life insurance within the meaning of this act (1) Life insurance covering the members of one

or more companies batteries troops battalions divisions or other units of the National Guard or naval militia of any State written under a policy issued to the commanding general of the National Guard or commanding officer of the naval militia as the case may be who shall be deemed to be the employer for the purposes of this act the premium on which is to be paid by the members of such units for the benefit of persons other than the employer Provided however That when the benefits of the policy are offered to all eligible members of the unit of the National Guard or naval militia not less than seventy-five per centum of the members of such a unit may be so insured (2) Life insurance covering the members of one or more troops or other units of the State troopers or State police of any State written under a policy issued to the commanding officer of the State troopers or State police who shall be deemed to be the employer for the purposes of this act the premium on which is to be paid by the members of such units for the benefit of persons other than the employer Provided however That when the benefits of the policy are offered to all eligible members of a unit of the State troopers or State police not less than seventy-five per centum of the members of such a unit may be so insured [and] (3) Life insurance covering the members of any labor union or organization of police employed by any municipal county or state authority or any organization or association of State employees or public school teachers or nurses written under a policy issued to such unior or organization which shall be demed to be the employer for the purposes of this act the premium on which is to be paid by the union or organization or by the union or organization and its members jointly and insuring its members for the amounts of insurance based upon some plan which will preclude individual selection for the benefit of persons other than the union or organization or the officials of either Provided however That when the premium is to be paid by the union or organization and its members jointly and the benefits are offered to all eligible members not less than seventy-five per centum of such members may be so insured Provided further That when members apply and pay for additional amounts of insurance a small percentage of members may be insured for such additional amounts if they pass satisfactory medical examinations and (4) Life insurance covering only the lives of all members of a group of persons for not more than five thousand dollars on any one life numbering not less than one hundred new entrants to the group yearly who become borrowers from one financial institution including subsidiary or affiliated companies under agreement to repay the sum borrowed in instalments or who become purchosers of securities merchandise or other property from one vendor under agreement to repay the sum borrowed or to pay the balance of the price of the securities merchandise or other property purchased in instalments in either event to the extent of their indebtedness to said financial institution or vendor but not to exceed five thousand dollars on any one life written under a policy which mav be issued upon the application of and made payable to the financial institution or vendor or other creditor to whom such vendor may have transferred title to the indebtedness as beneficiary the premium on such policy to be payable by the financial institution vendor or other creditor

On the question,

Will the Senate agree to the section?

Mr. WOLFENDEN. Mr. President, I move to amend Sec. 2 (Cl. b, Sec. 415), page 5, line 7, by striking out the words: S "five thousand" and inserting in lieu thereof: "one thousand"; amend Sec. 2 (Cl. b, Sec. 415), page 5, line 9, by striking out the word: S "financial" and inserting in lieu thereof: "financial"; amend Sec. 2 (Cl. b, Sec. 415), page 5, lines 17 and 18, by striking out the words: S "five thousand" and inserting in lieu thereof: "one thousand".

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third and fourth sections of the bill were read as follows and agreed to:

Section 3 Clause (d) of section four hundred sixteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) as added by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 785) is hereby amended to read as follows

Section 416 * * *

(d) A provision that the company will issue to the employer for delivery to the employee whose life is insured under such policy an individual certificate setting forth a statement as to the insurance protection to which he is entitled to whom payable together with provision to the effect that in case of the termination of the employment for any reason whatsoever the employee shall be entitled to have issued to him by the company without evidence of the insurability and upon application made to the company within thirty-one days after such termination and upon the payment of the premium applicable to the class of risks to which he belongs and to the form and amount of the policy at his then attained age a policy of life insurance in any one of the forms customary issued by the company except term insurance in an amount equal to the amount of his protection under such group insurance policy at the time of such termination The provisions of this clause shall not apply to insurance described in item (4) of clause (b) of section four hundred fifteen

Section 4 This act shall become effective immediately upon final enactment

The title of the bill was read as follows and agreed to:

An Act to amend sections four hundred fifteen and four hundred sixteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," as amended; further defining group life insurance to include additional classes of persons.

And said bill as amended having been read at length the second time.

On the question,

Will the Senate agree to the bill as amended on second reading?

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Indiana, Mr. Wolfenden.

The PRESIDENT. Will the Senator from Indiana, Mr. Wolfenden, permit himself to be interrogated?

Mr. WOLFENDEN. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I understand this is a bill which gives the right to insurance companies to include under the term "group insurance" employees, officials and affiliated company employees; is that correct?

Mr. WOLFENDEN. That is correct, Mr. President.

Mr. SHAPIRO. Mr. President, what is the purpose of the amendment?

Mr. WOLFENDEN. The purpose of the amendment is to limit the extent of individual insurance from $5,000 to $1,000. This is a new field and we thought we should

progress slowly in it. Another amendment offered here is simply to correct the spellnig.

Mr. SHAPIRO. Mr. President, I should further like to interrogate the Senator from Indiana.

The PRESIDENT. Will the Senator from Indiana permit himself to be further interrogated?

Mr. WOLFENDEN. Mr. President, I will.

Mr. SHAPIRO. Mr. President, some question has arisen in my mind, and in the minds of some of my colleagues, that this bill will allow companies in Pennsylvania to insure, under group insurance, outside of Pennsylvania by insuring its outside affiliates. Has that been considered in the preparation of this bill? In other words, a company has two places of business, one in Pennsylvania and one in New Jersey: Now, by combining both it may meet the requirements as to the minimum number of employees that come into the group field. Has the effect of the use of the company outside the jurisdiction of Pennsylvania been considered in determining whether business will be taken outside of Pennsylvania, to outside companies?

Mr. WOLFENDEN. Mr. President, I might say at this time that States now have such laws, and we are only placing ourselves on a parity with the outside states.

Mr. SHAPIRO. Mr. President, the Senator from Indiana has considered that question?

Mr. WOLFENDEN. Mr. President, I have.

And the question recurring,

Will the Senate agree to the bill on second reading as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered. To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 518, as follows:

An Act to further amend section one and a part of section two of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" changing the membership of the board and the functions of the Secretary of Health with reference thereto requiring audits by the Auditor General and reports of the activities of the board and increasing the maximum amount that may be expended for burial of unclaimed bodies unfit for anatomical purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one and the third paragraph of section two of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet laws 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" as last amended by sections one and two respectively of the act approved the twenty-second day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 411) are hereby further amended to read as follows

Section 1 The professors associate professors and assistant professors in the department of anatomy [the professors of surgery and of pathology of the] the head of the department of surgery and the head of the department of pathology of each medical and dental [schools and the] school and each medical and dental [colleges] college of this Commonwealth which [are] is now or may hereafter become incorporated and the Secretary of Health of this Commonwealth shall be and hereby are constituted a board for the distribution and delivery of dead human bodies hereinafter described to and among such institutions and persons as under the provisions of this act are entitled thereto

The said board shall have full power to establish rules and regulations for its government and to appoint and remove proper officers except that the Secretary of Health shall always be a member of the executive committee of said board and shall keep full and complete minutes of its transactions and rceords shall also be kept under its direction of all bodies received and distributed by said board and of the persons to whom the same may be distributed which minutes and records shall be open at all times to the inspection of each member of said board and of any district attorney of any county within this Commonwealth The said board shall have full power to enter into contracts make purchases and perform such other acts as are necessary for the proper performance of its duties All financial transactions of said board shall be audited annually by authority of and by the Auditor General of the Commonwealth A report of the activities of said board shall be made annually to the Secretary of Health of the Commonwealth and to the deans of the medical and dental colleges represented in said board

The name of said board of distribution shall be Anatomical Board of the State of Pennsylvania

Section 2 * * * *

In case of the death of any person whose body is required to be buried at the public expense and the duly authorized officer or agent of the board deems such body unfit for anatomical purposes he shall notify in writing [the poor directors overseers or in counties in which there are no poor directors or overseers then] the county commissioners of the county where such person died except that in counties of the first class it shall be the coroner instead of the county commissioners who shall direct some person to take charge of the body of such deceased indigent person and cause it to be buried and draw warrants upon the treasurre of their county for payment of such expenses which expenses shall not be less than thirty-five dollars nor more than [fifty] seventy-five dollars on each body buried in accordance with the provisions of this act Such warrants shall be made payable to the persons so authorized and directed who shall have buried the bodies for which said warrants are to be drawn No warrants for the payment of the expenses of the burial of any person whose body is required to be buried at the public expense shall be drawn or paid except upon the certificate of the duly authorized officer or agent of the board to the effect that such body is unfit for anatomical purposes or that the body is that of a soldier sailor or marine of the United States or of the militia of the State of Pennsylvania required to be buried at the public expense and that the provisions of this act have been complied with

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time.

On the question,

Will the Senate agree to the bill?

Mr. DENT. Mr. President, I should like to interrogate the sponsor of this bill, Mr. Chapman.

The PRESIDENT. Will the Senator from Warren permit himself to be interrogated?

Mr. CHAPMAN. Mr. President, I will.

Mr. DENT. Mr. President, it states here "to amend (this bill) by changing the membership of this board." What is meant by changing it?

Mr. CHAPMAN. That is right, Mr. President. Previ-

ously we had associate professors of surgery and medicine in the dental schools; now we have added professors and the Secretary of the State Department of Health.

Mr. DENT. Mr. President, I understand they have been included.

Mr. CHAPMAN. Yes, Mr. President.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 527, (House Bill No. 885), entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the second time.

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I should like to interrogate the Chairman of the Appropriations Committee, Mr. Ealy.

The PRESIDENT. Will the Senator from Somerset permit himself to be interrogated?

Mr. EALY. Mr. President, I will.

Mr. SHAPIRO. Mr. President, in connection with House Bill No. 885, (Senate Bill No. 527), as I read this bill this is a transfer from the Motor License Fund of $3,885,000; that is correct, is it not?

Mr. EALY. That is correct, Mr. President.

Mr. SHAPIRO. Previously, Mr. President, I think in Senate Bill No. 1, we passed a transfer from the Motor License Fund of $26,000,000 and $4,000,000 from the Liquid Fuel Tax; that is correct too, is it not?

Mr. EALY. I believe that is correct, Mr. President.

Mr. SHAPIRO. And, Mr. President, $1,000,000 from the State Insurance Fund and $3,000,000 from the Liquor Fund; that is correct, is it not?

Mr .EALY. Mr. President, that is approximately correct.

Mr. SHAPIRO. Well, Mr. President, is it not exactly correct? Was not $34,000,000 originally transferred—$26,000,000 from the Motor License Fund and $4,000,000 from the Liquid Fuel Tax, $3,000,000 from the Liquor License Fund, and $1,000,000 from the State Insurance Fund, or a total of $34,000,000? This bill, together with the next bill, proposes to transfer $5,385,000—$3,885,000 from the Motor License Fund, and $1,500,000 from the State Firemens' Insurance Fund; is that not right?

Mr. EALY. Mr. President, that is right.

Mr. SHAPIRO. Mr. President, as I understand it, it is proposed also to take advantage of the $2,900,000 lapsed from the Flood Control and from the Department of Forests and Waters; that is correct, is it not?

Mr. EALY. Mr. President, the bill which transfers the Fire Insurance Tax Fund is House Bill No. 186. That has already passed second reading.

Mr. SHAPIRO. That is right, Mr. President; that is correct. Does that mean that there is a total additional transfer going to be made of $8,200,000, approximately?

Mr. EALY. Mr. President, the Senator from Philadelphia was in the meeting of the Appropriations Committee yesterday while the matter was discussed, and I think his figures are approximately correct.

Mr. SHAPIRO. The figures are approximately correct, Mr. President. I am asking these questions for a purpose, so as to bring to the attention of my colleagues the fact that this is an additional transfer of funds, which, together with the contemplated $800,000 cash balance in the treasury, will mean an additional transfer of $9,000,000 for relief purposes. That is correct, is it not?

Mr. EALY. House Bill No. 886, the next bill, proposes to make a deficiency appropriation to the Department of Public Assistance of $9,000,000.

Mr. SHAPIRO. Mr. President, for how long a period is that money intended to last—expected to last?

Mr. EALY. Well, Mr. President, I am hoping it will last to June 1st.

Mr. SHAPIRO. Mr. President, does the Senator from Somerset have any information with respect to about how long the $34,000,000 already transferred is expected to last?

Mr. EALY. Sometime next week, Mr. President.

Mr. SHAPIRO. Sometime next week, Mr. President. Which means that we will have the full month of May and a portion of April for which this $9,000,000 is expected to cover.

Mr. EALY. That is correct, Mr. President, unless it requires another appropriation.

Mr. SHAPIRO. Mr. President, also I should like to ask the Senator from Somerset whether it has been considered what effect these various transfers will have on the construction work of the Highway Department. This now means a total transfer of over $27,800,000 from the Motor License Fund, with $4,000,000 from the Liquid Fuel Tax Fund.

Mr. EALY. Mr. President, as far as I understand, it is proposed to do as the last Administration did—to borrow some money to repay the Highway Fund, so that the work may be conducted as usual.

Mr. SHAPIRO. Mr. President, I assume that that proposal is intended to be carried out by the issuance of tax anticipation notes against intended or expecting revenue; that is correct, is it not?

Mr. EALY. Yes, Mr. President.

Mr. SHAPIRO. And therefore, Mr. President, if the revenue of this Commonwealth will be reduced by the $37,500,000 that is facing us now on the question of the foreign corporation tax, and the $6,500,000 which is facing us in the decrease in the estimated revenue on net corporate income tax, that will mean over $44,000,000 less in the anticipated revenues in a budget of $372,000,000 facing us; that is also correct, is it not?

Mr. EALY. Mr. President, I do not wish to agree with the exact figures of the Senator from Philadelphai; but it is apparent that this State is in a very much worse condition than Governor James anticipated when he took office.

Mr. SHAPIRO. Mr. President, I should like to say I have no intention of embarrassing the Chairman of the

Committee on Appropriations, because, as he said, most of these figures I refer to were discussed last night; but I am asking these questions deliberately for two reasons:

First, I want to call to the attention of the members of this Senate, particularly to my own colleagues, that, when they are dealing with laws relating to relief, they should have in mind the serious—in fact, the critical, condition of the Commonwealth of Pennsylvania; and that nothing should be done in the Legislature dealing with the Department of Public Assistance which will affect that critical situation.

Secondly, I think that, instead of spending the time we have been spending here on some of the bills, or most of the bills, on the Calendar, what we should be doing is to consider some ways and means of correcting this situation.

There is going to be a dual effect, as a result of these transfers: First, if the net income of this State, the anticipated revenue, is decreased by over $40,000,000, the income will be around $328,000,000. Therefore, if $372,000,000 is necessary to carry us through a two-year period and pay a deficit of $42,000,000, at least, that is now required for relief; we will not be able to borrow any $372,000,000; and we will not be able to repay the Motor Fund the $40,000,000 we are taking from it;—rather, $26,000,000 and $4,000,000 and $9,000,000, which is $39,000,000. And, if we have more unemployment, then we will have more relief needs, and, therefore, we will not be able to do any road construction work. We will have more unemployment, and, if we have more unemployment, we will have increased public assistance and increased relief. If we have increased relief we will need more money and taxes; and I urge my colleagues on the other side to consider that phase of the picture, and to consider some method of meeting that situation before we begin to have the cumulative effects from the actions we are taking here today.

Mr. President, I do not know, for the present, if there is anything that can be done except to make this transfer; but I do know we should begin, and should have begun long ago, to make preparations to meet this situation.

Everyone of these bills, these transfer bills, provide not that the money shall be repaid before the end of this biennium but that the money shall be repaid not later than September of this year, which means that during June, July and August, there will be no work on the highways unless something is done to provide for the return of these funds to the different places from which they were transferred.

It seems to me that it is high time that the seriousness of this situation be understood by everybody.

I do not say I have the solution now, I do not say I can furnish the cure; but I do say something more than we have been doing should be done.

This matter should have been anticipated; it should have been known, because revenues fluctuate; and there should not have been such a close budget.

I suggest this, though—that the other side begin to consider, and the Administration begin to consider, that instead of having a budget which they now have, that they revise the budget and make a one-year budget out of it instead of a two-year budget, because that is the only way in which this situation can be met for the present. Then your revenues will not have to be $372,000,000, and then you will not have to defer this matter until September. As soon as you make your budget for one year you will be able to borrow enough money from the tax anticipation notes for one year, because you are sure of the certification for one year and after that is done you can sit down calmly, judiciously and wisely and like statesmen consider a program to do two things: one, give industry some relief by changing the taxes which are imposed—and it certainly should be possible, and two, find a method of eliminating the personal property tax, the gross income tax and other taxes which are oppressive on business; and when you would do that you may give relief to industry and increase employment; and I am saying to the members of this Senate—it is quarter after five now, and somebody may be complaining about going home—but unless something is done you will not have any time to worry about going home, or, perhaps, any home to go to.

This is a critical situation in the Commonwealth of Pennsylvania, and I hope more people will realize it than seem to on the floor of this Senate.

Mr. MUNDY. Mr. President, I find that, talking to people in industry, and people generally, that they have arrived at the point where they have been more or less disillusioned. They have come to realize that a deficiency does exist in the revenue for government functions.

Now, I believe—and there is no political implication in this at all—it would be far better for us to meet this situation frankly, decide that taxes must be levied, and decide upon what we shall levy those taxes.

For this reason we must set at ease the minds of the people generally, and, particularly, the minds of the men who are conducting and handling industry in the State of Pennsylvania. We plead here, and our plea is that we want time to put the functioning of the government in order; and, I say, to logically follow that plea we should give industry, and the people generally, time to put their house in order, by telling them what they may expect, so they may meet those expectations.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The Rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 528, (House Bill No. 886), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL INTRODUCED

Mr. WOODWARD. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD read in place and presented to the Chair Senate Bill No. 597, entitled:

An Act making an appropriation to the Department of Forests and Waters, for the maintenance and improvement of Fort Washington Park.

Which was committed to the Committee on Appropriations.

COMMUNICATION FROM THE GOVERNOR

APPROVED AND SIGNED SENATE AND HOUSE RESOLUTION RECALLING SENATE BILL No. 34

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 18, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and House of Representatives recalling from the Governor Senate Bill No. 34, Printer's No. 46, for the purpose of amendment. Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

Which was laid on the table.

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

HOUSE CONCURS IN SENATE BILL NO. 309, (HOUSE BILL NO. 483)

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 309, (House Bill No. 483), entitled:

An Act regulating the appointing or election of deputy controllers in cities of the second class A; and prescribing their powers and duties.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL NO. 397, (HOUSE BILL NO. 546)

He also returned to the Senate, Senate Bill No. 397, (House Bill No. 546), entitled:

An Act to further amend section six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "Pennsylvania National Guard Act" by eliminating certain provisions relating to retirement age of a major general in command of the National Guard.

with the information that the House has passed the same without amendments.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 483, entitled:

An Act regulating the appointing or election of deputy controllers in cities of the second class A; and prescribing their powers and duties.

House Bill No. 546, entitled:

An Act to further amend section six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "Pennsylvania National Guard Act" by eliminating certain provisions relating to retirement age of a major general in command of the National Guard.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

MOTION TO RECONSIDER SENATE BILL NO. 34

Mr. MALLERY. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 34, (House Bill No. 477) which was laid on the table.

Mr. OWLETT. Mr. President, I second the motion.

It was agreed to.

RECONSIDERATION OF SENATE BILL NO. 34, (HOUSE BILL NO. 477)

Mr. MALLERY. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 34, (House Bill No. 477), entitled:

An Act to further amend section five hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue, and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the incurring of temporary indebtedness and the repayment thereof.

was passed finally.

The PRESIDENT. How did the Senator vote?

Mr. MALLERY. Mr. President, I voted "aye".

Mr. OWLETT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. MALLERY. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. MALLERY. Mr. President, I voted "aye".

Mr. OWLETT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. MALLERY. Mr. President, I ask unanimous consent to amend sec. 1 (Sec. 508), page 3, line 19, by inserting after the word "uncollected" the following: S "and unpledged"; amend Sec. 1 (Sec. 508), page 3, lines

20 and 27 both inclusive by striking out the words: S "any temporary indebtedness" line 20, the whole of lines 21 to 26 both inclusive, and the word "purposes" in line 27, and inserting in lieu thereof: "for a period of five years from the effective date of these amendments, any temporary indebtedness incurred for current expenses and debt service may equal, but not exceed, the State appropriations not received but payable during the fiscal year and all taxes levied upon taxable property within the school district for school purposes, for past years as well as for the current fiscal year."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to

Ordered, That the bill as amended be printed for the use of the Senate.

BILL INTRODUCED

Mr. GILSON. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GILSON, read in place and presented to the Chair, Senate Bill No. 598, entitled:

An Act making an appropriation to the Pennsylvania Historical Commission to acquire property covering the historic site of French Fort LeBoeuf; providing for the restoration thereof, and for the powers and duties of the commission in reference thereto; and authorizing the appointment of a local advisory committee.

Which was committed to the Committee on Appropriations.

REPORTS FROM COMMITTEES

Mr. HOMSHER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOMSHER, from the Committee on Municipal Government reported as committed, Senate Bill No. 265, (House Bill No. 383), entitled:

An Act to amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (Pamphlet Laws 176) entitled "An act requiring cities of the second and third class to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases" extending the provisions of said act to cities of the second class A.

Mr. KILGALLEN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALEN, from the Committee on Municipal Government reported as committed, Senate Bill No. 543, entitled:

An Act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Reviews; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties.

He also, from the Committee on Municipal Government reported as committed, Senate Bill No. 544, entitled:

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class by providing that city taxes within such territorial limits shall be assessed, levied and collected upon the basis of the county assessments; imposing duties on county taxing authorities; abolishing the department of assessors in cities of the second class and transferring certain property to county taxing authorities.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committes for the first time at today's session.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 226, entitled:

An Act abolishing the Oil Industry Investigation Commission; terminating the terms of its members; and lapsing the unobligated balance of any appropriation made therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 265, (House Bill No. 383), entitled:

An Act to amend the title and the act approved the sixteenth day of May, one thousand nine hundred and thirty-five (Pamphlet Laws 176) entitled, "An act requiring cities of the second and third class to allow members of the police departments, twenty-four consecutive hours of rest each week, and fourteen days vacation, each year, except in emergency cases," extending the provisions of said act to cities of the second class A.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 289, (House Bill No. 282), entitled:

An Act to repeal the act, approved the twenty-second day of September, one thousand nine hundred and thirty-eight (P. L. 37), entitled "An act relating to and removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth, one thousand nine hundred and thirty-one (Pamphlet Laws, five hundred seventy-five), entitled 'An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey, creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds, transferring to the new commission all the powers of The Delaware River Bridge Joint Commission; and making an appropriation,' and providing for the appointment of their successors."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 431, entitled:

An Act to amend sections one and six of the act, approved the nineteenth day of July, one thousand nine hundred and thirty-five (P. L. 1356), entitled "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of Internal Affairs; and providing penalties," by providing for reciprocal recognition of weight certificates for solid fuel between the Commonwealth of Pennsylvania and bordering states requiring such certificates; and defining the term "licensed weighmaster."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 432, entitled:

An Act authorizing the Department of Property and Supplies, with the consent of the Department of Military Affairs and the approval of the Governor, to sell or exchange and convey the property of the Pennsylvania State Arsenal at Harrisburg; appropriating the proceeds thereof to the Department of Military Affairs; and providing for the construction of an arsenal or warehouse on the military reservation at Indiantown Gap, and for the removal of State and Federal supplies thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 543, entitled:

An Act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 544, entitled:

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class by providing that city taxes within such territorial limits shall be assessed, levied and collected upon the basis of the county assessments; imposing duties on county taxing authorities; abolishing the department of assessors in cities of the second class and transferring certain property to county taxing authorities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, April 24, 1939, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, April 24, 1939, at eight o'clock.

ADJOURNMENT

Mr. OWLETT. Mr President, I move that the Senate do now adjourn until Wednesday, April 19, 1939, at 11:00 o'clock.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:12 o'clock, p. m. until Wednesday, April 19, 1939, at 11:00 o'clock, p. m.

HOUSE OF REPRESENTATIVES

TUESDAY, April 18, 1939.

The House met at 1 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

Almighty God, bestow Thy favor upon these Representatives, who have gathered in this Assembly to give direction to the course of civil affairs in this Commonwealth. Broad and deep, stupendous and perplexing are the civic problems they must face and conquer. Grant them visions to see the problems as they are, and mental acumen to solve them for the welfare of all our people.

Give wisdom to the President of these United States as he chooses the words to express the will of our nation for the peace of the world.

Sustain the Governor of our State in his effort to give us an economic administration based upon Justice and Equity for all.

O Spirit of Love and Life and Power, protect our loved ones from whom we are separated. Bless them in their loneliness; care for them in sickness.

Make all of us thankful for the joys of life and the hope that never dies out in the human breast.

In the name of Jesus Christ, the Prince of Peace, we ask it. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. COOK, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. HABBYSHAW. HOUSE BILL No. 1378.

An Act fixing the number, compensation, mileage, and duties of the officers and employes of the House of Representatives; and providing for their election or appointment, term of office, and manner of filling vacancies.

Referred to the Committee on State Government.

By Mr. OMINSKY. HOUSE BILL No. 1379.

An Act requiring public utility companies to pay seventy-five per centum of all fines, penalties and interest collected from subscribers, to the Commonwealth; imposing certain duties upon the Department of Revenue, and providing penalties.

Referred to the Committee on Public Utilities.

By Mr. OMINSKY. HOUSE BILL No. 1380.

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section one C.

Referred to the Committee on Constitutional Amendments.

By Mr. HAINES. HOUSE BILL No. 1381.

A Further Supplement to the act, approved the first day of April, one thousand eight hundred and sixty-three (P. L. 213), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making an appropriation for carrying the same into effect.

Referred to the Committee on Appropriations.

By Mr. NORMAN WOOD. HOUSE BILL No. 1382.

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and thirty-one, and prior sessions, and at its sessions of one thousand nine hundred and thirty-three, and one thousand nine hundred and thirty-five.

Referred to the Committee on Appropriations.

By Mr. SCHROCK. HOUSE BILL No. 1383

An Act to repeal the act approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 168), entitled "An act to amend the act, approved the seventh day of June, one thousand nine hundred and one (Pamphlet Laws, four hundred ninety-three), entitled 'An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the second class; and imposing fines, penalties, and forfeitures for violation thereof,' as amended, extending the provisions of said act to certain boroughs, incorporated towns, and townships of the first class; extending the same to include building drainage; imposing certain powers and duties on the Department of Health; making further provisions for the administration of said act; extending the specifications, increasing certain fees and payments; and providing increased penalties, including imprisonment; and repealing sections fifty-four, fifty-five, fifty-seven, and fifty-eight of said act," in so far as it relates to boroughs, incorporated towns and townships of the first class.

Referred to the Committee on Municipal Corporations.

By Mr. GILLAN. HOUSE BILL No. 1384.

An Act to amend the act, approved the fifth day of December, one thousand nine hundred thirty-six (P. L. 2897, 1937) entitled "An act establishing a system of unemployment compensatioin to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," redefining "benefit year;" eliminating contractor liability and the defination of "full-time weekly wage;" taking away the right of probationary employes of the department to appeal from dismissal; providing additional remedies for the collection and for compromises of contributions and interest; imposing duties on prothonotaries; changing the qualifications for, and the rate and duration of compensation; authorizing certain payments without administration or the appointment of a guardian or committee; and extending and further regulating the provisions for appeal.

Referred to the Committee on Welfare.

By Mr. TROUT. HOUSE BILL No. 1385.

An Act to amend sections three hundred one and three hundred two of the act, approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis: requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," providing a system of merit rating of employers.

Referred to the Committee on Welfare.

By Mr. TAYLOR. HOUSE BILL No. 1386.

An Act to amend the act, approved the fifth day of December, one thousand nine hundred thirty-six (P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties." extending the definition of "total unemployment", providing additional remedies for the collection and for compromises of contributions and interest; imposing duties on prothonotaries; authorizing certain payments without administration or the appointment of a guardian or committee; and extending and further regulating the provisions for appeal.

Referred to the Committee on Welfare.

By Mr. TAYLOR. HOUSE BILL No. 1387.

An Act to amend clause (s) of section four and section four hundred one of the act, approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unem-

ployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," substituting a definition of unemployment for that of total unemployment; and changing qualifications required to secure compensation.

Referred to the Committee on Welfare.

By Mr. WOODSIDE. HOUSE BILL No. 1388.

An Act to amend section three of the act, approved the second day of May, one thousand nine hundred five (Pamphlet Laws, three hundred fifty-one), entitled "An act authorizing the Attorney General to retain and employ attorneys to represent the Commonwealth, in criminal proceedings, in the various courts of oyer and terminer, general jail delivery, and quarter sessions, if requested to do so by the president judge of the district having jurisdiction thereof; providing for the compensation of such attorneys, and defining their duties and powers," by making counties liable for the payment of the compensation and expenses of attorneys appointed by the Attorney General.

Referred to the Committee on Counties.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 248. (HOUSE BILL No. 1389).

An Act to amend section fifteen of the act, approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363), entitled "An act relating to the organization, jurisdiction, and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," by further clarifying the provisions of said act, as to the powers of the judges of orphans' court to administer the business of the court and to issue process in vacation.

Referred to the Committee on Judiciary General.

SENATE BILL No. 249. (HOUSE BILL No. 1390).

An Act to amend section twenty-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," further clarifying the provisions of said act as to the issuance of subpoenas by a judge at chambers during vacation.

Referred to the Committee on Judiciary General.

SENATE BILL No. 320. (HOUSE BILL No. 1391).

An Act to amend section seven of the act, approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," by changing the provisions thereof as to the contents of record to be furnished wardens by clerks of the courts of quarter sessions.

Referred to the Committee on Judiciary Special.

SENATE BILL No. 268. (HOUSE BILL No. 1392).

An Act to amend paragraph (c) of section four hundred nine and paragraphs (a) and (c) of section four hundred eleven of the act, approved the twenty-eight day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion results costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by providing a more equitable method for the apportionment of damages and expenses occasioned by or resulting from the construction, relocation, alteration, protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways; limiting in certain cases the amount to be borne by the public utilities concerned, and providing for the recovery by the commission on behalf of the Commonwealth of the amount of expenses occasioned by or resulting from such crossing improvement, as well as the amount of damages or compensation awarded to the owners of adjacent property.

Referred to the Committee on Public Utilities.

SENATE BILL No. 375. (HOUSE BILL No. 1393).

An Act authorizing the Commonwealth, political subdivisions and certain institutions to purchase blind-made commodities and services from organizations for the blind without contracts or advertisement; providing for the fixing of fair market prices for such commodities and services by a committee composed of heads of certain departments and representatives of institutions where blind-made commodities are manufactured; and imposing cer-

tain duties upon the Department of Property and Supplies and the State Council for the Blind.

Referred to the Committee on Welfare.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. WEISS and LOVETT. RESOLUTION No. 69.

In the House of Representatives, April 17, 1939.

Whereas, The Department of Public Assistance is requiring persons on relief to execute bonds in the sum of $5,000 conditioned upon the repayment to the Commonwealth of any moneys received by them from the Commonwealth in case they should hereafter acquire any property, or in case of death, should leave any property; and

Whereas, The requirement of such bonds works a hardship upon such persons and upon those who survive them as heirs; and

Whereas, Such practice is contrary to the spirit in which such assistance should be rendered to our unfortunate unemployed; therefore be it

Resolved, By the House of Representatives of the Commonwealth of Pennsylvania that the Department of Public Assistance of the Commonwealth should cease such practice and should hereafter administer relief to the needy without thought of or intent to afterwards receive from them to their last penny, to the end that the Commonwealth shall not become a money lender instead of a protector of its people; and be it further

Resolved, That a copy of this resolution shall be immediately transmitted to the Secretary of the Department of Public Assistance by the Chief Clerk of this House.

Referred to the Committee on Welfare.

REQUEST FOR CONSENT TO ADDRESS HOUSE

Mr. KANE. Mr. Speaker, I ask the unanimous consent of the House to make a statement at this time.

The SPEAKER. The Chair suggests that the gentleman from McKean yield until we get further along with the business of the House.

Mr. KANE. Mr. Speaker, I do not like waiting until the end of the calendar, because I have done that repeatedly, and Committee meetings and other things have prevented this statement's being made.

REPORTS FROM COMMITTEES

Mr. TAYLOR, from the Committee on Municipal Corporations, reported as amended, House Bill No. 979, entitled:

An Act defining the rights, powers and duties of collectors of county taxes except in counties of the second class and counties having local or special laws relating thereto, and of collectors of borough, town, township, school district and institution district taxes; prescribing the liability of taxables and others for the payment of such taxes; and the right of the collectors and taxing authorities to institute suit therefor; and imposing penalties.

Mr. STOCKHAM, from the Committee on Boroughs, reported as amended, House Bill No. 596, entitled:

An Act authorizing the annexation to an adjacent borough of a part of a township of the first class, situate in the same county, not exceeding one hundred (100) acres in area which is situate within the watershed of and drains into the borough, and regulating the procedure pertaining thereto; and providing for the adjustment and apportionment of the assets and liabilities of said townships.

Mr. IMBRIE, from the Committee on Professional Licensure, reported as committed, House Bill No. 519, entitled:

An Act to amend paragraph six of section two of the act of June first, one thousand nine hundred one, (Pamphlet Laws 493) entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the second class; and imposing fines, penalties, and forfeitures for violation thereof," as amended and extended to cities of the third class, boroughs, incorporated towns and townships of the first class, by eliminating the prohibition against connections to waterpipes by persons other than plumbers.

Mr. BOYD, from the Committee on Cities—First Class, reported as committed, House Bill No. 1373, entitled:

An Act to further amend section one of the act approved the first day of June, one thousand nine hundred and seven, (P. L. 364), entitled "An act to increase the pay of jurors and witnesses in this Commonwealth," by increasing the pay of jurors in counties of the first class.

Mr. CLEARWATER, from the Committee on Cities—First Class reported as committed, House Bill No. 1258, entitled:

An Act to repeal section ten of the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 480), entitled "An act relating to tax assessments in counties of the first class; conferring powers and imposing duties on the board of revision of taxes, and its agents and employes, and repealing general, local and special laws."

Mr. TIEMANN from the Committee on Cities—First Class reported as committed, House Bill No. 782, entitled:

An Act requiring cities of the first class to pay portions of their compensation heretofore withheld to officers and men employed in the police department, fire department and park guards.

Mr. COOK from the Committee on Townships reported as committed, House Bill No. 843, entitled:

An Act to amend section two thousand twenty-two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by changing provisions regulating dedicated roads, streets, lanes, alleys and drainage facilities.

Mr. AUKER from the Committee on Judiciary General reported as committed, House Bill No. 584, entitled:

An Act to establish a separate orphans' court in and for the county of Northampton.

Mr. AUKER from the Committee on Judiciary General reported as committed, House Bill No. 585, entitled:

An Act abolishing the office of one of the judges learned in the law in the third judicial district of this Commonwealth; and repealing inconsistent legislation.

Mr. AUKER from the Committee on Municipal Corporations reported as committed, House Bill No. 860, entitled:

An Act to amend sections nine and fifteen of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims;

the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as amended, further regulating the filing of claims for taxes, water rents or rates, lighting rates, power rates and sewer rates; removing the right to revive, extend or continue the lien of such claims, prescribing the time for selling properties for the non-payment of such claims, and in certain cases extending existing liens.

Mr. TAHL from the Committee on Cities—First Class reported as committed, House Bill No. 1138, entitled:

An Act requiring weighers and samplers of cargo of ships at ports in cities of the first class to be residents of such cities and to be licensed; and providing penalties.

Mr. TAHL from the Committee on Judiciary General reported as committed, House Bill No. 741, entitled:

An Act relating to the administration of oaths, by notaries public, magistrates, aldermen and justices of the peace; and validating certain oaths heretofore taken.

Mr. WILSON from the Committee on Boroughs reported as amended, House Bill No. 731, entitled:

An Act to amend the act approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," as amended, by adding Section 1035.1, limiting budget and report forms.

Mr. G. R. THOMPSON from the Committee on Townships reported as committed, House Bill No. 899, entitled:

An Act to amend section 571 of the act approved May first, one thousand nine hundred thirty-three (Pamphlet Laws 103) entitled, "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," as amended, by changing the conditions of the tax collectors bond, fixing the time when the same shall be entered into and providing that the bond shall cover the collection of township, county and school, institution and poor district taxes.

Mr. THISTLE from the Committee on Cities—First Class reported as committed, House Bill No. 1259, entitled:

An Act requiring certain taxes of the political subdivisions in counties of the first class to be stricken from the records and prohibiting such taxes from being included in the computation of the solvent debts of such political subdivisions.

Mr. O'DARE from the Committee on Professional Licensure reported as amended, House Bill No. 732, entitled:

An Act to repeal the act approved the seventh day of June one thousand nine hundred and one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended and extended to certain boroughs, incorporated towns, and townships of the first class by the act approved the thirty-first day of March, one thousand nine hundred thirty-seven (Pamphlet Laws 168), in so far as the same relates and applies to boroughs, incorporated towns and townships of the first class.

Mr. SWEENEY from the Committee on Cities—First Class reported as committed, House Bill No. 1300, entitled:

An Act to amend sections 3, 13, 18, 19 and 20, to repeal sections 21 to 30, both inclusive, including both sections numbered 24, and to amend sections 33 and 34, of the act, approved the fifteenth day of June, one thousand nine hundred thirty-seven (P. L. 1743), entitled "An act relating to magistrates and magistrates' courts in the city of Philadelphia; imposing certain duties upon, and prohibiting certain practices by, magistrates; imposing certain duties on the city controller in regard thereto; authorizing the empolyment by him of additional clerks and fixing their compensation; regulating the practice in magistrates' courts, the entering of bail, and the issuance of discharges in criminal cases in the county of Philadelphia; conferring certain powers over magistrates and magistrates' courts, and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the county of Philadelphia; providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates; fixing salaries of persons employed by authority of this act, providing penalties for violations of the provisions thereof; and repealing certain prior acts," changing the qualification of magistrates; removing certain powers and duties of the city controller, and conferring them upon the clerk of quarter sessions; authorizing said clerk to employ additional clerks and fixing their salaries; further restricting the power to release persons without bail; eliminating the provisions of said act which established a civil division of said courts; and clarifying the duties of the court of common pleas relative to magistrates' courts.

Mr. REAGAN from the Committee on Agriculture reported as committed, House Bill No. 1297, entitled:

An Act to further amend section five, and to amend section six, of the act, approved the third day of May, one thousand nine hundred and nine, (P. L. 395), entitled "An act regulating the sale of concentrated commercial feeding-stuffs, also of condimental stock and poultry-food, and patented, propriatary or trade-mark stock and poultry-food, possessing nutritive value combined with medicinal properties; defining concentrated commercial feeding-stuffs; prohibiting the adulteration of any feeding-stuff, sold, offered, or exposed for sale, in this State, with oat hulls, ground corn cobs, flax plant refuse, elevator chaff, cotton-seed hulls, ground corn stalks, rice hulls, peanut hulls, weed seeds, or other similar adulterants; providing for the collection of samples, and analysis thereof by the Department of Agriculture, and the publication of information concerning the same; providing also for the expenses of the enforcement of the law, fixing penalties for its violation, and repealing act number two hundred and eleven (Pamphlet laws, one thousand nine hundred and seven, page two hundred and seventy-three), entitled 'An act regulating the sale of wheat-, rye-, corn- and buckwheat-bran and middlings, or any admixture thereof,' et cetera, approved the twenty-eighth day of May, one thousand nine hundred and seven," authorizing the Secretary of Agriculture to make rules and regulations and establish standards: further regulating the taking of samples; and changing and providing penalties.

Mr. KEENAN from the Committee on Cities—Second Class reported as committed, House Bill No. 1054, entitled:

An Act providing a method of annexation of parts of townships of the first class, to contiguous cities of the second class, boroughs or other contiguous townships of the first class, and regulating the proceedings pertaining thereto.

Mr. POWERS from the Committee on Townships reported as committed, House Bill No. 841, entitled:

An Act to amend by adding Clause XLVI to section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act

concerning townships of the first class amending, revising, consolidating and changing the law relating thereto" by authorizing the designation of certain highways upon which motor vehicle traffic may be regulated.

Mr. LONG from the Committee on Professional Licensure reported as committed, House Bill No. 248, entitled:

An Act to protect the public against fraud, requiring all real estate brokers and salesmen soliciting, accepting or receiving payments of principal or interest on mortgages or judgments, as agent, employe or attorney-in-fact or another, to file a bond with the Department of Public Instruction for the protection of the payers; and prescribing penalties.

Mr. SHAW from the Committee on Cities—Second Class reported as committed, House Bill No. 1234, entitled:

An Act authorizing counties of the second class to acquire property and erect thereon maintenance warehouses for roads, highways, bridges and tunnels, by purchase or the exercise of the right of eminent domain; providing for the acquiring of fee simple title thereto, and the issuance of bonds therefor.

Mr. REGAN from the Committee on Professional Licensure reported as committed, House Bill No. 563, entitled:

An Act to further amend sections eight, ten, and clause (a) of section fourteen of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons, and providing penalties," by providing additional grounds for refusing, suspending or revoking licenses; further regulating the procedure of the board; giving associations of funeral directors the right to appeal in certain cases; and extending the power of the board to make rules and regulations.

Mr. CHERVENAK from the Committee on Agriculture reported as committed, House Bill No. 1361, entitled:

An Act to amend clause (10) of section 3, sections 5 and 6, paragraphs (2), (3), (4), (6), and (11) of section 8, sections 9 and 11, paragraph C of section 12 and section 15 of the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2724), entitled "An act relating to soil conservation and soil erosion, and regulating land use practices contributing to soil wastage and soil erosion; providing for the organization of soil conservation districts, as governmental subdivisions of the Commonwealth, with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources; prescribing the officers and employes thereof, and defining their powers and duties; creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act; providing financial assistance to such soil conservation districts; prescribing penalties; and making an appropriation," by changing the vote necessary for the establishment of districts, the making of regulations and the dissolution of districts and requiring voters to be land owners.

Mr. SIMON K. HOFFMAN from the Committee on Townships reported as committed, House Bill No. 844, entitled:

An Act to amend the first paragraph of section one thousand seven hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending, revising, consolidating and changing the law relating thereto" by changing the power of commissioners to levy taxes.

Mr. FINNERTY from the Committee on Professional Licensure reported as committed, House Bill No. 820, entitled:

An Act to amend section three of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, of the bodies of deceased persons; and providing penalties," providing for the qualification of additional persons as undertakers.

Mr. WESTRICK from the Committee on Townships reported as committed, House Bill No. 1189, entitled:

An Act to amend section six hundred and ten of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by authorizing the board of supervisors to pay dues assessed by the State association of township supervisors.

Mr. WINNER from the Committee on Professional Licensure reported as committed, House Bill No. 565, entitled:

An Act to regulate the practice of the Natural Healing Arts in the State of Pennsylvania; to provide for the establishment of a State Board of Natural Healing Arts Examiners; to define the powers and duties of said Board of Natural Healing Arts Examiners; to provide for the examining and licensing of Natural Healing Arts Practitioners in this State; and to provide penalties for the violation of this Act.

Mr. WINNER from the Committee on Professional Licensure reported as committed, House Bill No. 786, entitled:

An Act relating to and regulating the practice of the healing profession of chiropractic, and the licensure and registration of practitioners therein; creating a Chiropractic Board of Examination and Licensure in the Department of Public Instruction, defining its powers and duties and providing penalties.

Mr. CARPENTER from the Committee on Townships reported as committed, House Bill No. 812 (Senate Bill No. 186) entitled:

An Act to amend subsection twelve of section seven hundred and two of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by empowering townships of the second class to prohibit the storage of abandoned and junked automobiles.

Mr. KRISE from the Committee on Judiciary General reported as committed, House Bill No. 666 (Senate Bill No. 39), entitled:

An Act validating county treasurers sales for delinquent taxes, when the reports and returns of such sales were made to the court of common pleas, and the deeds thereto were executed and acknowledged, by an attache of the office of the county treasurer and not by the county treasurer as required by law.

Mr. RHODES from the Committee on Cities—First Class

reported as committed, House Bill No. 1184 (Senate Bill No. 147), entitled:

An Act to further amend an act approved the twenty-first day of July one thousand nine hundred and thirteen (P. L. 863) entitled "A supplement to an act approved the eleventh day of June one thousand eight hundred seventy-nine entitled "An act to authorize Cities of the first class to levy and fix a tax rate to fix the time of opening and closing the tax duplicates to regulate the appropriations and expenditures of said cities and prescribing penalties for the violation of the provisions of this act" by providing that the same shall not apply to the books of personal property taxes and to extend the time for the opening of the books and the payment of personal property taxes.

Mr. SEIF from the Committee on Professional Licensure re-reported as amended, House Bill No. 475, entitled:

An Act defining and regulating the practice of photography; providing for the licensing of individuals, copartnerships, associations and corporations operating photographic studios and of individuals engaging in the practice of photography; creating a Board of Photographic Examiners in the Department of Public Instruction; defining its powers and duties; and providing penalties.

Mr. AUKER from the Committee on Municipal Corporations re-reported as amended, House Bill No. 194, entitled:

An Act providing for the validation and amendment of defective tax liens and municipal claims heretofore or hereafter entered of record and repealing inconsistent legislation.

Mr. CORDIER from the Committee on Municipal Corporations re-reported as amended, House Bill No. 543, entitled:

An Act to amend the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by making the provisions of said act mandatory as to all delinquent taxes in counties other than counties of the first and second classes, extending such provisions to taxes on unseated lands, further regulating the lien of such taxes; removing the right to revive, extend or continue such liens; validating preserving and extending existing liens in certain cases, prescribing the time for selling properties for the nonpayment of such taxes and the effect of such sales upon mortgages and other liens; changing the period of redemption on properties purchased at such sales by the county, and requiring the county commissioners to sell such properties within a certain period of time.

Mr. WEISS from the Committee on Municipal Corporations re-reported as amended, House Bill No. 555, entitled:

An Act authorizing the abatement of certain tax penalties, interest and costs on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), poor district and institution district taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

Mr. ELLWOOD B. WELSH from the Committee on Municipal Corporations re-reported as amended, House Bill No. 698, entitled:

An Act to amend the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom, for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," limiting the said act so that it shall not be effective in any city or in counties other than counties of the first second and third classes as to the future filing of tax claims, removing the right to revive, extend or continue existing liens of tax claims in cities and in counties other than counties of the first second and third classes, prescribing the time for selling properties for the nonpayment of such claims and in certain cases extending existing liens.

BILL RE-REFERRED

Mr. LICHTENWALTER returned from the Committee on Townships with the recommendation that it be re-referred to the Committee on State Government, House Bill No. 1296, entitled:

An Act to amend Sections 518, 532, and 541, Section 802 as amended, Sections 1112, 1156, 1160, 1170, and Subdivision (d) of Article 13, and Sections 1401 and 1525 of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," transferring certain functions relating to the affairs of such townships, heretofore performed by the Department of Highways, to the Department of Internal Affairs.

The SPEAKER. The bill is now re-referred to the Committee on State Government.

SENATE MESSAGES

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows

In the Senate, April 17, 1939.

Resolved, (if the House of Representatives concur), That Senate Bill No. 34, Printer's No. 46, entitled:

An Act to further amend section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further regulating the incurring of temporary indebtedness and the repayment thereof

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 17, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, April 24, 1939, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, April 24, 1939, at eight o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 291.

An Act to amend section one of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2681) entitled "An act relating to and regulating the manufacture storing and possession of explosives requiring permits for magazines and prescribing permit fees and providing penalties" by excluding from the provisions of said act explosives used in clay mining or in rock or stone quarries.

HOUSE BILL No. 576.

An Act to further amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-three (Pamphlet Laws 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Gaum providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" as amended extending the time during which application may be filed for veterans' compensation

HOUSE BILL No. 639.

An Act to repeal certain obsolete acts relating to military history records and historical works.

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 291.

An Act to amend section one of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2681) entitled "An act relating to and regulating the manufacture storing and possession of explosives requiring permits for magazines and prescribing permit fees and providing penalties" by excluding from the provisions of said act explosives used in clay mining or in rock or stone quarries

HOUSE BILL No. 576.

An Act to further amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-three (Pamphlet Laws 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Gaum providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" as amended extending the time during which application may be filed for veterans' compensation

HOUSE BILL No. 639.

An Act to repeal certain obsolete acts relating to military history records and historical works

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RESOLUTION

RECALLING HOUSE BILL NO. 610 FROM THE GOVERNOR

Mr. WOODSIDE offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 18, 1939.

Resolved (if the Senate concur) that House Bill No. 610, Printers No. 126, entitled "A supplement to the act approved the twenty-first day of July one thousand nine hundred and thirty-seven (Appropriation Acts page 74) entitled 'An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning July first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven' by lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation and re-appropriation such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The attention of the Chair has been called to the fact that we have two groups of citizens, one from Schuylkill County and one from Delaware County, visiting the Legislature. It is always a great pleasure to have citizens of the Commonwealth interested in seeing the Legislature in operation, even though the operation at the moment doesn't seem to produce a great deal. However, if it would be possible for you to stay

for a while you might hear some of the Demosthenes and some of the great orators of the House explaining their theories of government. There are, however, a great many other points of interest which we are sure you will wish to see. It is a pleasure to have you with us today.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1057, entitled:

An Act to repeal the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2688) entitled "An act to provide for the conservation protection improvement and profitable use of agricultural land resources in the State of Pennsylvania and for cooperation with the governments and agencies of other states and of the United States pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act to assent to and accept the provisions of said act to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee and in conformity with the provisions of said act to designate and authorize said committee as the State agency of this State in conformity with such provisions to formulate submit to the Secretary of Agriculture of the United States and administer State plans to carry out the provisions of this act to define the powers and duties of said committee as such State agency to provide for the administration of this act and making an appropriation"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 296, entitled:

An Act to validate mortgage sales of real estate by foreign fiduciaries executors and administrators and the titles acquired by purchasers at such sales

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 900, entitled:

An Act to amend sections one thousand four hundred two two thousand five hundred fifty-six and two thousand five hundred fifty-nine and to repeal section two thousand five hundred fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended clarifying the conditions of the bond of the city treasurer providing for the determination of certain expenses in connection with the collection of taxes for the city county institution district school and poor district providing for delinquent tax collectors for the collection of taxes and repealing a certain inconsistent section

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 726, as follows:

An Act to amend the title and section one of the act approved the fifteenth day of April one thousand nine hundred and seven (Pamphlet Laws sixty-two) entitled "An act providing that in certain cases defendants may enter pleas of guilty and be sentenced forthwith without a bill of indictment being presented to a grand jury" extending the same to cases where pleas of not guilty are entered

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and section one of the act approved the fifteenth day of April one thousand nine hundred and seven (Pamphlet Laws 62) entitled "An act providing that in certain cases defendants may enter pleas of guilty and be sentenced forthwith without a bill of indictment being presented to a grand jury" are hereby amended to read as follows

An Act providing that in certain cases defendants may waive indictment by a grand jury and enter pleas of guilty or not guilty and be sentenced forthwith or given a speedy trial without a bill of indictment being presented to a grand jury

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever hereafter within this Commonwealth any person is charged with the commission of any crime and such person is willing to [enter a plea of guilty] waive an indictment by a grand jury and shall notify the district attorney to that effect no bill of indictment charging such offense shall be sent to a grand jury but the district attorney shall at once prepare a bill of indictment in the usual form and the plea of guilty or not guilty as the case may be shall at the request of the said defendant or defendant's counsel be entered thereon and the court of the proper county at any session thereof shall thereupon if the plea is guilty forthwith impose sentence for the offense set forth therein and if the plea is not guilty bring the defendant to a speedy trial with or without a jury as provided by law Provided however That nothing in this act shall be construed so as to relate to or change the proceedings in homicide cases in this Commonwealth And provided further That the defendant may withdraw his plea of guilty at any time before sentence by leave of the court

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 710, entitled:

An Act relating to unlawful practices in the procurement of retainers for attorneys

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any preson not a member of the bar of a court of record of this Commonwealth who shall solicit or procure through solicitation a retainer power of attorney or any agreement written or oral authorizing an attorney to perform or render legal services or who shall solicit advise request or induce any person in this State to institute any suit for damages in which the compensation of any attorney for instituting or prosecuting such suit shall directly or indirectly depend upon the amount of the recovery therein shall be guilty of a misdemeanor and upon the conviction thereof shall be punished by a fine of not more than two hundred dollars ($200) or imprisonment for not more than two (2) years

On the question,

Will the House agree to the section?

Mr. RHODES. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 1, line 6, by striking out the words "advise, request or induce"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

An Act relating to unlawful practices in the procurement of retainers for attorneys

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 193, entitled:

An Act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class providing for the appointment of members of the board of revision of taxes by the judges of the courts of common pleas providing for the appointment by the board of personal property assessors real estate assessors and assistant real estate assessors clerks and other employes fixing the salaries of members of the board assessors and assistant assessors and providing for the payment of salaries and expenses from the county treasury prescribing the powers and duties of the board and of the assessors the time and manner of making assessments of the revision and notice of assessments and of appeals therefrom prescribing the records of assessments and repealing existing laws

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That the Board of Revision of Taxes in counties of the first class shall consist of seven competent and qualified citizens who shall be appointed for terms of six years The salary of each member of the Board shall be Ten thousand dollars per annum except in the case of the chairman of the Board whose salary shall be Ten thousand five hundred dollars per annum

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 3, by striking out the word: "who" and inserting in lieu thereof: "three of whom shall be members of the minority party and all the members."

Amend Sec. 1, page 2, line 7, by inserting after the word "annum" the following: "Any member of the board, or officer or employe thereof, shall be removed for political activity of any kind."

On the question,

Will the House agree to the amendment?

Mr. OMINSKY. Mr. Speaker and members of the House, this amendment is one of a series of amendments which I have just handed up to the desk. This particular amendment is to Section 1 of the bill. Although we of the minority, especially from Philadelphia, are opposed absolutely to this bill, we feel that since the sponsor is pressing its passage, we at least should point out some of the bad features of the bill and if possible remedy some of the conditions.

In the first place, this amendment provides that there shall be minority representation under the Board of Revision of Taxes, the amendment making it a by-partisan, non-political board of revision, because it is necessary to the taxing public of Philadelphia. They have the full power of assessing real estate. and you all realize, I know, that unless the assessment features of real estate are taken out of politics, equalization in taxation cannot be had.

This amendment will provide, if passed, that three out of the seven members of the Board of Revision of Taxes, must be from the minority political party, whichever that party may be. Last year, the Democrats were in the majority and the Republicans were in the minority. This year the Republicans are in the majority and the Democrats are in the minority, so that in due time, an equalization should be possible; next year the reverse will be true.

The second part of the amendment to Section 1 provides that no political activities shall be engaged in by the members of the Board of Revision of Taxes. I think that is very essential to good government, in Philadelphia especially, where taxes or the assessment of taxes are concerned, and I will ask each member of this House to vote for this amendment.

Mr. TAHL. Mr. Speaker and members of the House, I just want to call to your attention the fact that when the Democrats were in power and attempted to rip out the Board of Revision of Taxes, they did not at that time think of giving the Republicans a minority representation. You see, it all depends which foot the shoe is on. My friend from Philadelphia now thinks it ought to be done.

I am absolutely opposed to any amendment of that sort. We feel that the appointing power will appoint men who will perform their duties faithfully and well.

So far as the other part of the amendment is concerned, I am also against it for the same reason, when in the last session they passed the bill, they didn't think it was necessary to put that in and they didn't put it in. Now, they feel that ought to be put in. We feel that the Board of Revision of Taxes has never been in politics and any man who is going to be a member of that board will do nothing but attend to his business. I therefore ask the members to vote down these amendments.

Mr. OMINSKY. Mr. Speaker and members of the House, I had not intended to answer the gentleman from Philadelphia, because if you will refer to my amendments you will find that his argument is fallacious. However I want to say this, that the only way that he has agreed with me is in the principle that the Board of Revision of Taxes should be out of politics. He claims it is out of politics, but the only way we can ascertain and make certain that that will be so, is by voting for these amendments.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring

Will the House agree to the section?

It was agreed to.

The second section was read as follows:

Section 2 The members of the Board of Revision of Taxes in counties of the first class holding office on the effective date of this act shall continue to hold office until the expiration of the terms for which they have been appointed After the effective date of this act all appointments of members of the Board in counties of the first class shall be made by the Governor who shall appoint a member of the Board for the full term of six years whenever after the effective date of this act any vacancy shall occur whether by reason of the termination of an incumbent's term his death resignation or removal

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 2, page 2, line 16, by striking out the words: "the Governor who" and inserting in lieu thereof: "a majority of two-thirds of the judges of the courts of common pleas of the county and said judges."

On the question,

Will the House agree to the amendment?

Mr. OMINSKY. Mr. Speaker and members of the House, this amendment was made necessary because the committee, it seems, did not agree with the sponsor of the bill. When the sponsor first introduced the bill, you will note on page two, section two, that he had in the bill the provision a majority of the Board of Judges of the court of Common Pleas of the county "shall appoint."

The committee apparently, not knowing the situation in Philadelphia, or perhaps ignoring the possibility of home rule, inserted the amendment that the Governor shall make the appointment of the members of the Board of Revision in Philadelphia, and eliminating the appointments by the Board of Judges. I think that absolutely violates the doctrine of home rule. Now, I know my friends on the other side will say that we perhaps in the last session were advocates of that very principle and ignored, in some instances, home rule. That may have been true, not because we were in the majority then but because in those cities where we advocated appointment by the Governor it was not purely a local matter. This bill is purely a local bill, and even if perchance we did make an error in 1937, that is no reason for the majority advocating this bill, to invest the appointive power in the Governor instead in the Board of Judges; it is no reason why they should, if we made a mistake, make the same mistake. I think further that this amendment provides that the appointive power shall be in two-thirds of the Board of Judges instead of the majority. We have today a Board of Judges composed of twenty-one members, and this amendment would mean that two-thirds of the Board of Judges should decide who the appointees to the Board of Revision of taxes shall be, and while there is a lot of back scratching, yet when you have a two-thirds majority you will get the proper type of men for this type of work. Therefore, I ask the membership of this House to vote for these amendments.

Mr. TAHL. Mr. Speaker and members of the House, I oppose this amendment and I want to say that the sponsor of this bill has agreed to the change from the Board of Judges to the Governor, and it is not a fact that the sponsor did not agree to that. I am authorized to say on behalf of Mr. Hamilton, the sponsor, that he is in accord with the bill as it is at the present time.

I want to say further that in the last session the Democrats didn't give the Board of Judges the right to appoint members of the Board of Revision of Taxes, they selected two Democratic officials to do that, the Treasurer and the City Comptroller.

We have confidence in our judges in Philadelphia, every one of them is a man of integrity, justice and fairness, but we think the Board of Judges have enough to do without being burdened with additional duties, and we feel that if these appointments are in the hands of the Governor that the people of Philadelphia will have competent men who will properly attend to their duties. Therefore, I ask you on behalf of all Republican members from Philadelphia to vote down these amendments.

Mr. OMINSKY. Mr. Speaker and members of the House, just a short reply to the gentleman from Philadelphia. He says that he has, and I suppose the majority membership of this House have the highest regard for the integrity of the Board of Judges, but it reminds me of the fellow who says to another fellow, "I trust you but I want to count my change." They trust the Board of Judges but they want to take the appointive powers out of the hands of the Board of Judges of Philadelphia and put it into the hands of the Governor, where possibly the appointments can be dictated as far as Philadelphia's Board of Revision of Taxes is concerned.

In 1937 we passed a bill providing for appointment by two county officials of Philadelphia, who were elected by the citizens of Philadelphia alone, and who know the problems of Philadelphia, and therefore that bill has a home rule proposition, where this is absolutely not so. Therefore I ask the membership of this House to vote for these amendments.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The third section was read and agreed to as follows:

Section 3 The Board shall organize each year by selecting a chairman vice chairman and secretary from among its members Each member of the Board shall give bond in such amount and with surety or sureties as the tax-levying body of the county shall approve conditioned for the faithful performance of his duties as a member of the Board

The fourth section was read as follows:

Section 4 The Board shall appoint for terms of six years each a chief personal property assessor whose salary shall be Seven thousand five hundred dollars per annum eight personal property assessors each of whose salaries shall be Five thousand dollars per annum thirty-six real estate assessors each of whose salaries shall be Five thousand dollars per annum and thirty-six assistant real estate assessors each of whose salaries shall be Two thousand five hundred dollars per annum Upon the occurrence of any vacancy in any of said offices the Board shall appoint a successor for the full term of six years The Board may from time to time increase the number of personal property assessors real estate assessors and assistant real estate assessors appointed by it as it shall find necessary subject

however to the approval of the tax-levying body of the county The Board shall also appoint such number of clerks stenographers and other office employes as the Board shall find necessary to serve at the pleasure of the Board whose compensation shall be fixed by the tax-levying body of the county

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 4, page 3, line 7, by striking out the word: "six" and inserting in lieu thereof: "three."

Amend Sec. 4, page 3, line 8, by inserting after the word "be" the following: "not more than"

Amend Sec. 4, page 3, line 10, by inserting after the word "be" the following: "not more than"

Amend Sec. 4, page 3, line 10, by striking out the word: "thirty-six" and inserting in lieu thereof: "fifteen"

Amend Sec. 4, page 3, line 11, by inserting after the word "be" the following: "not more than"

Amend Sec. 4, page 3, line 12, by striking out the word: "thirty-six" and inserting in lieu thereof: "fifteen"

Amend Sec. 4, page 3, line 13, by inserting after the word "be" the following "not more than"

Amend Sec. 4, page 3, line 16, by striking out the word "six" and inserting in lieu thereof: "three"

Amend Sec. 4, page 3, line 21, by inserting after the word "appoint" the following: "with the approval of the tax levying body."

On the question,

Will the House agree to the amendments?

Mr. OMINSKY. Mr. Speaker and members of the House, of the series of amendments which I offer to this bill this is one of the most important, one of the most economizing amendments that we have, and if the majority members, the Republican members of this House, will give not only lip service to economy but actually put that lip service into practice, they must vote for these amendments. If they are not only going to give lip service to the new city charter of Philadelphia, as it has been alleged that they have given belated support to this new city charter, they must vote for these amendments to show their good faith and intentions on the city charter.

These amendments provide that instead of having thirty-six assessors appointed by the Board of Revision of taxes at a salary of five thousand dollars a year for a term of six years, and instead of having the appointive power for thirty-six assistant assessors at a salary of two thousand five hundred dollars a year for six years, and instead of having limited power to make any type of appointment outside of these assessors, as far as clerks, stenographers and what not are concerned, my amendments would limit the Board of Revision of Taxes in making those appointments. My amendments provide that instead of thirty-six assessors there shall be fifteen, and instead of thirty-six assistant assessors there shall be fifteen, so that there would be a saving, if those who are good in arithmetic can figure out exactly, there would be a saving of at least one hundred and sixty thousand dollars a year to the tax payers of Philadelphia for a term of six years, as this bill provides that these assessors shall hold office. That would mean at the rate of one hundred and sixty thousand dollars a year, a total saving to the citizens of Philadelphia, in six years, of nine hundred and sixty thousand dollars, and this is not guess work, it is actual figuring.

In addition to that, council will have the right to say whether these assessors shall receive five thousand dollars or less, because my amendments provide that the board of assessors shall provide up to five thousand dollars, whereas the bill as it stands today makes it mandatory that the salaries shall be five thousand and twenty-five hundred respectively. These amendments, if put into effect, in the case of emergency in the city of Philadelphia's financial dilemma, either the Board of Revision of Taxes or the City Council of Philadelphia will have the right to say whether or not they shall receive five thousand dollars, four thousand dollars or three thousand dollars a year. It is necessary, and we all know, not only those who live in Philadelphia but those who live outside of Philadelphia, that Philadelphia today is in a very bad financial situation. As a matter of fact, against the protest of every civic body, against the protest of financial people, against protest of Democrats, Philadelphia today is attempting to pawn fifty million dollars worth of assets to cover the deficit which is now pending in Philadelphia, thirty-six million of funded deficit and ten million dollars of future deficit, which will arise under the tentative budget for 1939, so that up until now you members have been asked and this Legislature has been asked to help Philadelphia solve its financial difficulty. This is one way of doing it without costing the state of Pennsylvania a nickel, by eliminating these thirty-six assessors who are unnecessary, because it has been proven in the past, under our present act, that the Board of Revision of Taxes is functioning properly with but thirty-one employees. My amendment will cut the eighty employees down to thirty-nine, so that while there is an increase of a few employees over what we have today, still the Board will be able to function properly.

Therefore, members of this Assembly, if you have ever been asked to aid the plight of Philadelphia, this is one amendment that you must vote for regardless of party, because it eliminates waste and it will at least cut down the shortage which Philadelphia has under the present budget.

In addition to that these amendments provide that Council, the tax levying body, shall have the right to say whether or not they shall have twenty-five stenographers or ten stenographers or fifty stenographers if necessary, and you know very well that Council will put on the people necessary to do the work properly. After all the local taxing body is in a better position to know how much they can pay out in matters of this kind. Therefore, members of this House, I ask you to vote for these amendments, because they will help Philadelphia, it will cost the Commonwealth not one cent and it is good government to put these amendments in a bill of this kind.

Mr. TAHL. Mr. Speaker and members of the House, I rise to oppose these amendments. I want to say that the Republican members of the House are just as anxious and just as sincere in their efforts for economy as anybody. I want to say further that at the present time there are four Democrats and three Republicans on the Board of Revision of Taxes and all of them are for the bill in its present form.

Under the present bill, the Board of Revision of Taxes is practically unable to function. They had a budget of

$498,000 last year and because they were tied down to a certain number of employees, they were unable to perform their duties properly and make a return of the taxes as required by law. They were required to get additional help, extra help, and they were required, in addition to the budget of $498,000 to ask the Board of Education for help. They also went to City Council for extra help, and I am informed by the entire Board that if this bill passes in its present form they will be able to function with the present budget of $498,000, because they will have these employees during the entire year and they will be able to do the work with this help without additional expense to the city of Philadelphia.

I want to call the attention of the House to the Registration Commission under Democratic rule. It has shown itself not only extravagant but also inefficient. That is an example of Democratic economy. This is only lip service and there is nothing sincere in their talk of economy.

We are against these amendments and I ask the members to vote them down.

Mr. OMINSKY. Mr. Speaker and members of the House, I am sorry the gentleman from Philadelphia saw fit to bring in a subject that is foreign to this particular bill. However he has mentioned the fact that the Registration Commission is inefficient and so on and so forth, did not economize. I believe you will find in fairness to the Registration Commission—and if the gentleman on the other side feels I am out of order I will consider myself out of order—but in fairness to the Registration Commission, they started last year for the first time under the new permanent registration bill. They had a hard task in the registration of close to a million people in Philadelphia, and under the set-up they had they certainly had a difficult task. You will find probably this year they will need less employees and they will be as accurate as it is possible for human beings to be accurate.

I think the gentleman from Philadelphia should have been fair and should have told you that last year was the first year that they worked under the new permanent registration act, which requires the registration of every citizen in Philadelphia.

As far as the Board of Revision of Taxes is concerned, I haven't heard a thing either for or against the bill from those gentlemen. I don't know what their political affiliations today are, but even if there are three Democrats and four Republicans they probably are for the increased personnel which this bill requires, and they probably are for the general provisions of the bill because as you know this bill keeps them in office for the duration of their appointed term, and naturally they would be for the bill. That doesn't say, however, regardless of whether they are Democrats or Republicans, that we who are interested in economy, who are interested in good government in Philadelphia, should be for a bill like this because the present body is for the bill.

I ask each and every member of this House to vote for these amendments because they are necessary to Philadelphia, they will save in the course of six years close to a million dollars, possibly more. I ask for a roll call, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. Ominsky and Mr. Allmond and were as follows:

YEAS—58

Achterman,	Downey,	McLane,	Rooney,
Allen,	Falkenstein,	Melchiorre,	Rosenfeld,
Allmond,	Fauset,	Mooney,	Sarraf,
Andrews,	Finnerty,	Moran,	Scanlon,
Baker,	Flanagan,	O'Brien,	Schrope,
Balthaser,	Hess,	O'Connor,	Schwab,
Boles,	Hindman,	O'Keefe,	Skale,
Boney,	Holland,	Ominsky,	Stank,
Brancato,	Jirolanio,	O'Neill,	Tarr,
Burns,	Keenan,	Powers,	Tronzo,
Burris,	Levy,	Preston,	Weiss,
Check,	Long,	Readinger,	Welsh, E. B.,
Chervenak,	Lovett,	Regan,	Welsh, M. J.,
Cohen, R. E.,	Malloy,	Rider,	Williams,
Corrigan,	Malone,		

NAYS—114

Ackermann,	Fisher,	Leydic,	Sloan,
Alspach,	Fiss,	Lichtenwalter,	Snyder,
Atkins,	Foor,	Madden,	Sollenberger,
Bardes,	Freed,	Matthews,	Stambaugh,
Bennett,	Fullerton,	McClester,	Stewart,
Boorse,	Gates,	McGarrity,	Stockham,
Boose,	Gillan,	McKinney,	Sweeney,
Bower,	Gillette,	McNally,	Tahl,
Boyd,	Goll,	McVay,	Taylor,
Bretherick,	Habbyshaw,	Montgomery,	Terry,
Bronson,	Haines,	Moser, F. S.,	Thistle,
Brown, H. S.,	Hall,	Moser, J. L.,	Thompson, G. R.,
Brown, S. W.,	Hamilton,	Muir,	Tiemann,
Brunner,	Harbeson,	O'Dare,	Trout,
Cadwalader,	Haudenshield,	Peacock,	VanAllsburg,
Carpenter,	Henry,	Peale,	Van Belle,
Christler,	Hocke,	Reagan,	Voorhees,
Clark,	Hoyt,	Reese, D. P.,	Webster,
Clearwater,	Huntley,	Rhodes,	Wilkinson,
Cooper,	Imbrie,	Robertson,	Wilson,
Cordier,	James,	Rose,	Winner,
Cortese,	Jones,	Roseberry,	Wood, H. M.,
Denman,	Kane,	Royer,	Wood, L. H.,
Dick,	Kline,	Sarge,	Wood, N.,
Dix,	Knoble,	Schrock,	Woodside,
Donahue,	Kowalski,	Seif,	Yeakel,
Eckels,	Krise,	Serrill,	Turner,
Ely,	Lee,	Shearer,	Speaker.
Ewing,	Leisey,	Simons,	

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The fifth to the twenty-fourth sections inclusive were separately read and agreed to as follows:

Section 5 The Board shall divide the county into personal property assessment districts and real estate assessment districts and may from time to time increase or diminish the number of such districts and change and alter the boundaries thereof and the Board shall make assignments of assessors to such districts which assignments may be changed in the discretion of the Board

Section 6 The Board shall establish records of real property assessments which shall include a complete survey of each parcel of ground and of each building and other improvement in the county and a record thereof showing in detail the description character and size of the land and buildings and other improvements together with the name and address of the owner or owners thereof and the amounts for which such land buildings and improvements respectively stand assessed and the basis upon which such assessments were made Such records shall be set up as soon as conveniently may be after the effective date of this act and subject to the provisions of this act shall be in such form as the Board shall determine After the completion of such records any change in the physical condition of the land buildings or improvements of any parcel any division thereof and any change in the ownership thereof and any change in the assessed valuation thereof

shall be noted on the records Any taxable inhabitant of the county shall have the right at any time during office hours to examine such records The Board shall prescribe the duties of the assessors in connection with the establishment and maintenance of such records

Section 7 The Board shall issue annually at such time as the Board shall determine its precepts to the real estate assessors assigned to the various real estate assessment districts and the assessors shall upon the receipt of such precepts assess and value each parcel of real property located within the districts to which they are assigned and shall return such assessments to the Board upon such date as the Board shall provide Such return shall be in such form as the Board shall prescribe but shall require the assessors to assess separately the land and the improvements thereon in the case of each parcel of real property The assessors shall also ascertain and shall note in their returns any division of any parcel any change in the physical condition of the land or of the improvements located thereon including the destruction or demolition of improvements and the erection of new improvements and any change in the ownership thereof occurring after the last preceding return was filed for such parcel and such changes shall be noted on the records to be maintained by the Board as provided in Section 6 of this act

Section 8 Upon the date fixed for receiving the returns of the assessors the Board shall proceed to examine the returns and inquire whether the same have been made in conformity with the laws of this Commonwealth and whether all property has been valued as provided in this Act and may revise alter and amend the valuation by raising or lowering the valuations either in individual cases or by districts shall rectify all errors and make valuations where they have been omitted The Board shall complete its revision of the assessments on or before the third Monday of September of each year The assessments made by the assessors as revised and supplemented by the Board subject to appeal therefrom as hereinafter in this act provided shall constitute the assessed value for tax purposes of real property located in the county for the next ensuing calendar year

Section 9 As soon as the real property assessments shall have been completed as above provided the Board shall prepare a statement in such form as will show the assessed values of all real property within the county Such statement may be in book form and shall be posted or made available for public inspection at such places throughout the county as the Board shall deem necessary Copies of such statements may also be sold in such manner and at such price as the Board shall determine The proceeds of such sales shall be paid into the county treasury

Section 10 At least ten days prior to the first Monday in October of each year the Board shal give printed or written notice to the registered owners of all real property situated within the county the assessment upon which has been increased or decreased specifying the change made from the last preceding assessment and setting forth that an appeal may be filed from such assessment on or before the first Monday of October and stating as definitely as possible the time or times at which appeals will be heard by the Board Every such notice shall be given either by mailing or delivering the same to the address of the owner as shown upon the records of the Board or by posting upon the assessed property

Section 11 With regard to the assessment of personal property the Board and the personal property assessors shal have as heretofore all the duties provided in the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred and seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and the amendments and supplements thereto

Section 12 It shall be the further duty of the Board when necessary to provide for the valuation and assessment of all subjects of taxation which may hereafter be made taxable by the county or any city or other municipal subdivision of the Commonwealth located in or coterminous in its boundaries with the county to prescribe the duties of the assessors appointed by it in connection with such valuation and assessment to supervise and revise such assessments and to give such notice as the Board shall consider reasonable of such assessments and of the time for appeal therefrom

Section 13 All property within the county now or hereafter made taxable by law shall be valued and assessed by the assessors and by the Board at the actual value thereof In determining the actual value of property the price at which the same would separately bona fide sell shall be considered but shall not be controlling

Section 14 Any person aggrieved by any assessment as the same shall be fixed following revision of assessments by the Board may file an appeal therefrom with the Board Appeals from real estate assessments shall be filed on or before the first Monday of October Other appeals shall be filed within the time fixed by law or in cases in which no time is provided by law within such time as the Board shall prescribe. The Board shall set a time or times at which it shall hear all appeals which have been properly filed The Board shall either affirm the assessment or shall make such revision thereof as shall appear to the Board to be just and reasonable The Board shall complete its hearings of appeals and shall dispose of all appeals before it as promptly as possible

Section 15 Any person aggrieved by the disposition made by the Board of any appeal may file a petition for review of the assessment in the court of common pleas of the county and may appeal from the decision made thereon by the court of common pleas to the Supreme or Superior courts as is now provided by law

Section 16 The Board shall on or before the first day of October of each year report to the tax-levying body of the county its estimate of the aggregate of the assessments of all subjects of taxation within the county and as promptly as possible after all appeals have been heard it shall certify to the tax-levying body the aggregate of all such assessments as they appear upon the records of the Board

Section 17 The Board shall have exclusive custody and control of all books and records relating to the assessment of subjects of taxation within the county In addition to the records prescribed in Section 6 of this act the Board shall prepare and maintain books or other suitable records of the assessments made upon all subjects of taxation within the county which records shall include a description of the property or other subject of taxation the amount of the assessment thereof and the name and address of the person or persons taxable In the case of real property assessments such book or records shall be in conformity with the book of plans furnished by the Chief Engineer and Surveyor or similar officer of the county and shall be arranged according to wards and dates Upon completion of the annual assessment the Board shall prepare copies of such books or records and shall transmit copies thereof to the officer or officers charged with the duty of collecting taxes in the county and to the county controller

Section 18 The Board shall receive and have custody of duplicate copies of all official surveys made within the county

Section 19 The Board may prescribe such duties of assessors and others appointed by it in addition to the duties prescribed in this act as the Board shall find necessary in order to carry out the provisions of this act The Board may prescribe such qualifications for assessors and other appointees of the Board as it shall find desirable So far as possible the Board shall in making appointments advance existing appointees or employes of the Board

Section 20 For the purpose of performing the duties prescribed by this act or otherwise prescribed by law each member of the Board each assessor and such other employes of the Board as the Board shall designate shall have authority to administer oaths and affirmations

Section 21 All salaries provided for in this act and the proper expenses of the Board shall be paid out of the treasury of the county

Section 22 The following acts or portions of acts and the amendments thereto are hereby repealed

Section seventeen of the act approved the second day of February one thousand eight hundred fifty-four (Pamphlet Laws 21) entitled "A further supplement to an act entitled 'An act to incorporate the City of Philadelphia'"

Sections six and seven of the act approved the thirteenth day of May one thousand eight hundred fifty-six (Pamphlet Laws 567) entitled "A further supplement to the act consolidating the city of Philadelphia"

The act approved the sixteenth day of April one thousand eight hundred fifty-eight (Pamphlet Laws 318) entitled "Supplement to the act Consolidating the city of Philadelphia"

The act approved the eighth day of April one thousand eight hundred fifty-nine (Pamphlet Laws 410) entitled "An act relative to Taxes on Meadow Lands in the First Ward of the City of Philadelphia"

Sections one and eight of the act approved the fourteenth day of March one thousand eight hundred sixty-five (Pamphlet Laws 320) entitled "An act to promote the more certain and equal assessment of taxes in Philadelphia"

The act approved the second day of February one thousand eight hundred sixty-seven (Pamphlet Laws one hundred thirty-seven) entitled "A further supplement to an act entitled 'An act to promote the more certain and equal assessment of taxes in Philadelphia' approved March fourteenth one thousand eight hundred sixty-five"

The act approved the twenty-fourth day of March one thousand eight hundred sixty-eight (Pamphlet Laws four hundred forty-three) entitled "A further supplement to an act entitled 'An act to promote the more certain and equal assessments of taxes in Philadelphia' approved the fourteenth day of March Anno Domini one thousand eight hundred and sixty-five relative to assessments on agricultural and farm land and the suburban portions of said city"

The act approved the twelfth day of April one thousand eight hundred seventy-three (Pamphlet Laws seven hundred fifteen) entitled "A further supplement to an act to promote the more certain and equal assessment of taxes in Philadelphia approved the fourteenth day of March one thousand eight hundred and sixty-five relating to the assessors and assessment in said city"

Section two of the act approved the twenty-fourth day of May one thousand eight hundred seventy-eight (Pamphlet Laws one hundred thirty-three) entitled "A supplement to an act approved April twentieth one thousand eight hundred and seventy-six entitled 'An act authorizing appeals from assessments in this Commonwealth to the courts of common pleas' and limiting taxation without the approval of the court of quarter sessions until the next triennial assessment where the county valuation has been raised to exceed three hundred and fifty per cent"

Section thirteen of the act approved the eleventh day of May one thousand nine hundred and one (Pamphlet Laws one hundred eighty-eight) entitled "An act amending the thirteenth section of the act entitled 'A supplement to the act consolidating the city of Philadelphia' approved the twenty-first day of April one thousand eight hundred fifty-five regulating public advertisements"

The act approved the fifth day of May one thousand nine hundred twenty-one (Pamphlet Laws three hundred forty-six) entitled "An act to amend section one of the act approved the twenty-fourth day of March one thousand nine hundred and three (Pamphlet Laws fifty-one) entitled 'An act providing for the manner of appointment of assessors for the purpose of valuation of property in counties containing a population of one million two hundred and fifty thousand or over' applying said act to counties of the first class and providing for the appointment of assessors without regard to party affiliation"

The act approved the seventh day of May one thousand nine hundred and twenty-seven (Pamphlet Laws eight hundred fifty-seven number four hundred fifty-three) entitled 'An act fixing the salaries of real estate assessors in counties of the first class"

The act approved the seventh day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand six hundred thirty-one) entitled "An act to amend section three of the act approved the seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws one hundred forty-nine) entitled 'An act providing for the appointment of assessors of personal property in counties of the first class defining their duties and fixing their salaries'"

The act approved the twenty-eighth day of April one thousand nine hundred thirty-seven (Pamphlet Laws four hundred seventy-two) entitled "An act providing for the appointment and filling of vacancies in the office of the members of the board of revision of taxes in counties of the first class"

The act approved the twenty-eighth day of April one thousand nine hundred thirty-seven (Pamphlet Laws four hundred seventy-six) entitled "An act fixing the number qualifications terms manners of appointment organization and salaries of members of the board of revision of taxes in counties of the first class providing for the appointment and compensation of a chief appraiser assistant appraisers and other employes of the board terminating the terms of the present members of the board of revision of taxes abolishing the present assessors and repealing general local and special laws"

The act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred eighty) entitled "An act relating to tax assessments in counties of the first class conferring powers and imposing duties on the board of revision of taxes and its agents and employes and repealing general local and special laws"

The act approved the twenty-fifth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand sixty) entitled "An act to amend section one thousand nine hundred thirty-seven (Act Number one hundred eight entitled 'An act providing for the appointment and filling of vacancies in the office of the members of the board of revision of taxes in counties of the first class' by making further provisions relative to the appointment of members of the said board"

Section 23 All other acts and parts of acts general local or special inconsistent with this act are repealed

Section 24 This act shall become effective immediately upon its final enactment

The title was read as follows:

An Act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class providing for the appointment of members of the board of revision of taxes by the judges of the courts of common pleas providing for the appointment by the board of personal property assessors real estate assessors and assistant real estate assessors clerks and other employes fixing the salaries of members of the board assessors and assistant assessors and providing for the payment of salaries and expenses from the county treasury prescribing the powers and duties of the board and of the assessors the time and manner of making assessments of the revision and notice of assessments and of appeals therefrom prescribing the records of assessments and repealing existing laws

On the question,

Will the House agree to the title?

Mr. TAHL. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, lines 4 and 5 of title, by striking out the words: "judges of the courts of common pleas" and inserting in lieu thereof: "Governor".

Amend title, page 1, line 7 of title, by striking out the following: "assesors" and inserting in lieu thereof: "assessors".

Amend title, page 1, line 9 of title, by striking out the following: "assesors" and inserting in lieu thereof: "assessors".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered. To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 640, as follows:

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 844) entitled "An act authorizing the Commonwealth of Pennsylvania or any department or division thereof and counties cities boroughs incorporated towns townships school districts and poor districts to make contracts of life health and accident policies for the benefit of employes thereof and contracts for pensions for such employes and providing for the payment of the cost thereof" by further authorizing the making of such contracts and authorizing deductions from pay of employes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the twenty-second day of June one thousand nine hundred an thirty-one (Pamphlet Laws 844) entitled "An act authorizing the Commonwealth of Pennsylvania or any department or division thereof and counties cities boroughs incorporated towns townships school districts and poor districts to make contracts of life health and accident policies for the benefit of employes thereof and contracts for pensions for such employes and providing for the payment of the costs thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Commonwealth of Pennsylvania or any department or division thereof and any county city borough incorporated town township school district or [poor] institution district [now or hereafter authorized by law to make appropriations or contributions for any such purpose] may and are hereby specifically authorized to make contracts of insurance with any insurance company authorized to transact business within the Commonwealth insuring its employes or any class or classes thereof under a policy or policies of group insurance covering life health or accident insurance and may contract with any such company granting annuities or pensions for the pensioning of such employes and for such purposes may agree to pay part or all of the premiums or charges for carrying such contracts and may appropriate out of its treasury any money necessary to pay such premiums or charges or portions thereof

The proper officer agency board or commission of any of the above political divisions or subdivisions having authority to enter into such contracts of insurance are hereby authorized enabled and permitted to deduct from the employe's pay salary or compensation such part of the premium as is payable by the employe and as may be so authorized by the employe in writing

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 929. as follows:

An Act to amend section four hundred thirteen section five hundred ten as amended and sections six hundred and thirteen and seven hundred ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" changing motor vehicles registration years fractions of registration years and operators license years

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section 413 of the act approved the first of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" is hereby amended to read as follows

Section 413 Expiration of Registration All registrations for the year one thousand nine hundred thirty-nine shall expire [December thirty-first of the year for which they are issued unless sooner] March thirty-first one thousand nine hundred forty Commencing with the year one thousand nine hundred forty and thereafter registrations shall be issued for a registration year commencing on April first of one year and expiring March thirty-first of the year following Registrations shall also expire when suspended for cause by the secretary and immediately upon the transfer of ownership or the destruction of the vehicle [but registration cards] Registrations for the succeeding year may at the option of their holders be used on and after [December] March fifteenth of the current year

Section 2 That section 510 of the said act as amended by the act approved June 29 one thousand nine hundred thirty-seven (Pamphlet Laws 2329) is hereby further amended to read as follows

Section 510 The expiration of Registration Plates (a) All registration plates for the year one thousand nine hundred thirty-nine shall expire [December thirty-first of the year for which they are issued unless sooner] March thirty-first one thousand nine hundred forty Commencing with the year one thousand nine hundred forty and thereafter registration plates shall be issued for a registration year commencing on April first of one year and expiring March thirty-first of the year following Registration plates shall also expire when suspended for cause by the secretary [but the registration plate or] Registration plates for

the succeeding year may at the option of the owner be used on and after [December] March fifteenth of the current year

(b) No motor vehicle trailer or semi-trailer shall be operated [after December thirty-first] with registration plates [for the previous year] which have expired nor without registration plates on the claim by the owner or operator that registration plates for the current year have been applied for but not received [except that where the Secretary has extended the expiration date registration plates for the previous year may be used until such expiration date]

[(c) The Secretary may in his discretion extend the expiration date of all registration plates until a date not later than January fifteenth]

Penalty Any person violating any of the provisions of subsection (b) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10.00) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five days

Section 3 That sections 613 and 710 of said act are hereby amended to read as follows

Section 613 Expiration of Licenses

All operator's licenses issued for the year one thousand nine hundred thirty-nine shall expire on the last day of [February of each year unless sooner] January one thousand nine hundred forty Commencing with the year one thousand nine hundred forty and thereafter operator's licenses shall be issued for a license year commencing on February first of one year and expiring January thirty-first of the year following Operator's licenses shall also expire when revoked or suspended for cause by the Secretary [but operator's] Operator's licenses for the succeeding year may at the option of their owners be used on and after [February] January fifteenth of the current year

Section 710 Reduction of Registration Fees in Certain Cases The fee for registration of a motor vehicle trailer and semi-trailer when registration is issued on or after [August first] the beginning of the seventh month of the registration year but prior to [November first] the beginning of the tenth month of the registration year shall be one-half (½) of the fee for annual registration [Provided That the] The fee for registration of any such vehicles when registration is issued on or after [November first] the beginning of the tenth month of the registration year shall be one-fourth (¼) of the fee herein specified

Section 4 The purpose and intent of this act is to change the registration year from the calendar year to a registration year commencing April first of one year and ending March thirty-first of the year following and to accomplish that end Registrations issued for the year one thousand nine hundred and thirty-nine shall be valid for that entire calendar year and the months of January February and March of the year one thousand nine hundred and forty and also to change the commencement of the operator's license year from March first to February first and to accomplish that end operator's license issued for the year one thousand nine hundred and thirty-nine shall be valid only from March first one thousand nine hundred and thirty-nine to January thirty-first one thousand nine hundred and forty

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1166, as follows:

An Act to amend section four hundred and twelve of the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by vesting power in the commissioners of certain counties to fix the compensation of Judges of election clerks and inspectors conducting primaries and elections

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred and twelve of the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" is hereby amended to read as follows

Section 412 Compensation of Election Officers (a) In counties of the first and second classes the compensation of judges of election shall be fifteen ($15.00) dollars and the compensation of inspectors clerks and machine inspectors shall be ten ($10.00) dollars for each primary and election

(b) In counties of the third fourth fifth sixth seventh and eighth classes the [minimum] compensation of Judges inspectors clerks and machine inspectors [shall be five ($5.00) dollars] for each primary and election [In any election district in such counties in which more than one hundred votes are cast at any primary or election they shall each receive additional compensation at the rate of one ($1.00) dollar for each one hundred votes or fraction thereof cast after the first one hundred votes the maximum compensation in such districts however being ten ($10.00) dollars] shall be fixed by the commissioners of such counties which compensation may be based on flat sum for each election or primary or on the basis of work actually done by such judges clerks and inspectors

(c) For transmitting returns of primaries and elections and the ballot box or boxes all judges of election shall be entitled to receive the additional sum of two dollars and fifty cents ($2.50) and three cents ($.03) per mile for mileage as full compensation for said services

(d) For transmittig the ballot box or boxes together with the judge of election as herein provided the minority inspector of election shall be entitled to an additional sum of two dollars and fifty cents ($2.50) as full compensation for said services

(e) When a primary and special election or a special and general or municipal election take place on the same day they shall be construed as one election for the purposes of this section

Section 2 This act shall become effective on the first day of June one thousand nine hundred and thirty-nine

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 772, entitled:

An Act to protect public health safety and morals and to promote the common welfare by regulating the use and occupancy reuse and re-occupancy and the renting and re-renting for use and occupancy of all buildings in cities of the first class planned in whole or in part for residential purposes and any living quarters connected with a business or commercial establishment by requiring the issuance of certificates of occupancy and by requiring owners agents and tenants to obtain such certificates of occupancy conferring powers and imposing duties upon the Department of Public Health and upon the Department of Public Safety of cities of the first

class providing for inspections and inspection fees and the institution of prosecutions for failure to obtain certificates of occupancy imposing penalties and repealing inconsistent acts or parts of acts

The first section was read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 This act may be referred to as the "Occupancy Permit Law"

The second section was read as follows:

Section 2 It has been found and it is declared by the General Assembly of this Commonwealth as a matter of legislative finding that

(a) There exists in cities of the first class in this Commonwealth an acute shortage of decent safe and sanitary dwelling accommodations for a large number of inhabitants of the Commonwealth which shortage has resulted from and been aggravated by the substantial cessation of new dwelling construction and the continuance of an excessive demolition program of unsafe residential structures necessitated by the numerous slums and insanitary areas located in the cities of the first class in the Commonwealth

(b) The existence of the above stated conditions has fostered the leasing of many thousands of dwelling accommodations to families of small incomes which dwellings are in violation of the health safety and sanitary laws and ordinances and have jeopardized the health safety and comfort of the families who compelled by necessity to have shelter have been forced to occupy them

(c) Present legal means of control over such conditions have proved insufficient to assure healthful safe and sanitary occupancy so that the danger to public health safety comfort and welfare is immediate and pending

On the question,

Will the House agree to the section?

Mrs. FAUSET. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 2, page 2, line 18, by striking out the word: "are".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third to the thirteenth sections inclusive and title were separately read and agreed to as follows:

Section 3 The following words and phrases when used in this act shall have the meanings respectively ascribed to them in this section

1 "Building" shall mean any structure used or designed to be used in whole or in part for residential purposes as a dwelling two-family dwelling rooming house tenement house lodging house apartment apartment unit or any living quarters connected with a business or commercial establishment

2 "Certificate" shall mean a certificate of occupancy to be issued as hereinafter provided

3 "Department of Public Health" shall mean the Departments of Public Health of cities of the first class

4 "Department of Public Safety" shall mean the Departments of Public Safety of cities of the first class

5 "Board" shall mean the Boards of Health of cities of the first class

6 "Division" shall mean the Divisions of Housing and Sanitation in the Departments of Public Health of cities of the first class

7 "Bureau of Police" shall mean the Bureaus of Police in the Departments of Public Safety of cities of the first class

8 "Person" shall mean a natural person co-partnership unincorporated association or company limited partnership or corporation

9 "Owner" shall mean the holder of the legal title to a building whether as absolute owner trustee or otherwise

10 "Shall" is to be construed as mandatory and not discretionary

11 The singular shall include the plural and the masculine shall include the feminine and the neuter

Section 4 It shall be unlawful in any city of the first class for any person to newly use and occupy or re-use and re-occupy cause or permit to be newly used and occupied or re-used and re-occupied any building until a certificate therefore shall have been issued by the division provided that nothing in this act shall be construed to apply to the first occupancy of any newly consructed building

Section 5 Application for such certificate shall be made in writing by the owner of the building or his duly authorized agent and the division shall grant or reject such application within forty-eight hours from the filing thereof except as hereinafter provided

Section 6 No certificate shall be issued for any building until it shall appear that the condition of such building is in complete conformity with the provisions of all acts of Assembly ordinances of council rules regulations and resolutions of all governmental agencies pertaining thereto

Certificates shall be issued in triplicate The original thereof shall remain on file in the office of the division and shall be open to public inspection during regular business hours One copy thereof shall be handed to and kept by the tenant upon the premises for which the same was issued and shall be subject to inspection during regular business hours by any authorized representative of the Department of Public Health The second copy thereof shall be given to and kept by the owner of the premises or his duly authorized agent

Section 7 It shall be the duty of the division to cause an inspection to be made of each building for which a certificate is sought within twenty-four hours after application for such certificate has been made It shall issue a certificate forthwith if the building shall be found to comply with the provisions of all acts of Assembly ordinances of council rules regulations and resolutions of all governmental agencies pertaining thereto If inspection shall disclose that such building is defective in or contrary to any particular as to the aforesaid provisions over which the division has jurisdiction it shall forthwith notify the person making application for such certificate of the nature of such defect or defects or contrary conditions

If there is any other defect or condition constituting a violation of building requirements of cities of the first class or constituting a fire hazard it shall notify the Department of Public Safety which department shall forthwith inspect such aforesaid violations and shall issue orders to correct or abate the same forthwith

The division shall withhold the issuance of said certificate until a re-inspection shall show that the defect or defects or other violations have been corrected

City council of cities of the first class shall make necessary appropriations to employ a sufficient number of special inspectors to carry out expeditiously and continuously the purposes of this act

Section 8 Each applicant upon the filing of the application for said certificate shall pay an inspection fee in the amount as fixed by ordinance of council of said cities said fee shall be paid into the City Treasury Certificates shall be valid for and during the period in which the building shall be continuously occupied by the same lessee and in no case for a period less than one year unless sooner revoked for cause by the division or other legally constituted authority having jurisdiction in such cases In cases where a certificate is denied and the conditions which cause the rejection are subsequently corrected by the owner or occupant the original fee shall prevail No additional fee shall be paid where a re-application is made within six months from the original date of application

Section 9 The bureau of police and the owner of the dwelling unit shall make a report in writing to the division of all vacated buildings which are the subject of this act

within twenty-four hours after vacating the bureau of police may require each party or person when taking possession of any of said buildings to exhibit a certificate therefor

Section 10 Any person causing or allowing any building to be occupied without having obtained a certificate shall upon summary conviction before a magistrate or court having jurisdiction be subject to a fine of not less than five dollars ($5.00) nor more than twenty-five dollars ($25.00) for the first offense and of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) for any subsequent offense said fines being recoverable with costs together with judgment imprisonment not exceeding thirty (30) days if the amount of said fines and costs shall not be paid into the court imposing the fines within ten (10) days from the date of imposition thereof All fees and fines shall be payable into the office of the treasury of such cities Neither the lessor nor the lessee of such building shall have the right to enforce the provisions of the lease nor resort to any legal process or distraint for the collection of rent until the terms of this act are complied with

Section 11 Should any part of this act be construed as invalid or unenforceable the remaining parts of the act so far as they are valid or capable of enforcement shall stand with the same force and effect as if the parts found to be invalid or unenforceable had been omitted

Section 12 This act shall become effective ninety (90) days after its final enactment

Section 13 All acts or parts of acts inconsistent with this act be and the same are hereby repealed but no such acts or parts of acts shall be considered as inconsistent with this act merely because its provisions or any of them cover or relate to the subject or subjects of this act if it does not conflict with or interfere with the enforcement of any of the provisions of this act

An Act to protect public health safety and morals and to promote the common welfare by regulating the use and occupancy reuse and re-occupancy and the renting and re-renting for use and occupancy of all buildings in cities of the first class planned in whole or in part for residential purposes and any living quarters connected with a business or commercial establishment by requiring the issuance of certificates of occupancy and by requiring owners agents and tenants to obtain such certificates of occupancy conferring powers and imposing duties upon the Department of Public Health and upon the Department of Public Safety of cities of the first class providing for inspections and inspection fees and the institution of prosecutions for failure to obtain certificates of occupancy imposing penalties and repealing inconsistent acts or parts of acts.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 972, as follows:

An Act providing that uniformed officers and men employed by cities of the first class as park guards shall be entitled to twenty-four consecutive hours of rest each week except in emergency cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All uniformed officers and men employed by any city of the first class as park guards in the park service of such city shall be entitled to have at least twenty-four consecutive hours of rest in every calendar week and to be on a regular schedule except in emergency cases for the suppression of riots or tumults or in times of war pestilence conflagration or public celebrations without diminution of the salary or compensation fixed by ordinance or resolution of such city Provided however That no vacation or suspension period of a member of the park guards shall be increased or reduced by reason of the fact that during such period such member if working would have been entitled to one or more rest days under the provisions of this act

Section 2 This act shall become effective on the first day of January one thousand nine hundred and forty

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 967, as follows:

An Act fixing leaves of absence for uniformed officers and men employed by cities of the first class as park guards

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All uniformed officers and men employed by any city of the first class as park guards in the park service of said city shall be entitled during each calendar year to fourteen days' leave of absence with full pay exclusive of any time or part time allowed to any such officers or men on account of sickness or injury

Section 2 All acts and parts of acts general local or special inconsistent with the provisions of this act are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 553, as follows:

An Act to amend sections twenty-six and twenty-seven of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by providing for the transfer of the registration of electors without personal appearance upon change of residence from a city of the third class to a borough town or township in the same county and authorizing the registration commission to amend the registers for such city accordingly

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections twenty-six and twenty-seven of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their rights to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commis-

sioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" are hereby amended to read as follows

Section 26 Removal Notices (a) The commission shall provide removal notices which it shall cause to be made available for the convenient use of [registered] electors who are registered in any borough town township or city of the third class within the county These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the borough town or township the street or road and number if any of his present residence and the specific location thereof including the number of the room or rooms apartment flat or floor if his residence is a portion only of a house (2) the city borough town or township the street or road and number if any of the address from which he was last registered (3) the date of his removal to his present residence and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring at least two months after the date of his removal into the new district Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission as the elector's signature in the general and district register for the city borough town or township in which he was last registered Each removal notice to be effective must be received at the office of the commission at least thirty days prior to any primary or election which warning shall also be contained on the removal notice

(b) Any elector who removes his residence from one place to another within the same election district must notify the commission by filing a removal notice with the commission not later than ten days next preceding the primary or election

Section 27 Transfer of Registration (a) Upon receipt not later than the thirtieth day next preceding any primary or election of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same county the commission shall cause the signature thereon to be compared with the signature on the registration card of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same county shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence

(b) When a request for transfer believed authentic by the commission is received at the office of the commission and shows thereon a removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration card of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any such case the commission shall advise the elector promptly in writing of its action

(c) Upon receipt not later than the thirtieth day next preceding any primary or election of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to a location in any borough town or township from any city of the third class within the county the commission shall cause the signature thereon to be compared with the signature on the registration card of the elector from whom the removal notice purports to come as filed in the general register and district registers of the election district of his previous residence in such city and if the signature shall appear authentic shall enter the change of residence of his registration cards and if the removal shall have been made two months or more next preceding an election or primary shall transfer the registration card of the elector from the general register of the said city to the general register of the county and the registration card from the district register of the election district of his previous residence in said city to the district register of the election district of his new residence in the borough town or township If such request for transfer shows a removal within the period of two months next preceding an election or primary the commission shall transfer the registration cards of the elector from the general and district registers of his previous residence but shall not include them in the general and district registers of his new residence until after the election or primary In any such case the commission shall advise the elector promptly in writing of its action

Whenever a transfer of registration is made under this clause from an election district in a city of the third class to an election district in a borough town or township the commission upon removing the registration card of such elector from the general register of said city of previous residence shall replace such card with a blank card upon which shall be noted the elector's name and previous address and the fact that his registration has been transferred to the of and the date of such transfer This memorandum card shall be in all ways considered a cancelled registration card

[(c)] (d) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector promptly notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration

[(d)] (e) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission or before a registrar at any registration place designated by the commission and establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar a commissioner or clerk who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 851, as follows:

An Act to amend clause (c) of section twenty-nine of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus

police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by eliminating the provisions requiring certain municipal officers departments bureaus and public utility corporations to make certain reports to the registration commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (c) of section twenty-nine of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" is hereby amended to read as follows

(c) [All municipal officers departments bureaus and all public utility corporations furnishing electricity gas water or steam to householders in any borough town or township shall report in writing at least once a month to the commission upon forms supplied by the commission all cases of discontinuance of their service to residences together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them] All real estate brokers and rental agents shall report in writing from time to time to the commission upon the request of the commission all cases of residence property managed by them which have been vacated by the tenants thereof together with the names of such tenants and the addresses to which they have removed if known to them The commission shall forthwith send to each such person who is found to be registered as an elector from the address given in any of the foregoing reports and to all the members of his family and household who are electors registered from the same address the notice provided for by section thirty of this act and shall proceed thereupon in accordance with the provisions of that section

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 853, as follows:

An Act to amend clause (c) of section thirty of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by eliminating certain provisions requiring municipal officers departments bureaus and certain public utility corporations to make certain reports to the registration commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (c) of section thirty of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" is hereby amended to read as follows

(c) [All municipal officers departments bureaus and all public utility corporations furnishing electricity gas water or steam to householders in any city shall report in writing at least once a month to the commission upon forms supplied by the commission all cases of discontinuance of their service to residences together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them] All real estate brokers and rental agents shall report in writing from time to time to the commission upon the request of the commission all cases of residence property managed by them which have been vacated by the tenants thereof together with the names of such tenants and the addresses to which they have removed if known to them The commission shall forthwith send to each such person who is found to be registered as an elector from the address given in any of the foregoing reports and to all the members of his family and household who are electors registered from the same address the notice provided for by section thirty-one of this act and shall proceed thereupon in accordance with the provisions of that section

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 854, as follows:

An Act to amend clause (c) of section thirty of the act approved the first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1132) entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public util-

ity corporations real estate brokers rental agents and boards of school directors and imposing penalties" by eliminating the provisions requiring municipal officers departments bureaus and certain public utility corporations to make certain reports to the registration commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (c) of section thirty of the act approved the first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1132) entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" is hereby amended to read as follows

(c) [All municipal officers departments bureaus and all public utility corporations furnishing electricity gas water or steam to householders in any city shall report in writing at least once a month to the commission upon forms supplied by the commission all cases of discontinuance of their service to residences together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them] All real estate brokers and rental agents shall report in writing from time to time to the commission upon the request of the commission all cases of residence property managed by them which have been vacated by the tenants thereof together with the names of such tenants and the addresses to which they have removed if known to them The commission shall forthwith send to each such person who is found to be registered as an elector from the address given in any of the foregoing reports and to all the members of his family and household who are electors registered from the same address the notice provided for by section thirty-one of this act and shall proceed thereupon in accordance with the provisions of that section

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 855, as follows:

An Act to amend clause (c) of section thirty of this act aproved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamhlet Laws 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriff's county commissioners peace officers county treasurers county controllers registars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" by eliminating the provisions requiring municipal officers departments bureaus and certain public utility corporations to make certain reports to the registration commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (c) of section thirty of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" is hereby amended to read as follows

(c) [All municipal officers departments bureaus and all public utility corporations furnishing electricity gas water or steam to householders in any city shall report in writing at least once a month to the commission upon forms supplied by the commission all cases of discontinuance of their service to residence together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them] All real estate brokers and rental agents shall report in writing from time to time to the commission upon the request of the commission all cases of residence property managed by them which have been vacated by the tenants thereof together with the names of such tenants and the addresses to which they have removed if known to them The commission shall forthwith send to each such person who is found to be registered as an elector from the address given in any of the foregoing reports and to all the members of his family and household who are electors registered from the same address the notice provided for by section thirty-one of this act and shall proceed thereupon in accordance with the provisions of that section

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 927, as follows:

An Act to amend section three hundred and eight of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institutioin districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the

poor and repealing existing laws" providing for the issuance of bonds to fund notes or other floating debt or evidences of indebtedness of the institution district

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred and eight of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" is hereby amended to read as follows

Section 308 Borrowing Powers The commissioners of each county shall have power with the approval of the Department of Internal Affairs in the manner provided by law to issue and negotiate bonds of the institution district to raise funds for the acquistion of real estate for the erection and equipment of buildings for the payment of the obligations of the predecessor poor district [and] for the refunding of outstanding bonds issued by it or the predecessor poor district and for the funding of notes of the institution district issued under the provisions of this section or of any other floating debt or evidences of indebtedness Such bonds shall be issued and sold in the manner provided by law for county bonds Provided however That any bonds of the institution district issued to fund its notes shall mature not more than five years from the date thereof

The commissioners may also borrow moneys for current expenses giving notes of the institution district payable in not over six months bearing not over six per centum interest and negotiated for not less than par Payment of such notes shall be provided for in the next annual tax excepting such notes heretofore or hereafter issued as shall be funded by the issuance of the bonds of the institution district

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 527, as follows:

An Act to amend clause (g) as added to section one thousand one hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" removing the time limit within which all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (g) of section one thousand one hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as added by section fourteen of the act approved the fifth day of June one thousand nine hundred thirty-seven (Pamphlet Laws 1718) is hereby amended to read as follows

Section 1110

* * * * *

(g) Traffic signals electrically operated that have been erected prior to the passage of this act whenever reconstructed or the controllers or wiring are replaced shall be made to conform with the provisions of this act and the regulations of the Secretary of Highways [but in any event all such signals shall be made to so conform not later than January first one thousand nine hundred and forty unless extension of time shall be granted by the Secretary of Highways in each specified case]

And said bill having been read at length the second time and agreed to.

Ordered, Te be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 680, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the provisions for compulsory attendance and for enumeration of illiterate children and alien residents changing provisions relating to employment of children providing for the education of physically and mentally handicapped children and for the care of uneducable

children and changing the provisions for the required number of days schools shall be kept open

The first, second and third sections were separately read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph one three and four of section one thousand four hundred and thirteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by section three of the act approved the first day of July one thousand nine hundred thirty-seven (Pamphlet Laws 2560) is hereby further amended to read as follows

Section 1413 It shall be the duty of the secretary of the school board teachers school enumerators home and school visitors and attendance officers in every school district in this Commonwealth in accordance with rules of procedure prescribed by the Superintendent of Public Instruction to secure information and report to the district or county superintendent of schools on or before the fifteenth day of October of each year and thereafter as cases arise every child within said district between the ages of eight (8) and sixteen (16) years who is gravely retarded in his or her school work or any child between the ages of six (6) and sixteen (16) who because of apparent exceptional physical or mental condition is not being properly educated and trained and as soon thereafter as possible the child shall be examined by a mental clinic approved by the State Council of Education or by a person certified by the Department of Public Instruction as a public school psychologist or psychologist examiner and also by any other expert which the type of class and the child's condition may necessitate and a report shall be made concerning his fitness for special education In school districts of the first second and third class having a district superintendent of schools said report shall be made to the superintendent of the district In all other districts the report shall be made to the superintendent of schools of the county

* * * * *

Any child who is reported by an approved mental clinic or by a person who is certified as a public school psychologist or psychological examiner as being uneducable in the public schools [may] may be reported by the board of school directors to the Department of Welfare in accordance with regulations approved by the State Council of Education After any such board shall have thus reported any child it shall be relieved of the obligation of providing education for such child The Department of Welfare shall thereupon arrange for the education and training of such child

Any physically or mentally handicapped child who is regularly enrolled in a special class that is approved by the Department of Public Insrtuction or who is enrolled in a regular class in which approved educational provisions are made for him may be furnished with free transportation by the school district The [After the first day of July one thousand nine hundred and forty-one the] Commonwealth shall reimburse any school district furnishing such transportation in the same manner and amounts as provided for in this act for the transportation of pupils from closed schools

* * * * *

Section 2 Section one thousand four hundred and fourteen of the said act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2560) is hereby further amended to read as follows

Section 1414 The term "compulsory school age" as hereinafter used shall mean the period of a child's life from the time the child's parents elect to have the said child enter school which shall be not later than at the age of eight years until the age of sixteen years [during the school year one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine (1938-1939) and thereafter until the age of eighteen years] Provided That any child [past sixteen years of age] who holds a certificate of graduation from a regularly accredited senior high school or any child who prior to the effective date of this act has left school and is legally employed shall not be subject to the provisions of this section

Every child of compulsory school age having a legal residence in this Commonwealth as herein provided and every migratory child of compulsory school age is required to attend a day school in which the subjects and activities prescribed by the State Council of Education are taught in the English language and every parent guardian or other person in this Commonwealth having control or charge of any child or children of compulsory school age is required to send such child or children to a day school in which [the common English branches] the subjects and activities prescribed by the State Council of Education are taught in the English language and such child or children shall attend such school continuously through the entire term during which the public elementary schools in their respective districts shall be in session or in cases of migratory children during the time the schools are in session in the district in which such children are temporarily domiciled Provided That the certificate of any principal or teacher of a private school or of any institution for the education of children in which the [common English branches] subjects and activities prescribed by the State Council of Education are taught in the English language setting forth that the work of said school is in compliance with the provisions of this act shall be sufficient and satisfactory evidence thereof And provided further That the term "Migratory child" wherever used in this act shall include any child domiciled temporarily in any school district for the purpose of seasonal employment but not acquiring residence therein and any child accompanying his parents or guardian who is so domiciled Regular daily instruction in the English language for the time herein required by a properly qualified private tutor shall be considered as complying with the provisions of this section if such instruction is satisfactory to the proper county or district superintendent of schools

Every parent guardian or other person in this Commonwealth having control or charge of any child between the ages of six and sixteen years who is deaf or blind or is so crippled or whose hearing or vision is so defective as to make it impracticable to have such child educated in the public schools of the district in which he is a resident shall allow such child to be sent to some school where proper provision is made for the education of the deaf or of the blind or of crippled children or shall provide for the tuition of such child by a legally certified private tutor

Section 3 Section one thousand four hundred and fifteen of the said act is hereby amended to read as follows

Section 1415 The board of school directors of any school district in this Commonwealth may upon satisfactory evidence being furnished to it showing that any child or children are prevented from attending school or from application to study on account of any mental physical or other urgent reasons excuse such child or children from attending school as required by the provisions of this act but the term "urgent reasons" shall be strictly construed and shall not permit of irregular attendance In every such case such action by the board of school directors shall not be final until the approval of the Department of Public Instruction has been obtained Every principal or teacher in any public private or other school may for reasons enumerated above excuse any child for non-attendance during temporary periods

The fourth section was read as follows:

Section 4 Section one thousand four hundred and sixteen of the said act as last amended by section five of the act approved the first day of July one thousand nine hundred thirty-seven (Pamphlet Laws 2560) is hereby further amended to read as follows

Section 1416 The provisions of this act requiring reg-

ular attendance shall not apply to any child [between the ages] who has attained the age of sixteen [and eighteen years who] is regularly engaged in any useful and lawful employment or service during the time the public schools are in session and who holds an employment certificate issued according to law or] nor to any child who has been examined by an approved mental clinic or by a person certified as a public school psychologist or psychological examiner and has been found to be unable to profit from further public school attendance and who has been reported to the board of school directors and excused in accordance with regulations prescribed by the State Council of Education nor shall the said provisions apply to any child [between the ages of fifteen and [eighteen] seventeen years] who has attained the age of fifteen years and is engaged in farm work or domestic service in a private home on a permit issued by the school board or the designated school official of the school district of the child's residence in accordance with regulations which the Superintendent of Public Instruction is hereby authorized to prescribe Provided That such a permit may be issued to any child who is at least fourteen (14) years of age and has satisfactorily completed either in public or private schools the equivalent of the highest grade of the elementary school ogranization prevailing in the public schools of the district in which he resides if the issuance of such a permit has first been recommended by the county or district superintendent of schools having supervision of the schools of the district where such child resides or by the principal of the private school where such child is enrolled and such reason has been approved by the Superintendent of Public Instruction

On the question,

Will the House agree to the section?

Mr. SOLLENBERGER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 4 (Sec. 1416), page 7, line 17, by inserting after the word "sixteen" the following: "HC".

Amend Sec. 4 (Sec. 1416), page 7, line 17, by striking out the following: the light-face bracket before the word "eighteen".

Amend Sec. 4 (Sec. 1416), page 7, line 18, by striking out the following: the light-face bracket after the word "who".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth section was read as follows:

Section 5 Section one thousand four hundred and eighteen of the said act as last amended by the act approved the first day of July one thousand nine hundred thirty-seven (Pamphlet Laws 2560) is hereby further amended to read as follows

Section 1418 In case there is no public school in session within two miles by the nearest public highway of the residence of any child such child shall be exempt from the provisions of this act relating to compulsory attendance unless proper free transportation be furnished to such child to and from school Provided If proper free transportation is furnished to any such child compulsory school of age to and from school the Commonwealth shall reimburse any school district of the fourth class furnishing such transportation in the same manner and amounts as provided for in this act for transportation of pupils from closed schools

[After the first day of July one thousand nine hundred and thirty-nine in case there is no public school in session within two miles by the nearest public highway of the residence of any child in a school district of the fourth class or in a school district of the third class which is located wholly within the boundary lines of a township such child shall be furnished free transportation to and from school from and to a point on a public highway not more than two miles distant from the residence of such child All vehicles used for the transportation of pupils whether owned or hired by the school district shall conform to standards prescribed by the State Council of Education For such proper free transportation furnished to any child to and from school the Commonwealth shall reimburse any school district of the fourth class or any school district of the third class which is located wholly within the boundary lines of a township furnishing such transportation in the same manner and amounts as provided for in this act for transportation of pupils from closed schools]

[When it is not feasible to provide such transportation the board of school directors may in lieu thereof pay for suitable board and lodging for any such child Provided That in no case shall the State's share of the cost exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is in attendance at school not exceeding five days in any one week]

On the question,

Will the House agree to the section?

Mr. SOLLENBERGER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 5, (Sec. 1418), page 9, line 3, by inserting before the word "compulsory" the following: "of".

Amend Sec. 5 (Sec. 1418), page 9, line 3, by striking out with dark-faced brackets the word: "of".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth and seventh sections and title were separately read and agreed to as follows:

Section 6 The second paragraph of section one thousand four hundred and twenty-five as last amended by section twelve of the act approved the first day of July one thousand nine hundred thirty-seven (Pamphlet Laws 2560) is hereby further amended to read as follows

Beginning in the year one thousand nine hundred and thirty-eight and thereafter in [the year one thousand nine hundred forty] the year one thousand nine hundred forty-five and each [fifth] tenth year following said board of school directors shall and at more ferquent intervals may also cause to be recorded in the same or separate books or on the same or separate census cards in like manner to and in conjunction with said enumeration of children an enumeration of all persons ten years of age or over resident within their district who are unable to write the English language according to standards hereinafter provided giving the full name age sex race nationality place of residence in such school district whether able to write English whether able to read English and whether able to speak English and of all persons twenty-one or more years of age resident within their district who are not citizens of the United States of America giving their full name age sex nationality place of residence in school district whether declarents and whether petitioners for naturalization

Section 7 Section one thousand six hundred and one of the said act as last amended by section twenty-two of the act approved the first day of July one thousand nine hundred thirty-seven (Pamphlet Laws 2560) is hereby further amended to read as follows

Section 1601 [During the school year beginning the first Monday of July one thousand nine hundred and thirty-nine and each school year thereafter each public element-

ary and high school in all of the school districts of this Commonwealth shall be kept open at least one hundred and eighty (180) days each year] All public elementary and secondary schools in this Commonwealth shall be kept open each year for at least one hundred eighty (180) days provided that until the beginning of the school year one thousand nine hundred forty-one one thousand nine hundred forty-two (1941-1942) all public elementary and junior high schools in districts of the fourth class may be kept open for any number of days not less than one hundred sixty (160) days for each school year Unless otherwise provided by this act the board of school directors in any district may keep such other schools or departments as it may establish open during such time as it may direct

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and mainain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the provisions for compulsbry attendance and for enumeration of illiterate children and alien residents changing provisions relating to employment of children providing for the education of physically and mentally handicapped children and for the care of uneducable children and changing the provisions for the required number of days schools shall be kept open.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 487, as follows:

An Act to amend clause (a) of section one thousand two hundred and sixteen as added to the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitle' "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" changing qualifications for sabbatical leaves of absence for certain employes of school districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (a) of section one thousand two hundred and sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added by section one of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2579) is hereby amended to read as follows

Sabbatical Leaves of Absence

Section 1216 (a) Whenever any person employed in the public school system of this Commonwealth shall have completed ten years of satisfactory service as a teacher at least five consecutive years or less at the discretion of the board of school directors of which service shall have been in the school district from which leaves of absence is sought or in first class school districts as a member of the instructional staff or department of instruction as now defined by the local board of education such person shall be entitled to a leave of absence for restoration of health study or travel or at the discretion of the board of school directors for other purposes for a half or full school year at the option of such person Thereafter one leave of absence shall be allowed after each seven years of service

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 821, entitled:

An Act to amend section seven hundred three of the act, approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," by providing for the compensation paid to township commissioners.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,	Ewing,	Malloy,	Schrope,
Allen,	Falkenstein,	Marr,	Schwab,
Allmond,	Finnerty,	Matthews,	Seif,
Atkins,	Fisher,	McClester,	Serrill,
Auker,	Fiss,	McGarrity,	Shaw,
Baker,	Flanagan,	McKinney,	Shearer,
Balthaser,	Fleming,	McLane,	Simons,
Bardes,	Foor,	McNally,	Skale,
Bennett,	Freed,	McVay,	Sloan,
Bohn,	Fullerton,	Melchiorre,	Snyder,
Boies,	Furman,	Mihm,	Sollenberger,
Boney,	Gates,	Montgomery,	Stambaugh,
Boorse,	Gillan,	Mooney,	Stank,
Boose,	Gillette,	Moran,	Stewart,
Bower,	Goll,	Moser, F. S.,	Stockham,
Boyd,	Gorski,	Moser, J. L.,	Sweeney,
Brancato,	Habbyshaw,	Muir,	Tahl,
Bretherick,	Haines,	Munley,	Tarr,
Broad,	Hall,	O'Brien,	Taylor,
Bronson,	Hamilton,	O'Connor,	Terry,
Brown, H. S.,	Harbeson,	O'Dare,	Thistle,
Brown, S. W.,	Henry,	O'Keefe,	Thompson, G. R.,
Brunner,	Hess,	Ominsky,	Tiemann,
Burns,	Hindman,	O'Neill,	Tronzo,
Burris,	Hocke,	Peacock,	Trout,
Cadwalader,	Hoffman, J. N.,	Peale,	VanAllsburg,
Calvin,	Hoffman, S. K.,	Powers,	Van Belle,
Carpenter,	Hoyt,	Preston,	Voorhees,
Check,	Huntley,	Readinger,	Wagner,
Chervenak,	Imbrie,	Reagan,	Walsh,
Clearwater,	James,	Reese, D. P.,	Watkins,
Cohen, H. B.,	Jirolanio,	Reese, R. E.,	Webster,
Cohen, R. E.,	Johnston,	Regan,	Weiss,
Cook,	Jones,	Rhodes,	Welsh, E. B.,
Cooper,	Kane,	Rider,	Welsh, M. J.,
Cordier,	Keenan,	Riley,	Westrick,
Corrigan,	Kenehan,	Robertson,	Wilkinson,
Cortese,	Kline,	Rooney,	Williams,
Curran,	Knoble,	Rose,	Wilson,
Dalrymple,	Kowalski,	Roseberry,	Winner,
Denman,	Krise,	Rosenfeld,	Wood, H. M.,
DeNote,	Lee,	Rothenberger,	Wood, L. H.,
Dick,	Leisey,	Royer,	Wood, N.,
Donahue,	Lichtenwalter,	Sarge,	Woodside,
Downey,	Lovett,	Sarraf,	Yeakel,
Eckels,	Lyons,	Scanlon,	Turner,
Ely	Madden,	Schrock,	Speaker.

NAYS—9

Ackermann,	Clark,	Haudenshield,	Leydic,
Andrews,	Dix,	Levy,	Long,
Christler,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 463, entitled:

An Act to further amend section two hundred and forty-six of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," changing the qualifications of the district attorney.

On the question,

Will the House agree to the bill on third reading?

Mr. KANE. Mr. Speaker and members of the House, this bill was called up during my absence last night, although it is my bill. The amendments which have been made to it are not satisfactory to me in their present form and to a certain extent they do away with the efforts that I had—

The SPEAKER. The Chair would inquire of the gentleman whether he desires to debate the bill or whether he desires to make a motion before the bill passes third reading.

BILL RECOMMITTED

Mr. KANE. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General.

On the question,

Will the House agree to the motion?

Mr. KANE. Mr. Speaker and members of the House, I made some investigation in this matter and I intended to hold the bill on the second reading calendar for a while, subject to amendments. The bill is not in satisfactory form in its present shape, and I ask the members of the House to support me, the sponsor of the bill, in having it recommitted to the Committee on Judiciary General for further study and possible amendment.

Mr. ALSPACH. Mr. Speaker, at the request of numerous persons, this bill was originally referred to the Committee on Judiciary Special, it was then reported out and re-referred to the Committee on Judiciary General after it passed first reading. It was reported from the Judiciary General Committee as amended, with several amendments, which were thought perfectly suitable at that time to the members of the Committee on Judiciary General.

At the request of the Judiciary General Committee we had the amendments prepared by the Legislative Reference Bureau and the bill was reported out as amended. It is now on the third reading calendar, Mr. Speaker, and if recommitted to the Committee on Judiciary General now, of course, would die. I ask the members of this House to vote against recommitting this bill to the Committee on Judiciary General or any other committee.

Mr. KANE. Mr. Speaker and members of the House, I don't like to say this since this is the second time that I have spoken in regard to the bill, neither do I wish to state on the floor of the House some of my reasons for being opposed to this bill as it passed second reading. I say this, Mr. Speaker, that what the gentleman says is true. However I don't believe there is anyone that thinks this House is going to adjourn in a few days. It is not my habit, Mr. Speaker, to introduce bills in the House for the purpose of later recommitting them to the committee to die. I will say, Mr. Speaker, that if this bill goes to the Senate in its present form it will die there and that is not mere conjecture. I therefore advocate that those who favor any part of these amendments to the law support my motion to send it back to the Committee on Judiciary General because I know that it will die in the Senate in its present form.

Furthermore, Mr. Speaker, last year under the Democratic administration I succeeded in raising the salaries of the rural district attorneys, and at the same time raised the standards of the qualifications of district attorneys. I introduced this bill at the request of some people because I felt that perhaps those standards have in some cases been a little too exacting under particular situations in the smaller counties, including my own county, and would do away with the purpose I had in mind in raising the standards in regard to the qualifications of district attorneys and at the same time raising their pay.

I do not want to be in the position, Mr. Speaker, of going to the Senate and asking that my own bill be killed and I ask the members of the House to support this motion and recommit the bill to the Committee on Judiciary General in order that those who have in mind amendments can secure what they wish without having the whole bill killed on account of the insistence in passing an unreasonable measure.

Mr. ALSPACH. The gentleman from McKean has very wisely stated that if this bill goes to the Senate it may be killed there, and I say it is no mere conjecture that if this bill goes back to the Committee on Judiciary General it will be killed there.

I would like to state further that the Act which was sponsored two years ago by the gentleman from McKean, Mr. Kane, did raise the qualifications of district attorneys, and this Act, sponsored by Mr. Kane in this present Session alleviates certain harsh features which hurt the counties of the sixth, seventh and eighth classes, which it was designed to protect.

I oppose this motion to recommit, Mr. Speaker, and ask for a roll call. I ask the members of the House to vote against the motion to recommit.

Mr. KANE. Mr. Speaker, I regret very much having to say this to the members of the House, but it is my opinion that insistence upon this matter violates a gentleman's agreement.

I introduced this bill for one purpose, and these amendments include this person, that person and the other person who desires to run for district attorney. I do not want to get down to naming names, places and times, but Mr. Speaker, if I am forced to do so, I will be glad to do it, and if it can't be done on the floor of this House it can be done in the newspapers, and if necessary I will do it.

I don't care to discuss the matter, and I ask the members who are interested in good legislation to support me, especially the members from sixth class counties, in send-

ing this bill back to the Committee on Judiciary General. It was not my intention for the Committee on Judiciary General to kill the bill, but I am rapidly being forced into that position.

QUESTION OF PERSONAL PRIVILEGE

Mr. ALSPACH. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. ALSPACH. I would just like to make the statement, Mr. Speaker, that so far as I personally am concerned, I do not think I have violated any personal confidence in any respect. Everything that was done to this bill, Mr. Speaker, was done in full and open committee meeting.

The SPEAKER. The remarks of the gentleman on his question of personal privilege will be spread upon the Journal.

On the question recurring,

Will the House agree to the motion?

Whereupon, a division was called for, one hundred and fourteen, or more than a majority, having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 952, entitled:

An Act to repeal the act approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (P. L. 2123) entitled "An act imposing upon the Board of Revision of Taxes in cities of the first class the duty of reading water meters authorizing the employment of assistants for the performance of such duties fixing the salaries of such assistants and repealing inconsistent acts"

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. OMINSKY. Mr. Speaker, will the sponsor of this bill explain to the membership of this House the purpose of it and what the situation will be as far as the present law is concerned.

Mr. CORTESE. Mr. Speaker, this bill secures the authority of the Receiver of Taxes in Philadelphia to continue reading water meters. Back in 1937 the Democrats, in their ardent and mad desire to defeat the elective will of the people of Philadelphia, by a bill introduced by them, attempted to parcel out the powers of the Receiver of Taxes in Philadelphia and to abolish that office. Under the parcelling scheme, the Board of Revision of Taxes and the Comptroller of the City of Philadelphia took hold of all of the authority theretofor exercised by the Receiver of Taxes.

The Supreme Court in passing on that enactment held that that law was unconstitutional and struck it down.

The purpose of this bill therefore is to clear the record and to remove a stain on the Constitution, a stain which now appears on our statute books.

Mr. OMINSKY. Mr. Speaker and members of the House, if it were madness on the part of the Democrats to sponsor legislation, a series of bills which would have saved for the taxpayers of Philadelphia something like six hundred thousand dollars a year, and these figures are not fictitious, I would much rather be known as a mad legislator. Unfortunately the foul blow was not struck by the Legislature in passing this act but possibly by the Supreme Court in declaring this act unconstitutional. At present there is no reason for this bill to be passed, because the courts have declared this bill unconstitutional, and to take the time of this House and the Senate to pass bills just to make sure that when a man is down, you will kick him, I think it is unfair. It is a waste of the taxpayers' money.

It seems to me that this is another addition to the fuel of the Republican party to a bonfire which was promised to the taxpayers of this Commonwealth, and if they keep on adding to the bonfire, instead of relieving the taxpayers, not only of Philadelphia but also of Pennsylvania, they can go ahead because the complexion of this Assembly I am sure will be changed in 1941.

I ask the membership of this House, since the necessity is not here for the enactment of this bill, to vote "no" on it.

Mr. CORTESE. Mr. Speaker and members of the House, as a member of the bar, I resent any reflection upon the judiciary of the Commonwealth of Pennsylvania. I think it is wrong to try to destroy by criticism that branch of the government which protects to you, the minority group, your civil liberties.

The gentleman from Philadelphia knows that the people of Philadelphia at an election, by the expression of their constitutional will, decided that there shall be a Receiver of Taxes, and the Receiver of Taxes shall hold office for four years. The Court decided that no political instrumentality, preying upon the Legislature for the purpose of securing more jobs, can defeat that elective will so expressed.

So, Mr. Speaker, I ask the members of this House to put a shield upon the blackness cast by the Democrats themselves and to vote "aye" upon this bill.

Mr. OMINSKY. Mr. Speaker and members of the House, no debates that we have had on this floor heretofore have become personal. I think it is just as wrong to call a foul blow on the part of members of the Legislature, of a then majority that pass a bill, as it is to call a foul blow on the part of the Supreme Court. So that if the gentleman is wrong and takes me to task for calling a spade a spade, so far as the Supreme Court is concerned, he should be taken to task by the members of this House in calling a spade a spade as far as the members of this House are concerned.

However, I would like to say this, this is another wedge and another indication as to how the Republican majority, coming from Philadelphia, will line up against the city charter bill, because the city charter will take care of this very situation.

I might say this as far as mandates are concerned, it is true that Philadelphia held an election on November 8th, and the general mandate was to the effect that the Republican majority is now in control in the Commonwealth but as far as we are concerned in Philadelphia, we from the Eighteenth Legislative District, the mandate to us was to keep up the good work of the Democratic party, and that is why we are here.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—125

Ackermann,	Ewing,	Leisey,	Shearer,
Alspach,	Fisher,	Leydic,	Simons,
Atkins,	Fiss,	Lichtenwalter,	Sloan,
Auker,	Fleming,	Lyons,	Snyder,
Balliet,	Foor,	Madden,	Sollenberger,
Bennett,	Freed,	Marr,	Stambaugh,
Boorse,	Fullerton,	Matthews,	Stewart,
Boose,	Gates,	McClester,	Stockham,
Bower,	Gillan,	McGarrity,	Sweeney,
Boyd,	Gillette,	McKinney,	Tahl,
Bretherick,	Goll,	McNally,	Taylor,
Bronson,	Habbyshaw,	McVay,	Terry,
Brown, H. S.,	Haines,	Montgomery,	Thistle,
Brown, S. W.,	Hall,	Moser, F. S.,	Thompson, G.R.
Brunner,	Hamilton,	Moser, J. L.	Tiemann,
Cadwalader,	Harbeson,	Muir,	Trout,
Calvin,	Haudenshield,	O'Dare,	Van Allsburg,
Carpenter,	Henry,	Peacock,	Van Belle,
Christler,	Hocke,	Peale,	Voorhees,
Clearwater,	Hoffman, J. N.,	Reagan,	Wagner,
Cook,	Hoyt,	Reese. D. P.,	Watkins,
Cooper,	Huntley,	Rhodes,	Webster,
Cordier,	Imbrie,	Riley,	Wilkinson,
Cortese,	James,	Robertson,	Wilson,
Curran,	Jones,	Rose,	Winner,
Dalrymple,	Kane,	Roseberry,	Wood, H. M.,
Denman,	Kline,	Royer,	Wood, L. H.,
Dick,	Knoble,	Sarge,	Wood, N.,
Dix,	Kowalski,	Schrock,	Woodside,
Donahue,	Krise,	Seif,	Yeakel,
Eckels,	Lee,	Serrill,	Turner,
Ely,			Speaker.

NAYS—51

Achterman,	Corrigan,	McLane,	Readinger,
Allen,	Downey,	Melchiorre,	Reese, R. E.,
Allmond,	Falkenstein,	Mooney,	Regan,
Andrews,	Fauset,	Moran,	Sarraf,
Baker,	Finnerty,	Munley,	Scanlon,
Balthaser,	Flanagan,	O'Brien,	Schrope,
Boles,	Hindman,	O'Connor,	Skale,
Boney,	Keenan,	O'Keefe,	Stank,
Brancato,	Kenehan	Ominsky,	Tarr,
Broad,	Long,	O'Neill,	Weiss,
Burris,	Lovett,	Powers,	Welsh, E. B.,
Check,	Malloy,	Preston,	Welsh, M. J.,
Chervenak,	Malone,		Williams,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair previously mentioned the fact that we have two delegations here, one from Delaware county and one from Schuylkill county. The Chair notes that the delegation from Delaware county is now at the rear of the House. For many years many members have wondered how the Speaker was returned to the House. They also wonder sometimes how we get those large majorities in Delaware county. All they need to do is to inquire of the visitors in the rear of the House, and they will know where we get our strength and our majorities.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 738, entitled:

An Act to further amend sections one two three four and five of the act approved the eleventh day of July one thousand nine hundred and twenty-three (P. L. 1032) entitled "An act providing for the abatement of nuisances caused by the improper grading or defective paving or encroaching fences in alleys in cities of the first class for the establishment of lines and grades for and the grading paving or repaving of said alleys and the grading of private alleys hereafter laid out and for apportioning the cost and for the filing of liens therefor" by extending the provisions of said act to retaining walls

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Downey,	Levy,	Sarge,
Ackermann,	Eckels,	Leydic,	Sarraf,
Allen,	Ely,	Lichtenwalter,	Scanlon,
Allmond,	Ewing,	Long,	Schrock,
Alspach,	Falkenstein,	Lovett,	Schrope,
Andrews,	Fauset,	Lyons,	Schwab,
Atkins,	Finnerty,	Madden,	Seif,
Auker,	Fisher,	Malloy,	Serrill,
Baker,	Fiss,	Malone,	Shaw,
Balliet,	Flanagan,	Marr,	Shearer,
Balthaser,	Fleming,	Matthews,	Simons,
Bardes,	Foor,	McClester,	Skale,
Bennett,	Freed,	McGarrity,	Sloan,
Bohn,	Fullerton,	McKinney,	Snyder,
Boles,	Furman,	McLane,	Sollenberger,
Boney,	Gates,	McNally,	Stambaugh,
Boorse,	Gillan,	McVay,	Stank,
Boose,	Gillette,	Melchiorre,	Stewart,
Bower,	Goll,	Mihm,	Stockham,
Boyd,	Gorski,	Montgomery,	Sweeney,
Brancato,	Habbyshaw,	Mooney,	Tahl,
Bretherick,	Haines,	Moran,	Tarr,
Broad,	Hall,	Moser, F. S.,	Taylor,
Bronson,	Hamilton,	Moser, J. L.,	Terry,
Brown, H. S.,	Harbeson,	Muir,	Thistle,
Brown, S. W.,	Haudenshield,	Munley,	Thompson, G.R.,
Brunner,	Henry,	O'Brien,	Tiemann,
Burns,	Hess,	O'Connor,	Tronzo,
Burris,	Hewitt,	O'Dare,	Trout,
Cadwalader,	Hindman,	O'Keefe,	Van Allsburg,
Calvin,	Hocke,	Ominsky,	Van Belle,
Carpenter,	Hoffman, J. N.,	O'Neill,	Voorhees,
Check,	Hoffman, S. K.,	Peacock,	Wagner,
Chervenak,	Holland,	Peale,	Walsh,
Christler,	Hoyt,	Powers,	Watkins,
Clark,	Huntley,	Preston,	Webster,
Clearwater,	Imbrie,	Readinger,	Weiss,
Cohen, H. B.,	James,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Welsh, M. J.,
Cook,	Johnston,	Reese, R. E.	Westrick,
Cooper,	Jones,	Regan,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1037, entitled:

An Act to further amend sections two and twelve of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1518) entitled as amended "An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by making said act inapplicable to elevators located in cities of the first class and prescribing the time for the registration of elevators

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Downey,	Levy,	Sarge,
Ackermann,	Eckels,	Leydic,	Sarraf,
Allen,	Ely,	Lichtenwalter,	Scanlon,
Allmond,	Ewing,	Long,	Schrock,
Alspach,	Falkenstein,	Lovett,	Schrope,
Andrews,	Fauset,	Lyons,	Schwab,
Atkins,	Finnerty,	Madden,	Seif,
Auker,	Fisher,	Malloy,	Serrill,
Baker,	Fiss,	Malone,	Shaw,
Balliet,	Flanagan,	Marr,	Shearer,
Balthaser,	Fleming,	Matthews,	Simons,
Bardes,	Foor,	McClester,	Skale,
Bennett,	Freed,	McGarrity,	Sloan,
Bohn,	Fullerton,	McKinney,	Snyder,
Boies,	Furman,	McLane,	Sollenberger,
Boney,	Gates,	McNally,	Stambaugh,
Boorse,	Gillan,	McVay,	Stank,
Boose,	Gillette,	Melchiorre,	Stewart,
Bower,	Goll,	Mihm,	Stockham,
Boyd,	Gorski,	Montgomery,	Sweeney,
Brancato,	Habbyshaw,	Mooney,	Tahl,
Bretherick,	Haines	Moran,	Tarr,
Broad,	Hall,	Moser, F. S.,	Taylor,
Bronson,	Hamilton,	Moser, J. L.,	Terry,
Brown, H. S.,	Harbeson,	Muir,	Thistle,
Brown, S. W.,	Haudenshield,	Munley,	Thompson, G.R.,
Brunner,	Henry,	O'Brien,	Tiemann,
Burns,	Hess,	O'Connor,	Tronzo,
Burris,	Hewitt,	O'Dare,	Trout,
Cadwalader,	Hindman,	O'Keefe,	Van Allsburg,
Calvin,	Hocke,	Ominsky,	Van Belle,
Carpenter,	Hoffman, J. N.,	O'Neill,	Voorhees,
Check,	Hoffman, S. K.,	Peacock,	Wagner,
Chervenak,	Holland,	Peale,	Walsh,
Christler,	Hoyt,	Powers,	Watkins,
Clark,	Huntley,	Preston,	Webster,
Clearwater,	Imbrie,	Readinger,	Weiss,
Cohen, H. B.,	James,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Welsh, M. J.,
Cook,	Johnston,	Reese, R. E.,	Westrick,
Cooper,	Jones,	Regan,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 471, entitled:

An Act to amend section three of the act approved the twelfth day of June one thousand nine hundred and seventeen (P. L. 461) entitled "An act to provide for the removal or retirement of judges of the Supreme Superior common pleas orphans' municipal and county court permanently disqualified by reason of physical or mental disability to perform their regular judicial functions or duties and providing for the payment of compensation to them during the balance of the term for which they may have been elected and in certain cases for the remainder of their lives after resignation or retirement and for filling the vacancies caused thereby providing for judges who have been retired or who may have retired or resigned under provisions of previous acts or otherwise and repealing certain acts" by providing compensation for such judges who have served ten years on the bench

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ely,	Lichtenwalter,	Sarraf,
Ackermann,	Ewing,	Long,	Scanlon,
Allen,	Falkenstein,	Lovett,	Schrock,
Allmond,	Fauset,	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab,
Atkins,	Fisher,	Malloy,	Seif,
Auker,	Fiss,	Malone,	Serrill,
Baker,	Flanagan,	Marr,	Shaw,
Balliet,	Foor,	Matthews,	Shearer,
Balthaser,	Freed,	McClester,	Simon,
Bardes,	Fullerton,	McGarrity,	Skale,
Bennett,	Furman,	McKinney,	Sloan,
Bohn,	Gillan,	McLane,	Snyder,
Boies,	Gillette,	McNally,	Sollenberger,
Boney,	Goll,	McVay,	Stambaugh,
Boorse,	Gorski,	Melchiorre,	Stank,
Boose,	Habbyshaw,	Mihm,	Stewart,
Bower,	Haines,	Montgomery,	Stockham,
Boyd,	Hall,	Mooney,	Sweeney,
Brancato,	Hamilton,	Moran,	Tahl,
Bretherick,	Harbeson,	Moser, F. S.,	Tarr,
Broad,	Haudenshield,	Moser, J. L.,	Taylor,
Bronson,	Henry,	Muir,	Terry,
Brown, H. S.,	Hess,	Munley,	Thistle,
Brown, S. W.,	Hewitt,	O'Brien,	Thompson, G.R.,
Brunner,	Hindman,	O'Connor,	Tiemann,
Burns,	Hocke,	O'Dare,	Tronzo,
Burris,	Hoffman, J. N.,	O'Keefe,	Trout,
Cadwalader,	Hoffman, S. K.,	Ominsky,	VanAllsburg,
Calvin,	Holland,	O'Neill,	Van Belle,
Check,	Hoyt,	Peacock,	Voorhees,
Chervenak,	Huntley,	Peale,	Wagner,
Christler,	Imbrie,	Powers,	Walsh,
Clark,	James,	Preston,	Watkins,
Clearwater,	Jirolanio,	Readinger,	Webster,
Cohen, H. B.,	Johnston,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jones,	Reese, R. E.	Welsh, E. B.,
Cook,	Kane,	Regan,	Welsh, M. J.,
Cooper,	Keenan,	Rhodes,	Westrick,
Cordier,	Kenehan,	Rider,	Wilkinson,
Corrigan,	Kilroy,	Riley,	Williams,
Cortese,	Kline,	Robertson,	Wilson,
Curran,	Knoble,	Rooney,	Winner,
Dalrymple,	Kowalski,	Rose,	Wood, H. M.,
Denman,	Krise,	Roseberry,	Wood, L. H.,
DeNote,	Lee,	Rosenfeld,	Wood, N.,
Dick,	Leisey,	Rothenberger,	Woodside,
Donahue,	Levy,	Royer,	Yeakel,
Downey,	Leydic,	Sarge,	Turner,
Eckels,			Speaker.

NAYS—1

Andrews,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. ANDREWS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Cambria will state his question of personal privilege.

Mr. ANDREWS. Mr. Speaker, on the bill which has just been voted upon I desire to have it noted on the record that I voted "no" in a loud voice.

The SPEAKER. The remarks of the gentleman on his question of personal privilege will be noted in the Journal.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 919, entitled:

An Act to further amend section four hundred four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Downey,	Levy,	Sarge,
Ackermann,	Eckels,	Leydic,	Sarraf,
Allen,	Ely,	Lichtenwalter,	Scanlon,
Allmond,	Ewing,	Long,	Schrock,
Alspach,	Falkenstein,	Lovett,	Schrope,
Andrews,	Fauset,	Lyons,	Schwab,
Atkins,	Finnerty,	Madden,	Seif,
Auker,	Fisher,	Malloy,	Serrill,
Baker,	Fiss,	Malone,	Shaw,
Balliet,	Flanagan,	Marr,	Shearer,
Balthaser,	Fleming,	Matthews,	Simons,
Bardes,	Foor,	McClester,	Skale,
Bennett,	Freed,	McGarrity,	Sloan,
Bohn,	Fullerton,	McKinney,	Snyder,
Boies,	Furman,	McLane,	Sollenberger,
Boney,	Gates,	McNally,	Stambaugh,
Boorse,	Gillan,	McVay,	Stank,
Boose,	Gillette,	Melchiorre,	Stewart,
Bower,	Goll,	Mihm,	Stockham,
Boyd,	Gorski,	Montgomery,	Sweeney,
Brancato,	Habbyshaw,	Mooney,	Tahl,
Bretherick,	Haines,	Moran,	Tarr,
Broad,	Hall,	Moser, F. S.,	Taylor,
Bronson,	Hamilton,	Moser, J. L.,	Terry,
Brown, H. S.,	Harbeson,	Muir,	Thistle,
Brown, S. W.,	Haudenshield,	Munley	Thompson, G. R.
Brunner,	Henry,	O'Brien,	Tiemann,
Burns,	Hess,	O'Connor,	Tronzo,
Burris,	Hewitt,	O'Dare,	Trout,
Cadwalader,	Hindman,	O'Keefe,	VanAllsburg,
Calvin,	Hocke,	Ominsky,	Van Belle,
Carpenter,	Hoffman, J. N.,	O'Neill,	Voorhees,
Check,	Hoffman, S. K.,	Peacock,	Wagner,
Chervenak,	Holland,	Peale,	Walsh,
Christler,	Hoyt,	Powers,	Watkins,
Clark,	Huntley,	Preston,	Webster,
Clearwater,	Imbrie,	Readinger,	Weiss,
Cohen, H. B.,	James,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Welsh, M. J.,
Cook,	Johnston,	Reese, R. E.	Westrick,
Cooper,	Jones,	Regan,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 868, entitled:

An Act to repeal the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2778) entitled "An act providing that all appointments made by the county commissioners in counties of the first class shall be divided between the majority and minority commissioners"

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. OMINSKY. Mr. Speaker and members of the House, House Bill No. 868, if passed, is another indication of two things, first, that the Republican majority is keeping its promise to make the bonfire bigger, because this is another repeal of an act which was passed in 1937. Secondly, and which to my mind is the most important, is the fact that it indicates their attitude on the new city charter, because if they were for the new city charter, as it is presently advocated by its sponsors in the Senate, this bill would not be necessary. I ask the membership of this House to vote "no" on this bill.

Mr. SWEENEY. Mr. Speaker and members of the House, House Bill No. 868 is a bill to put Philadelphia back into the condition it was before the Democrats came to Harrisburg in 1937. As Mr. Woodside so aptly said about two weeks ago, it is not ripper legislation, but we are just "sewing up the rips" as we go along.

I ask the membership of this House to vote "aye" on this bill.

Mr. OMINSKY. Mr. Speaker and members of the House, the gentleman from Philadelphia, Mr. Sweeney, has definitely indicated why the membership of this House who are interested in good government should vote against this bill. He says this bill if passed will put Philadelphia back where it was before 1937. I wonder whether he realizes that Philadelphia was low financially to the tune of thirty-six million dollars before 1937, and this type of legislation is the thing that did that for Philadelphia. We in 1937 endeavored to remedy it, whether you call it a ripper or whether you call it a sewing of the rip, but we tried to remedy it by cutting down waste and extravagance in the running of Philadelphia. If you are going to put

it back where it was before 1937, you can vote for this bill, but we Democrats who are endeavoring to give Philadelphia a good government, an economical government, are against this measure.

Mr. SWEENEY. Mr. Speaker and members of the House, just a moment longer. Mr. Ominsky's argument might be sound except for the fact that anyone reading this bill will see that no new jobs are created, no increase in salary provided for and consequently no increase in the expense of the City of Philadelphia.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—129

Achterman,	Ely,	Lee,	Shearer,
Ackermann,	Ewing,	Leisey,	Simons,
Alspach,	Fisher,	Leydic,	Sloan,
Atkins,	Fiss,	Lichtenwalter,	Snyder,
Auker,	Fleming,	Lyons,	Sollenberger,
Balliet,	Foor,	Madden,	Stambaugh,
Bardes,	Freed,	Marr,	Stewart,
Bennett,	Fullerton,	Matthews,	Stockham,
Boorse,	Gates,	McClester,	Sweeney,
Boose,	Gillan,	McGarrity,	Tahl,
Bower,	Gillette,	McKinney,	Taylor,
Boyd,	Goll,	McNally,	Terry,
Bretherick,	Habbyshaw,	McVay,	Thistle,
Bronson,	Haines,	Montgomery,	Thompson, G.R.,
Brown, S. W.,	Hall,	Moser, F. S.,	Tiemann,
Brunner,	Hamilton,	Moser, J. L.,	Tronzo,
Cadwalader,	Harbeson,	Muir,	Trout,
Calvin,	Haudenshield,	O'Dare,	Van Allsburg,
Carpenter,	Henry,	Peacock,	Van Belle,
Christler,	Hewitt,	Peale,	Voorhees,
Clark,	Hocke,	Reagan,	Wagner,
Clearwater,	Hoffman, J. N.,	Reese, D. P.,	Watkins,
Cook,	Hoyt,	Rhodes,	Webster,
Cooper,	Huntley,	Riley,	Wilkinson,
Cordier,	Imbrie,	Robertson,	Wilson,
Cortese,	James,	Rose,	Winner,
Curran,	Johnston,	Roseberry,	Wood, H. M.,
Dalrymple,	Kane,	Royer,	Wood, L. H.,
Denman,	Kline,	Sarge,	Wood, N.,
Dick,	Knoble,	Schrock,	Woodside,
Dix,	Kowalski,	Seif,	Yeakel,
Donahue,	Krise,	Serrill,	Turner,
Eckels,			Speaker.

NAYS—43

Allen,	Downey,	Munley,	Rider,
Andrews,	Fauset,	O'Brien,	Sarraf,
Baker,	Finnerty,	O'Connor,	Scanlon,
Balthaser,	Flanagan,	O'Keefe,	Schrope,
Boney,	Keenan,	Ominsky,	Stank,
Brancato,	Levy,	O'Neill,	Weiss
Broad,	Long,	Powers,	Welsh, E. B.,
Burns,	Lovett,	Preston,	Welsh, M. J.,
Burris,	Melchiorre,	Readinger,	Westrick,
Check,	Mooney,	Reese, R. E.	Williams,
Corrigan,	Moran,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 947, as follows:

An Act to repeal the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven Pamphlet Laws 475) entitled "An act to amend the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled 'An act for the better government of cities of the first class of this Commonwealth' by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 475) entitled "An act to amend the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled 'An act for the better government of cities of the first class of this Commonwealth' by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes" is hereby repealed.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. OMINSKY. Mr. Speaker and members of the House a reading of the title itself indicates that you must be against this bill because the title specifies this: "An act to repeal an act for the better government of cities of the first class of this Commonwealth." If you read it that way, and I am sure that the purport of the bill has that meaning, you must vote against this bill.

It is another indication, as I said before, even if I have to repeat it, because it is important——that it is adding to the bonfire of the burning of the bills which were passed in 1937, and it is still another indication because this bill, if passed, will increase the cost to the city of Philadelphia. It is another indication that the majority members on the Republican side are not for the city charter because the city charter bill provides for the elimination of certain things for the betterment of the government, and those who vote for this measure indicate that they intend to vote against the city charter bill.

I will ask the membership of this House to vote "no" on this measure.

Mr. CORTESE. I desire to interrogate the gentleman from Philadelphia, Mr. Ominsky.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. OMINSKY. I will, Mr. Speaker.

Mr. CORTESE. Mr. Speaker, I desire to know how this bill will increase the expenditures of the city of Philadelphia.

Mr. OMINSKY. Mr. Speaker, in answer to the gentleman from Philadelphia, Mr. Cortese, if he will read the act of 1937 that this act will repeal, he will find that one department in the city government of Philadelphia has been eliminated and that is the department of the Receiver of Taxes, the functions of which are to be under the Department of the City Treasury. Now, with the same personnel or with a very much smaller increase in the personnel of the City Treasurer's office, it was indicated by the special committee which investigated the city government of Philadelphia that the elimination of the Department of Receiver of Taxes would not harm the functioning of the city government, and at the same time would save several hundred thousand dollars. I believe he ought to read the testimony which was taken at those hearings.

Mr. CORTESE. Mr. Speaker, I would like to ask the

gentleman from Philadelphia, Mr. Ominsky, what happened to the Act of 1937 which parceled out the authority vested in the Receiver of Taxes?

Mr. OMINSKY. Mr. Speaker, I don't remember. I believe the courts have acted on that in some form, but did not declare it entirely unconstitutional. They did declare portions of it unconstitutional.

Mr. CORTESE. Mr. Speaker and members of the House, it is a strange thing to feel that you can't do something, and then try to accomplish the thing that you know you can't do by nefarious, unconstitutional ways.

This bill clearly is corrective. It removes from the statute books an act struck down by the Supreme Court, and if the gentleman from Philadelphia is really interested in economy and efficiency, he ought to agree with me that a man holding public office ought to be secure in his authority, he ought to be secure in his tenure. This bill puts an end to all doubt. The Receiver of Taxes will function until the end of his term.

May I say this also, Mr. Speaker, somewhere in the hidden recesses of the heart of the gentleman from Philadelphia, Mr. Ominsky, there ought to be a spark always reminding him that the present Receiver of Taxes of the city of Philadelphia is one of the most efficient servants that Philadelphia has ever had. It is needless to say that the Republicans must now strike down what the Democrats did and which cannot stand on the foundation of the Constitution.

He speaks of a bonfire and I say this is a bonfire in the sense that it destroys statutory rubbish and I stand for that kind of bonfire. So I ask you, Mr. Speaker and members of this House, to get together and set a large flame to this rubbish and put an end to it once and for all.

Mr. OMINSKY. Mr. Speaker and members of the House, I don't blame the gentleman from Philadelphia for feeling that way about the present Receiver of Taxes. Of course, the Receiver of Taxes is one of his constituents and he should feel that way about him. As a matter of fact I too feel the same way about the present Receiver of Taxes, but the measures that we are passing are not personal or individual measures, they are principle measures, measures which strike at certain principles of economy in state government and they do not intend to strike at any individual who is presently holding office.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—128

Ackermann,	Ely,	Lee,	Serrill,
Alspach,	Ewing,	Leisey,	Shearer,
Atkins,	Fisher,	Leydic,	Simon,
Auker,	Fiss,	Lichtenwalter,	Sloan,
Balliet,	Fleming,	Lovett,	Snyder,
Bardes,	Foor,	Lyons,	Sollenberger,
Bennett,	Freed,	Madden,	Stambaugh,
Boorse,	Fullerton,	Marr,	Stewart,
Boose,	Gates,	Matthews,	Stockham,
Bower,	Gillan,	McClester,	Sweeney,
Boyd,	Gillette,	McGarrity,	Tahl,
Bretherick,	Goll,	McKinney,	Taylor,
Bronson,	Habbyshaw,	McNally,	Terry,
Brown, S. W.,	Haines,	McVay,	Thistle,
Brunner,	Hall,	Montgomery,	Thompson, G. R.,
Cadwalader,	Hamilton,	Moser, F. S.,	Tiemann,
Calvin,	Harbeson,	Moser, J. L.,	Trout,
Carpenter,	Haudenshield,	Muir,	Van Allsburg,
Christler,	Henry,	O'Dare,	Van Belle,
Clark,	Hocke,	Peacock,	Voorhees,
Clearwater,	Hoffman, J. N.,	Peale,	Wagner,
Cook,	Hoyt,	Reagan,	Watkins,
Cooper,	Huntley,	Reese, D. P.,	Webster,
Cordier,	Imbrie,	Rhodes,	Wilkinson,
Cortese,	James,	Riley,	Wilson,
Curran,	Johnston,	Robertson,	Winner,
Dalrymple,	Jones,	Rose,	Wood, H. M.,
Denman,	Kane,	Roseberry,	Wood, L. H.,
Dick,	Kline,	Royer,	Wood, N.,
Dix,	Knoble,	Sarge,	Woodside,
Donahue,	Kowalski,	Schrock,	Yeakel,
Eckels,	Krise,	Seif,	Turner,

Speaker.

NAYS—33

Achterman,	Check,	Long,	Stank,
Allen,	Chervenak,	Melchiorre,	Tarr,
Allmond,	Corrigan,	O'Connor,	Tronzo,
Andrews,	Downey,	Ominsky,	Weiss,
Baker,	Fauset,	Powers,	Welsh, E. B.,
Balthaser,	Finnerty,	Readinger,	Welsh, M. J.,
Brancato,	Flanagan,	Schrope,	Westrick,
Burns,	Hindman,	Skale,	Williams,
Burris,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 783, entitled:

An Act to amend section thirty-seven of the act approved the fifteenth day of June one thousand nine hundred and thirty-seven (P. L. 1743) entitled "An act relating to magistrates and magistrates' courts in the city of Philadelphia imposing certain duties upon and prohibiting certain practices by magistrates imposing certain duties on the city controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in magistrates' courts the entering of bail and the issuance of discharges in criminal cases in the county of Philadelphia conferring certain powers over magistrates and magistrates' courts and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the county of Philadelphia providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts" fixing the salary of the chief clerk of the board of magistrates.

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. OMINSKY. Mr. Speaker and members of the House, just to show you that we Democrats do not intend to be picayune we will vote for this bill although it does increase the salary of the clerks to the chief magistrate five hundred dollars. I believe perhaps he has additional work, and if he doesn't have it yet he should have if we give him this five hundred dollars. Therefore, I ask the members of this House to vote for this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Eckels,	Levy,	Sarge,
Ackermann,	Ely,	Leydic,	Sarraf,
Allen,	Ewing,	Lichtenwalter,	Scanlon,
Allmond,	Falkenstein,	Long,	Schrock,
Alspach,	Fauset,	Lyons,	Schrope,
Andrews,	Finnerty,	Madden,	Schwab,
Atkins,	Fisher,	Malloy,	Seif,
Auker,	Fiss,	Malone,	Serrill,
Baker,	Flanagan,	Marr,	Shaw,
Balliet,	Fleming,	Matthews,	Shearer,
Balthaser,	Foor,	McClester,	Simons,
Bardes,	Freed,	McGarrity,	Skale,
Bennett,	Fullerton,	McKinney,	Sloan,
Bohn,	Furman,	McLane,	Snyder,
Boles,	Gates,	McNally,	Sollenberger,
Boney,	Gillan,	McVay,	Stambaugh,
Boorse,	Gillette,	Melchiorre,	Stank,
Boose,	Goll,	Mihm,	Stewart,
Bower,	Gorski,	Montgomery,	Stockham,
Boyd,	Habbyshaw,	Mooney,	Sweeney,
Brancato,	Haines,	Moran,	Tahl,
Bretherick,	Hall,	Moser, F. S.,	Tarr,
Broad,	Hamilton,	Moser, J. L.,	Taylor,
Bronson,	Harbeson,	Muir,	Terry,
Brown, H. S.,	Haudenshield,	Munley,	Thistle,
Brown, S. W.,	Henry,	O'Brien,	Thompson, G.R.,
Brunner,	Hess,	O'Connor,	Tiemann,
Burns,	Hewitt,	O'Dare,	Tronzo,
Burris,	Hindman,	O'Keefe,	Trout,
Cadwalader,	Hocke,	Ominsky,	Van Allsburg,
Calvin,	Hoffman, J. N.,	O'Neill,	Van Belle,
Carpenter,	Hoffman, S. K.,	Peacock,	Voorhees,
Chervenak,	Holland,	Peale,	Wagner,
Christler,	Hoyt,	Powers,	Walsh,
Clark,	Huntley,	Preston,	Watkins,
Clearwater,	Imbrie,	Readinger,	Webster,
Cohen, H. B.,	James,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Welsh, M. J.,
Cook,	Johnston,	Reese, R. E.	Westrick,
Cooper,	Jones,	Regan,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Donahue,	Lee,	Rothenberger,	Turner,
Downey,	Leisey,	Royer,	Speaker.

NAYS—3

Dix,	Lovett	Weiss,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. TIEMANN offered the following reasons for his vote:

The purpose of this bill is to amend an act put through in the 1937 session, which relates to Magistrates and the Magistrates' Courts in the County of Philadelphia, the clerks their duties and the fixing of their compensation.

The amendment provides for a $500 increase in compensation for the Chief Clerk, to be paid by the County of Philadelphia.

I favor this increase because of the additional duties required or imposed on the Chief Clerk by this bill, which requires he must keep a complete record of all cases filed with the Courts, the proceedings therein, and the disposition thereof, and to see that they are kept in good condition. He is a very able man, with much experience, having worked in this office since 1927 and being the Chief Clerk for the last 6 years.

Before the Act he had supervision over 30 clerks and 28 cleaners, now he has a total of 93 employees, as the act required the hiring of 35 additional people.

The Department now also has charge and supervision over the Traffic Court which formerly was under the Mayor. This Court has a monthly income of $25,000. His responsibility has more than doubled within the last two years. This is a worthy and deserving case. I ask your support of the bill. Thank you.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 559, entitled:

An Act to reenact and further amend section two hundred five of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the election of school directors in school districts made up of two or more cities boroughs incorporated towns or townships or any combination thereof.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Downey,	Levy,	Sarge,
Ackermann,	Eckels,	Leydic,	Sarraf,
Allen,	Ely,	Lichtenwalter,	Scanlon,
Allmond,	Ewing,	Long,	Schrock,
Alspach,	Falkenstein,	Lovett,	Schrope,
Andrews,	Fauset,	Lyons,	Schwab,
Atkins,	Finnerty,	Madden,	Seif,
Auker,	Fisher,	Malloy,	Serrill,
Baker,	Fiss,	Malone,	Shaw,
Balliet,	Flanagan,	Marr,	Shearer,
Balthaser,	Fleming,	Matthews,	Simons,
Bardes,	Foor,	McClester,	Skale,
Bennett,	Freed,	McGarrity,	Sloan,
Bohn,	Fullerton,	McKinney,	Snyder,
Boles,	Furman,	McLane,	Sollenberger,
Boney,	Gates,	McNally,	Stambaugh,
Boorse,	Gillan,	McVay,	Stank,
Boose,	Gillette,	Melchiorre,	Stewart,
Bower,	Goll,	Mihm,	Stockham,
Boyd,	Gorski,	Montgomery,	Sweeney,
Brancato,	Habbyshaw,	Mooney,	Tahl,
Bretherick,	Haines,	Moran,	Tarr,
Broad,	Hall,	Moser, F. S.,	Taylor,
Bronson,	Hamilton,	Moser, J. L.,	Terry,
Brown, H. S.,	Harbeson,	Muir,	Thistle,
Brown, S. W.,	Haudenshield,	Munley,	Thompson, G.R.,
Brunner,	Henry,	O'Brien,	Tiemann,
Burns,	Hess,	O'Connor,	Tronzo,
Burris,	Hewitt,	O'Dare,	Trout,
Cadwalader,	Hindman,	O'Keefe,	Van Allsburg,
Calvin,	Hocke,	Ominsky,	Van Belle,
Carpenter,	Hoffman, J. N.,	O'Neill,	Voorhees,
Check,	Hoffman, S. K.,	Peacock,	Wagner,
Chervenak,	Holland,	Peale,	Walsh,
Christler,	Hoyt,	Powers,	Watkins,
Clark,	Huntley,	Preston,	Webster,
Clearwater,	Imbrie,	Readinger,	Weiss,
Cohen, H. B.,	James,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Welsh, M. J.,
Cook,	Johnston,	Reese, R. E.,	Westrick,
Cooper,	Jones,	Regan,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,

Cortese,	Kenehan,	Riley	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 95, entitled:

An Act authorizing the sale of real estate under a judgment obtained on a tax claim or claims to be made by the sheriff free and clear of tax and municipal claims for a sum less than the total amount of delinquent tax and municipal claims under certain conditions and providing for the distribution of the sum realized upon such sales and for the procedure in such cases.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. CORTESE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair would inquire of the gentleman from Philadelphia, Mr. Cortese, whether it is his desire to amend this bill.

Mr. CORTESE. Mr. Speaker, it is my desire to give to the gentleman from Philadelphia, Mr. Ominsky, an opportunity to study this bill. It is not a partisan bill, it deals with a technical subject, and I want to give him the opportunity to make a study of it.

The SPEAKER. The Chair thanks the gentleman from Philadelphia, Mr. Cortese.

The Chair inquires of the gentleman from Philadelphia, Mr. Ominsky, whether he desires to have this bill placed on the third reading postponed calendar or final passage?

Mr. OMINSKY. For the information of the Speaker, it is our thought and the sponsor's thought that it should be placed on the third reading postponed calendar for the purpose of checking the possibility of the introduction of certain amendments.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 305, entitled:

An Act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania Motor Police sheriffs police officers and constables and providing penalties.

On the question,

Will the House agree to the bill on third reading?

Mr. TROUT. Mr. Speaker and members of the House, when this bill was up on second reading yesterday I overlooked the passage of it until it was too late. I am now asking the unanimous consent of the House to submit amendments.

The SPEAKER. The gentleman from Lancaster, Mr. Trout, asks unanimous consent to offer amendments at this time. Are there objections?

Mr. TAHL. Mr. Speaker, I object to the offering of amendments.

The SPEAKER. Does the gentleman from Philadelphia, Mr. Tahl, object to the amendments being read for the information of the House.

Mr. TAHL. Mr. Speaker, I do not object to having them read, but I object to the amendments going in.

The SPEAKER. The gentleman from Lancaster, Mr. Trout, asks unanimous consent to have his amendments read for the information of the House. Are there objections? The Chair hears none and the amendments will be read for the information of the House.

Mr. ANDREWS. Mr. Speaker, before these amendments are read, I would like to interrogate the gentleman from Lancaster, Mr. Trout.

The SPEAKER. Will the gentleman from Lancaster permit himself to be interrogated?

Mr. TROUT. I shall, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, have the amendments in question been submitted to the editorial staff of The Philadelphia Inquirer and have they been approved?

Mr. TROUT. Mr. Speaker, they have neither been submitted to the editorial staff of the Philadelphia Inquirer nor to the editorial staff of The Johnstown Democrat.

The SPEAKER. The Chair feels that the gentleman from Cambria is out of order, because he should know, as a newspaper man, that no newspaper man ever reveals the source of his information.

The amendments were read by the Clerk as follows:

Amend Section 1, page 2, line 5, by inserting after the word "substance" the following: "These provisions shall not apply to the sale or use of toy paper cap pistols and toy pistol paper caps which contain less than .20 grains of explosive mixture, the sale and use of which shall be permitted at all times."

The SPEAKER. The gentleman from Lancaster, Mr. Trout, asks unanimous consent for the consideration of the amendments. Are there objections?

Mr. TAHL. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

Mr. TROUT. Mr. Speaker, I yield to the gentleman from Schuylkill, Mr. Watkins.

Mr. WATKINS. Mr. Speaker and members of the House, due to the fact that the sponsor of this bill has refused to accept amendments offered by Mr. Trout, I wish to make a motion to recommit this bill to the Committee from which it originated, due to the fact that these amendments have been considered by the sponsor and I have understood that they were acceptable and it was also understood that the Committee is aware that they are acceptable. I also have a note which I just received from Senator James of the Judiciary Special Committee in the Senate—

The SPEAKER. Will the gentleman yield? Is the gentleman making a motion or discussing the bill?

MOTION TO RECOMMIT

Mr. WATKINS. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. WATKINS. Mr. Speaker, I also wish to state that the Senate is now making arrangements for a joint public hearing. Senator James of the Judiciary Special Committee asked whether it would be satisfactory to have this joint hearing on Tuesday next. Because of this fact, I think the proper attitude for the House members to take is to send the bill back to our Committee, give it a public hearing, and then afterward give it consideration.

Mr. TAHL. Mr. Speaker and members of the House, I rise to oppose this motion for this reason: This bill was introduced in February, and for weeks I begged the Chairman of the Committee to grant a public hearing and without success. After that bill had been in committee for a long time, and after the bill was forced out of committee by public opinion and demand for its passage, he seeks to delay and possibly destroy this bill by this dilatory motion.

Ladies and gentlemen of the House, this is a very important bill, a bill on which the lives and the health of the children of Pennsylvania depend. This is not a partisan measure. There isn't anybody who wants a public hearing outside of the lobbyists. The people of Pennsylvania know what it is all about, only the lobbyists and the manufacturers of fireworks desire a public hearing, and desire to delay this matter.

I ask the members of the House to vote down this motion. Let us pass the bill and then they can have a public hearing over in the Senate if they so wish.

Mr. KANE. Mr. Speaker, I would like to interrogate the gentleman from Schuylkill, Mr. Watkins.

The SPEAKER. Will the gentleman from Schuylkill permit himself to be interrogated?

Mr. WATKINS. I will, Mr. Speaker.

Mr. KANE. Mr. Speaker, will the gentleman from Schuylkill accept an amendment to his motion that the hearing be set within a reasonably short time and that the bill after the hearing be sent back to this House.

Mr. WATKINS. I will, Mr. Speaker, as I understand the public hearing is supposed to be on Tuesday.

MOTION TO AMEND

Mr. KANE. Mr. Speaker, I move to amend the motion of the gentleman from Schuylkill, that the bill be sent back to his Committee, with the understanding that the public hearing be held next week, and that the bill be then sent back to the House for consideration.

The SPEAKER. The Chair wishes to inform the gentleman from McKean that the Chair cannot accept a motion of that nature unless it is put in writing.

Mr. ANDREWS. Mr. Speaker and members of the House, I am very much interested in this bill. I am very much interested in the statement made by the gentleman from Philadelphia that this bill has been forced out of Committee by public sentiment. Like a late lamented philosopher, "All I know is what I read in the papers," and in picking up a Philadelphia Journal a few days ago I read in the opening paragraph that as a result of the prodding of the Philadelphia Inquirer the Committee has been forced to report this bill to the floor of the House. Now that is a peculiar birth. It is not a natural birth, it is more in the nature of a Caesarian operation, which would probably render the child a bit sickly and should not be promiscuously tossed about.

I can remember back in the latter days of 1937 when the brilliant correspondents of the Philadelphia Record stated that this bill and that bill, this policy and that policy had been promulgated on behalf of the Legislature by the Record, and that is fine. I presume newspaper men so seldom get into the Legislature that they are privileged to run it by remote control. Anyway the period of supremacy for the Philadelphia Record having passed, we are now in the days of the Philadelphia Inquirer, and it is something to think about, when a paper can openly announce to the public that as a result of its particular prodding this Legislature has passed any particular thing.

I would say to the membership of the House, in view of the leadership that has been established, it is probably a bit dangerous to interfere with the orders of the seat of authority. The newspaper men in 1938 elaborated the policies which eventually licked the Democratic party, and I have no doubt that given their head the newspaper men in 1939 will elaborate policies that will eventually lick the Republicans. So I think it will be dangerous for that side of the House to do anything with this bill but to let it lie on the calendar and vote it through in due order. You will be castigated, you will be held up to public ridicule and various things will happen to you if you do not take the orders.

I think, therefore, that I will submit to the rod. An editor is a better boss than a politician, and if an editor wishes this bill to pass, I think, even though he belongs on the other side, I will accept his directions, and run no risk. Therefore, I am very sorry that I cannot support the motion made by the gentleman from Schuylkill. I must remain true to the leadership of the profession.

The SPEAKER. The Chair would inquire of the gentleman from Cambria whether that was a plea for leadership.

Mr. ANDREWS. No, Mr. Speaker, having spent nearly three months in search for the seat of authority in this administrtaion and in this legislature, and having now definitely located it in the office of a particular newspaper, I'm going to keep close to it.

Mr. OMINSKY. Mr. Speaker and members of the House, I do not think those who are for this particular measure are for it because any particular newspaper has been prodding for the passage of it. I believe all the newspapers of Philadelphia, including the Philadelphia Inquirer, the Record, The Bulletin and the Ledger, and everyone I can think of, have been advocating the passage of this bill——

POINT OF ORDER

Mr. TROUT. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Lancaster will state his point of order.

Mr. TROUT. Mr. Speaker, are we discussing Philadelphia newspapers or are we discussing the motion to recommit this bill?

The SPEAKER. The question is on the motion to recommit.

Mr. OMINSKY. Mr. Speaker and members of the House, in discussing the motion to recommit this bill, and in opposing the motion, I ask the members of this House who have children and those who may have children in the future to oppose the motion to recommit. I say this, that the prodding was not the cause for the bills coming out of Committee, it was not because of the prodding of any one newspaper. It was because of the prodding by the parents of the children who are hurt on the Fourth of July, or before that time, by fireworks.

Therefore I ask all the members of this House to vote against recommitting the bill, because in doing so you and I know it will have its demise in the committee.

Mr. TROUT. Mr. Speaker and members of the House, for the information of the gentleman from Philadelphia, Mr. Ominsky, I happen to have a few children, and my gray hairs would indicate that I have a couple of grandchildren. I am just as much concerned about their safety as any other father or grandfather dare to be. However, we have an amendment here which I offered, which seeks to exempt paper caps and paper cap pistols and regulating the amount of explosives. I realize the danger of fireworks and I realize that this is good legislation. I am not saying this to appease the wrath of the Philadelphia Inquirer either, but I do think this, Mr. Speaker and members of the House, that the sponsor of this bill should have permitted a vote on this amendment. I think it is unfair to simply object. I probably am to blame because of my oversight last night, but I do not see why the membership cannot express their opinion on this amendment.

Mr. ACHTERMAN. Mr. Speaker and members of the House, since the gentleman from Philadelphia, Mr. Tahl, states that the bill is not a political one, I feel that perhaps I am in position to state that I can agree with the motion of the gentleman to recommit the bill.

I make that statement for the reason that I understand the amendment proposed by the gentleman from Lancaster, Mr. Trout, had in effect been agreed upon, and through error had not been offered when the bill was on second reading. If there was such an agreement certainly no one should start welching upon an agreement, and I feel we are morally bound to see that the gentleman from Lancaster, Mr. Trout, has the opportunity to have his amendment acted upon.

For the second reason, on next Tuesday, as I understand, there will be a hearing for the purpose of discussing the merits of this bill and perhaps some other bills that have been offered. If the legislation now before us is so valuable, if it is so much in demand, if the public wants it so badly, certainly the gentleman from Philadelphia, Mr. Tahl, has no reason to fear the outcome of the public hearing. Instead of trying to rush and cram this bill through this House, certainly the members of the House have a right to accept and receive the same information, the same knowledge that is going to be transmitted to the Senate at the public hearing next Tuesday. Certainly we can pass more intelligently upon legislation after we hear their stories. Not only is the general public interested in this bill, as Mr. Tahl has stated, but also the manufacturers and many others.

If we were adjourning, Mr. Speaker, in a week or tw weeks, I could understand the hurry of the gentlema but I feel pretty certain that we will not adjourn withi the next two weeks and very, very likely, not on May 1 The gentleman will have an opportunity to get this bi out of Committee again if they do not see fit to send to the House. In the meantime the members of the Hous will have the benefit of the information that will be re ceived next Tuesday. In addition to that, the gentle man from Lancaster, Mr. Trout, will have an opportunit to present his amendment to the Committee. Therefor I ask the members of the House to support this motio to recommit the bill, not with the thought of killing th bill, but with the thought of trying to secure some perfec legislation.

Mr. KANE. Mr. Speaker and members of the Hous I am supporting this bill to recommit for a public hearin not because of any influence by anyone. I may say, M Speaker, that I have had the personal experience of bein laid up in a wheel chair for a long time as the result of Fourth of July accident, but on the other hand, I thin everyone is entitled to have a hearing, and I would no want any personal prejudice to enter into the matte There will be no time lost by having this joint hearing o the House and Senate as quickly as next Tuesday. An the gentleman from Lancaster is one of those who has th least often been urging delay and he is in favor of allow ing the public rather than the newspapers to be hear although he himself is a newspaper man. I urge upon th members of this House to send this bill back as the ex pedient method of getting the actual facts known to bot the House and the Senate so that the bill may be enacte during this Session, and that we may not flunk out as w did in the other Session.

Mr. TAHL. Mr. Speaker and members of the House, think the gentleman from Monroe was in error when h made the statement that there was an agreement. Ther wasn't any agreement, nobody ever approached the spon sor and asked him to present amendments. I don't kno where they get that information. I speak for myself an for Mr. Hamilton when I say that we never agreed to an amendments because we feel that this amendment woul destroy the effectiveness of the bill, and we would no agree to it. Had we agreed to anything like that we migh as well have nullified the bill. This amendment is jus as dangerous, the sale of cap pistols is just as dangerou as any other fireworks.

Now, as to those interested in the bill as it is at pres ent, and in opposing this motion, I want to read you th names of those who are in favor of the passage of thi bill:

The American Legion; The Pennsylvania Association fo the Blind; The Women's Clubs of Pennsylvania; The Penn sylvania Working Home for the Blind; The Hospital As sociations of Pennsylvania; The Philadelphia Medical So ciety; The Chestnut Hill League of Women Voters; Th Philadelphia Federation of Women's Clubs, and man other civic associations.

Now, in this sudden plea for consideration of the bil there is nothing to it. The bill provides that the sale o any fireworks is prohibited except for exhibition purpose under proper regulation. There isn't anything else tha has to be said about the bill.

The old method has been to send a bill back to committee, which is equivalent to a sentence of death.

Now, I do not think that the members of this House want to defeat this bill. I think the members are entitled to express their views, I think the members are entitled to protect children from being maimed and crippled and blinded as a result of fireworks, and I therefore ask the members of this House to vote down this motion.

Mr. AUKER. Mr. Speaker and members of the House, I rise to support this motion, but first let me say that I am very heartily in favor of the bill, and the main reason why I am supporting this motion is this: Entirely due to oversight by our colleague from Lancaster County, Mr. Trout, he did not offer this amendment last night on second reading, and if this amendment is important to Mr. Trout in his home community, he should be allowed to have the right to offer it. Merely because of oversight on his part last night in passing up the bill on second reading and not getting his amendment offered, is no reason why we should now be so unfair as to say that he cannot now offer it. The House has the right to vote down the amendment when it is proposed. You have the vote. If you don't want the amendment, vote it down, but for Heaven's sake treat the gentleman fairly, let us give him a chance to offer his amendment. I know that if we would be in a similar position, if a bill came up that was important to us—

POINT OF ORDER

Mr. BAKER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. BAKER. Mr. Speaker, are we on the amendment or on the motion to recommit.

The SPEAKER. We are on the motion to recommit.

Mr. BAKER. Mr. Speaker, the gentleman is not speaking on the motion.

The SPEAKER. The gentleman will confine his remarks to the motion to recommit.

Mr. AUKER. Mr. Speaker, I am speaking on the motion because I am explaining my reason for supporting the motion.

The SPEAKER. The gentleman will proceed.

Mr. AUKER. Mr. Speaker, I say if we were in a similar position we would ask the members of this House to support us in asking unanimous consent to offer amendments. I consider it unfair for the sponsor of this bill to object to Mr. Trout offering amendments, and if he does not withdraw his objection I rise to support the motion to recommit the bill.

Mr. SWEENEY. Mr. Speaker and members of the House, if Mr. Trout's amendment is as advisable as he thinks, on Tuesday there is going to be a public hearing over in the Senate and the members of the House are all invited. You will hear the amendments and listen to the arguments pro and con. If the Senate of Pennsylvania feels that this amendment should be inserted in the bill then the bill will have to come back to this House for concurrence and the members who are anxious to vote on this amendment will have the opportunity at that time to do so. Why delay it now? If you don't want the amendment, you can vote it down, if you do want the amendment, you can vote for it.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. Tahl and Mr. Kane and were as follows:

YEAS—43

Achterman,	Burris,	Kane,	Stewart,
Allen,	Calvin,	Kline,	Terry,
Alspach,	Carpenter,	Kowalski,	Trout,
Andrews,	Cohen, H. B.,	Leisey,	Voorhees,
Atkins,	Fleming,	Leydic,	Watkins,
Auker,	Freed,	Long,	Webster,
Baker,	Fullerton,	Matthews,	Weiss,
Bardes,	Gates,	Reese, R. E.	Westrick,
Bronson,	Gillan,	Rhodes,	Wilson,
Brown, H. S.,	Huntley,	Rosenfeld,	Wood, N.,
Brown, S. W.,	Jirolanio,	Royer,	

NAYS—117

Ackermann	Ewing,	McKinney,	Schrock,
Allmond,	Fauset,	McLane,	Schrope,
Balliet,	Finnerty,	McNally,	Schwab,
Balthaser,	Fisher,	McVay,	Seif,
Boies,	Fiss,	Melchiorre,	Shearer,
Boney,	Flanagan,	Mihm,	Skale,
Boose,	Foor,	Montgomery,	Sloan,
Bower,	Gillette,	Mooney,	Snyder,
Boyd,	Habbyshaw,	Moran,	Stambaugh,
Bretherick,	Haines,	Moser, J. L.,	Stank,
Brunner,	Hall,	Muir,	Stockham,
Burns,	Hamilton,	Munley,	Sweeney,
Cadwalader,	Harbeson,	O'Brien,	Tahl,
Check,	Haudenshield,	O'Connor,	Tarr,
Chervenak,	Henry,	O'Dare,	Taylor,
Christler,	Hess,	O'Keefe,	Thistle,
Clark,	Hoyt,	Ominsky,	Thompson, G. R.,
Clearwater,	James,	O'Neill,	Tiemann,
Cohen, R. E.,	Jones,	Powers,	Tronzo,
Cook,	Keenan,	Preston,	Van Belle,
Cooper,	Kenehan,	Readinger,	Wagner,
Cordier,	Knoble,	Reagan,	Welsh, E. B.,
Corrigan,	Krise,	Reese, D. P.,	Welsh, M. J.,
Cortese,	Lee,	Riley,	Williams,
Curran,	Levy,	Robertson,	Winner,
Dalrymple,	Lichtenwalter,	Rooney,	Wood, H. M.,
Denman,	Malloy,	Rose,	Wood, L. H.,
Dick,	Marr,	Roseberry,	Woodside,
Dix,	McClester,	Sarraf,	Yeakel,
Donahue,	McGarrity,	Scanlon,	

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

RECONSIDERATION OF VOTE

Mr. TROUT. Mr. Speaker, I move that the vote by which this bill was ordered to be transcribed for third reading be reconsidered.

Mr. McKINNEY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Lancaster, Mr. Trout, vote on the motion?

Mr. TROUT. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Venango, Mr. McKinney, vote on the motion?

Mr. McKINNEY. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

Mr. TAHL. Mr. Speaker and members of the House, I regret that I cannot accede to the motion of the gentleman from Lancaster. This is not a question of doing a favor. It is an important thing, it transcends things of that sort. This motion to reconsider is a dilatory motion, and I ask the members to vote it down.

Mr. KANE. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Tahl.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. TAHL. I shall, Mr. Speaker.

Mr. KANE. Mr. Speaker, will Mr. Tahl concede that if this bill goes to the Senate, that the Chairman of the Committee in the Senate to whom the bill will go, if he desires a public hearing can hold one anyhow?

Mr. TAHL. Mr. Speaker, that is correct.

Mr. KANE. Mr. Speaker, will the gentleman concede that the difference between the two procedures, the one that we advocate and the one that he advocates is that under the one that he advocates the bill will be in the hands of the Senate committee, whereas in the procedure that we advocate the bill will be in the control of the House committee. Does the gentleman from Philadelphia concede that?

Mr. TAHL. Mr. Speaker, in answer to the gentleman from McKean, I would say this: We have duties to perform and we perform them in the manner we see fit. What the Senate does is a matter for them to determine.

Mr. KANE. Mr. Speaker, that is not an answer to my question. It having been at the request of the Senate Chairman that a joint hearing be held for the purpose of explaining the bill as I understand it, will the gentleman from Philadelphia concede that he is only holding up the enactment of the bill that he is sponsoring by insisting upon these dilatory tactics, when the thing could be considered in the House of which he is a member rather than in the Senate, of which he is not a member?

Mr. TAHL. Mr. Speaker, I do not agree with the gentleman from McKean. It is his method that is dilatory and delaying consideration of this bill. I have been trying for weeks to get this bill out of Committee, and now when the bill is before the House, various motions are made to send it back for reconsideration. Mr. Speaker, I cannot agree at this time to reconsider the bill. This bill is before the House for final passage, and I ask that the motion be voted down.

Mr. TROUT. Mr. Speaker and members of the House, I want to correct the statement made by the gentleman from Philadelphia, Mr. Tahl, that these are dilatory tactics. They are not, but we do believe that we should be permitted to present this amendment and have the House vote on it. If it is defeated I am perfectly satisfied, but the dilatory tactics are displayed by the sponsors of this bill, not by those who are trying to get fair play by a vote on this amendment.

As I stated before, I am in favor of the regulation of fireworks but I am not in favor of passing on this bill as a whole without the House having an opportunity to vote on this one amendment. If it is defeated I am perfectly satisfied but I don't think it is fair to ram the thing through without giving an opportunity to the members to express their views on the matter.

Mr. KANE. Mr. Speaker and members of the House, in supporting the motion of the gentleman from Lancaster to reconsider the vote by which the bill passed second reading in the House, I wish to state that I have good reasons not to support the amendment offered by the gentleman from Lancaster. I am, however, determined to help him in his fight as far as I can to give an opportunity in the House, of which he is a member, for consideration of his amendment, rather than in the Senate of which he is not a member, and I request the members on the Democratic side particularly who consider themselves to be liberals, and the members of the Republican side have had the recent experience of having their suggestions voted down, sometimes in a very undesirable manner, (and it was that very type of tactics to a large extent which contributed in the defeat of the Democratic party) to support him in getting consideration. Therefore, Mr. Speaker, I urge the members of this House to give to a member of the House an opportunity to have his amendments presented to the House and heard here rather than to continually shove our mistakes and misfits over into the Senate to be cleaned up. This has been a continuous record of disgrace to the membership of this House. I have the utmost respect for the membership of this House and I think we have character and ability to consider amendments and then vote for them or else vote them down. My personal intention (for the information of the opposition) if we can come to a show-down is to vote against the amendment. But I do think that we should go through the maneuvers as quickly as possible, put this amendment to the test, make our own decisions rather than accede to the pressure of certain newspapers in Philadelphia.

Mr. JOHN N. HOFFMAN. Mr. Speaker and ladies and gentlemen of the House, this problem that we are dealing with today is a problem that I think ought to be approached from the standpoint of reasonableness. I think the spirit of doing unto others as we would have others do unto us is a good rule by which our judgment should be swayed today. I cannot reconcile myself to feel that the splendid qualities of the members of this House, as I know them will be lowered because of refusal on their part to listen to a reasonable request. The granting of that request does not necessarily imply or guarantee that the suggested amendment that the gentleman from Lancaster has in mind will be made part of the bill, but in fairness to the gentleman who has made this request, I feel that we ought to be in position today to grant that request.

Personally as I feel at this time, I am not in favor of the amendment offered, because I do not believe that it avoids the appearance either of evil or danger along the line of the use of fireworks, but irrespective of my personal judgment in the case, I believe that the House ought to be in full accord. I feel we are capable here today to deal with this situation from that standpoint. The gentleman from Lancaster, Mr. Trout, in all fairness ought to have the opportunity of having this matter deferred until his amendments can be put on the floor of the House. It will then be up to the good judgment of the members of this House to determine whether this amendment should pass or whether the bill in its present form should pass, and I think that we will all gladly acquiesce. The spirit of fairness and the manifestation of that spirit I think ought to prevail among the men and ladies of the House. I believe that we ought to accord to the gentleman from Lancaster the courtesy of acceding to the request he makes.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

Mr. TROUT. Mr. Speaker, I move that the vote by which the House agreed to the bill on second reading be reconsidered.

Mr. McKINNEY. Mr. Speaker, I second the motion.

The motion was agreed to.

Mr. TROUT. Mr. Speaker, I move that the vote by which the title was agreed to be reconsidered.

Mr. McKINNEY. Mr. Speaker, I second the motion.

The motion was agreed to.

Mr. TROUT. Mr. Speaker, I move that the vote by which the various sections were separately agreed to be reconsidered.

Mr. McKINNEY. Mr. Speaker, I second the motion.

The motion was agreed to.

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The term "fireworks" shall mean and include any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion explosion deflagration or detonation and shall include blank cartridges toy pistols toy cannons toy canes or toy guns in which explosives are used the type of balloons which require fire underneath to propel the same firecrackers torpedoes skyrockets Roman candles Daygo bombs sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound or any tablets or other device containing any explosive substance

The term "municipalities" shall include cities boroughs incorporated towns and townships

On the question,

Will the House agree to the section?

Mr. TROUT. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 1, Page 2, Line 5, by inserting after the word "substance" the following: "These provisions shall not apply to the sale or use of toy paper cap pistols and toy pistol paper caps which contain less than .20 grains of explosive mixture, the sale and use of which shall be permitted at all times."

On the question,

Will the House agree to the amendments?

Mr. TAHL. Mr. Speaker and members of the House, I rise to oppose this amendment for the reason that these toy pistols, I am informed by doctors and others who are more familiar with fire burns, are just as dangerous as any other fire cracker. Any burn from a pistol cap causes tetanus which is poisoning and requires antitoxin. I am informed by the Marshal in Philadelphia that most of the children who were injured last July, approximately three hundred, their injuries were caused by cap pistols and that some of them died.

Now, members of this House, I don't want to take up any more time speaking on this bill and this amendment, but I feel that you want to have an effective bill, a bill that is going to do the things that you want done, namely, to save the children of Pennsylvania, and I ask you to vote down this amendment.

Mr. TROUT. Mr. Speaker and members of the House, I do not propose to continue this discussion. I do want to express my appreciation to the members of the House for permitting a vote on this amendment. I want to say to you, ladies and gentlemen of the House, use your own judgment and vote as you feel, and I will be perfectly satisfied and the rest of my colleagues from Lancaster will also be satisfied.

Mr. LONG. Mr. Speaker and members of the House, as the sponsor of a similar fire-works' bill in the last extraordinary session of the Legislature, I rise to oppose this amendment to the bill, but on different ground than the gentleman from Philadelphia, Mr. Tahl.

This bill does not contain any severability clause as to the constitutionality of the bill and I am afraid that arbitrary classification as to the amount of explosive to be used in toy paper caps would affect the constitutionality of the entire bill. It might spoil the good work of the Committee on Municipal Corporations, the press, the public and all others concerned in this humane piece of legislation. I therefore think it will be much preferable to pass the bill as it is.

Mr. JOHN N. HOFFMAN. Mr. Speaker and members of the House, I feel that I owe it to myself to make a statement at this time, because I am placed in the position where I will have to take the opposite view from that of my good friend, Mr. Trout, from Lancaster. The amendment offered in my judgment does not control the element of danger involved in the use of fire-works. The limitation by which the amendment sets up certain uses of fire works by limiting the powder content might bring about the same situation as prevailed in prohibition days when three per cent beer prevailed. More often it was over loaded and there was hardly a method of regulation.

I speak from personal experience. I know of several cases in the past several years in my own community where children were seriously injured, some suffering from tetanus, because of the use of pistols, toy pistols and paper caps. Therefore much to my regret I am not in a position to support the amendment and will necessarily have to vote, "No."

Mr. VAN BELLE. Mr. Speaker and members of the House, as one who would not have objected to Mr. Trout's offering his amendment, at the same time I rise to oppose this amendment. I might state further that I have never doubted for a minute that he was motivated by the most honest and sincere thought of serving the constituents of his community to the best of his ability.

There is one angle in connection with the use of these toy cap pistols that I haven't heard anyone discuss yet, I have children. Aside from the possibility of being injured by these toy cap pistols, I will be perfectly frank in telling you that I want my children to get out of the habit of playing with cap pistols or any other type of firearms, and I think most of the members of this House feel the same way. That is an angle that I think we should consider. I don't want the kids to get into the habit of playing with guns. I therefore ask the members of this House to vote down this amendment.

Mr. SHEARER. Mr. Speaker and members of the House, House Bill No. 305 is practically the same bill that was introduced into the 1937 special session and was defeated by only a few votes. This bill was largely originated by the Shippensburg Post of the American Legion two years ago. Public opinion has demanded a safe bill. The amendment makes it an unsafe bill. I ask that the amendment be voted down.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. Tahl and Mr. Tiemann and were as follows:

YEAS—21

Achterman,	Hess,	Readinger,	Watkins,
Alspach,	Kline,	Rosenfeld,	Weiss,
Andrews,	Lovett,	Royer,	Wilson,
Broad,	Moran,	Schrope,	Wood, N.,
Cohen, H. B.,	Powers,	Trout,	Turner,
Gates,			Speaker.

NAYS—128

Ackermann,	Cordier,	Krise,	Sarraf,
Allmond,	Cortese,	Leisey,	Schwab,
Atkins,	Curran,	Levy,	Shearer,
Auker,	Dalrymple,	Long,	Skale,
Baker,	Denman,	Madden,	Sloan,
Balliet,	Dick,	Malloy,	Snyder,
Balthaser,	Dix,	Matthews,	Sollenberger
Bardes,	Donahue,	McClester,	Stank,
Bennett,	Downey,	McKinney,	Stewart,
Boles,	Eckels,	McLane,	Stockham.
Boney,	Ely,	McNally,	Sweeney,
Boose,	Ewing,	McVay,	Tahl,
Bower,	Fauset,	Melchiorre.	Tarr,
Boyd.	Finnerty,	Montgomery.	Taylor,
Brancato,	Fisher,	Mooney,	Thistle.
Bretherick,	Fiss,	Moser, F. S.	Thompson, G.R.,
Bronson,	Flanagan,	Moser, J. L.	Tiemann,
Brown, H. S.,	Foor,	Munley,	Tronzo,
Brown, S. W.,	Gillette,	O'Connor,	VanAllsburg,
Brunner,	Habbyshaw,	O'Dare,	Van Belle,
Burns,	Haines,	O'Keefe,	Voorhees,
Burris,	Hall,	Ominsky,	Wagner.
Cadwalader,	Hamilton,	O'Neill,	Webster,
Calvin,	Harbeson,	Peacock,	Welsh, E. B.,
Carpenter,	Hoffman, J. N.,	Reagan,	Welsh, M. J.,
Check,	Holland,	Reese, D. P.,	Westrick,
Chervenak,	Huntley,	Reese, R. E.	Williams,
Christler,	Imbrie,	Regan,	Winner,
Clark,	James,	Rhodes,	Wood, H. M.,
Clearwater,	Jones,	Rider,	Wood, L. H.,
Cohen, R. E.,	Kane,	Sarge,	Woodside,
Cooper,	Keenan,		Yeakel,

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The second, third, fourth, fifth, sixth, seventh and eighth sections and title were separately read and agreed to as follows:

Section 2 Except as hereinafter provided it shall be unlawful for any person copartnership association or corporation to offer for sale expose for sale sell at retail or use or explode any fireworks Provided That the governing body of any city borough town or township shall have power under reasonable rules and regulations adopted by it to grant permits for supervised public displays of fireworks to be held therein by municipalities fair associations amusement parks and other organizations or groups of individuals Every such display shall be handled by a competent operator to be approved by the governing body of the municipality in which the display is to be held and shall be of such a character and so located discharged or fired as in the opinion of the chief of the fire department or such other officer as may be designated by the governing body of the municipality after proper inspection shall not be hazardous to property or endanger any person or persons Application for permits shall be made in writing at least fifteen (15) days in advance of the date of the display After such privilege shall have been granted sales possession use and distribution of fireworks for such display shall be lawful for that purpose only No permit granted hereunder shall be transferable

Section 3 The governing body of the municipality shall require a bond deemed adequate by it from the licensee in a sum not less than fire hundred dollars ($500) conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the licensed display and arising from any acts of the licensee his agents employees or sub-contractors

Section 4 Nothing in this act shall be construed to prohibit any resident wholesaler dealer or jobber to sell at wholesale such fireworks as are not herein prohibited or the sale of any kind of fireworks provided the same are to be shipped directly out of state or are to be used by a person holding a permit from any municipality at the display covered by such permit or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination or when used in quarrying or for blasting or other industrial use or the sale of use of blank cartridges for a show or theatre or for signal or ceremonial purposes in athletics or sports or for use by military organizations or organizations composed of Veterans of the United States Army or Navy.

Section 5 The Pennsylvania Motor Police or any sheriff police officer or constable shall seize take remove or cause to be removed at the expense of the owner all stocks of firworks or combustibles offered or exposed for sale stored or held in violation of this act

Section 6 Any person copartnership association or corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars ($100) or in the case of individuals the members of a partnership and the responsible officers and agents of an association or corporation by imprisonment in the county jail not exceeding ninety (90) days or by both such fine and imprisonment

Section 7 All acts and parts of acts inconsistent herewith are hereby repealed.

Section 8 This act shall become effective immediately upon its final enactment

An Act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania Motor Police sheriffs police officers and constables and providing penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 508, entitled:

An Act validating county treasurers sales for delinquent taxes when such sales were held contrary to an act of Assembly requiring the adjournment or readjournment of such sales to a later date.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Downey,	Levy,	Sarge,
Ackermann,	Eckels,	Leydic,	Sarraf,
Allen,	Ely,	Lichtenwalter,	Scanlon,
Allmond,	Ewing,	Long,	Schrock,
Alspach,	Falkenstein,	Lovett,	Schrope,
Andrews,	Fauset,	Lyons,	Schwab,
Atkins,	Finnerty,	Madden,	Seif,
Auker,	Fisher,	Malloy,	Serrill,
Baker,	Fiss,	Malone,	Shaw,
Balliet,	Flanagan,	Marr,	Shearer,
Balthaser,	Fleming,	Matthews,	Simon,
Bardes,	Foor,	McClester,	Skale,
Bennett,	Freed,	McGarrity,	Sloan,
Bohn,	Fullerton,	McKinney,	Snyder,
Boles,	Furman,	McLane,	Sollenberger,
Boney,	Gates,	McNally,	Stambaugh,
Boorse,	Gillan,	McVay,	Stank,
Boose,	Gillette,	Melchiorre.	Stewart,

Bower,	Goll,	Mihm,	Stockham,
Boyd,	Gorski,	Montgomery,	Sweeney,
Brancato,	Habbyshaw,	Mooney,	Tahl,
Bretherick,	Haines,	Moran,	Tarr,
Broad,	Hall,	Moser, F. S.,	Taylor,
Bronson,	Hamilton,	Moser, J. L.,	Terry,
Brown, H. S.,	Harbeson,	Muir,	Thistle,
Brown, S. W.,	Haudenshield,	Munley,	Thompson, G. R.,
Brunner,	Henry,	O'Brien,	Tiemann,
Burns,	Hess,	O'Connor,	Tronzo,
Burris,	Hewitt,	O'Dare,	Trout,
Cadwalader,	Hindman,	O'Keefe,	VanAllsburg,
Calvin,	Hocke,	Ominsky,	Van Belle,
Carpenter,	Hoffman, J. N.,	O'Neill,	Voorhees,
Check,	Hoffman, S. K.,	Peacock,	Wagner,
Chervenak,	Holland,	Peale,	Walsh,
Christler,	Hoyt,	Powers,	Watkins,
Clark,	Huntley,	Preston,	Webster,
Clearwater,	Imbrie,	Readinger,	Weiss,
Cohen, H. B.,	James,	Reagan,	Welsh, E. B.
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Welsh, M. J.,
Cook,	Johnston,	Reese, R. E.,	Westrick,
Cooper,	Jones,	Regan,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 755, as follows:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 65) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective to cure such defective publication of sale notices and validate the sale thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All proceedings and elections heretofore had and held by any county city borough township school district or other municipality or incorporated district within this Commonwealth to increase its indebtedness under the method of procedure specified by the provisions of an act of Assembly entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 65) and the acts amendatory thereof and supplementary thereto where the majority of votes cast at such election was in favor of the increase of indebtedness be and the same are hereby ratified confirmed and made valid notwithstanding such election was held within ninety days after the general election notwithstanding the date of the ordinance or vote deciding such increase was within ninety days after a general election and notwithstanding any defect or informality in the manner of holding mode of conducting or giving notice of such election or in form of the ballot and notwithstanding that the polls at such election were not open a full number of hours provided by law and notwithstanding any patent error of orthography or of numerical statement on any or all of the ballots

All of the bonds securities and obligations issued or to be issued in pursuance of every such election are hereby made valid and binding obligations of every such county city borough township school district or other municipality or incorporated district and also in case any municipal bonds have been sold by a municipality and the publication of notices of the sale have been defective all such bonds securities and obligations sold under defective publication of the notices of such sale are hereby made valid and binding obligations of every such county city borough township school district or other municipality or incorporated district Provided That all the other requirements of law concerning such procedure election and issue of bonds have been complied with And provided further That the provisions of this act shall not apply in any instance where the validity of such election or any issue of bonds or other security based thereon has been made the subject of litigation in any court of the Commonwelath prior to the approval of this act nor to any litigation in any court of this Commonwealth instituted prior to the passage of this act and still pending and undetermined

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203.

Achterman,	Downey,	Levy,	Sarge,
Ackermann,	Eckels,	Leydic,	Sarraf,
Allen,	Ely,	Lichtenwalter,	Scanlon,
Allmond,	Ewing,	Long,	Schrock,
Alspach,	Falkenstein,	Lovett,	Schrope,
Andrews,	Fauset,	Lyons,	Schwab,
Atkins,	Finnerty,	Madden,	Seif,
Auker,	Fisher,	Malloy,	Serrill,
Baker,	Fiss,	Malone,	Shaw,
Balliet,	Flanagan,	Marr,	Shearer,
Balthaser	Fleming,	Matthews,	Simons,
Bardes,	Foor,	McClester,	Skale,
Bennett,	Freed,	McGarrity,	Sloan,
Bohn,	Fullerton,	McKinney,	Snyder,
Boies,	Furman,	McLane,	Sollenberger,
Boney,	Gates,	McNally,	Stambaugh,
Boorse,	Gillan,	McVay,	Stank,
Boose,	Gillette,	Melchiorre,	Stewart,
Bower,	Goll,	Mihm,	Stockham,
Boyd,	Gorski,	Montgomery,	Sweeney,
Brancato,	Habbyshaw,	Mooney,	Tahl,
Bretherick,	Haines,	Moran,	Tarr,
Broad,	Hall,	Moser, F. S.,	Taylor,
Bronson,	Hamilton,	Moser, J. L.,	Terry,
Brown, H. S.,	Harbeson,	Muir,	Thistle,
Brown, S. W.,	Haudenshield,	Munley,	Thompson, G. R.,
Brunner,	Henry,	O'Brien,	Tiemann,
Burns,	Hess,	O'Connor,	Tronzo,
Burris,	Hewitt,	O'Dare,	Trout,
Cadwalader,	Hindman,	O'Keefe,	VanAllsburg,
Calvin,	Hocke,	Ominsky,	Van Belle,
Carpenter,	Hoffman, J. N.,	O'Neill,	Voorhees,
Check,	Hoffman, S. K.,	Peacock,	Wagner,
Chervenak,	Holland,	Peale,	Walsh,
Christler,	Hoyt,	Powers,	Watkins,
Clark,	Huntley,	Preston,	Webster,
Clearwater,	Imbrie,	Readinger,	Weiss,
Cohen, H. B.,	James,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Welsh, M. J.,
Cook,	Johnston,	Reese, R. E.,	Westrick,
Cooper,	Jones,	Regan,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,

Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.
Donohoe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1063, as follows:

An Act to add section six hundred twenty-one and one-tenth to and to further amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining and regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article six of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended by adding after section six hundred twenty-one thereof a new section to read as follows

Section 621.1 Group Accident and Health Insurance (a) Group Accident and Health Insurance is hereby declared to be that form of accident and health insurance covering not less than twenty-five employees or members and which may include the employees or members dependents written under a master policy issued to any governmental corporation unit agency or department thereof or to any corporation copartnership individual empolyer or to any association or organization of employees of one employer its affiliates or subsidiaries or to the members of any labor union or to any oganization or association of Federal or State employees or school teachers or school employees or nurses where officers members employees or classes or departments thereof may be insured for their individual benefit

(b) Any insurer authorized to write accident and health insurance in this State shall have power to issue group accident and health policies No policy of group accident and health insurance may be issued or delivered in this State unless a copy of the form thereof shall have been filed with the Insurance Commissioner and approved by him in accordance with section six hundred sixteen of this act No such policy shall be issued or delivered unless it contains in substance the following provisions

(1) A provision that the policy the application of the employer or executive officer or trustee of any association and the individual application if any of the employes or members insured shall constitute the entire contract between the parties and that all statements made by the employer or the executive officer or trustee or by the individual employes or members shall (in the absence of fraud) be deemed representations and not warranties and that no such statement shall be used in defense to a claim under the policy unless it is contained in a written application

(2) A provision that the insurer will issue to the employer or to the executive officer or trustee of the association for delivery to each employe or member who is insured under such policy an individual certificate setting forth a statement as to the insurance protection to which he is entitled to whom payable and such limitations or requirements in the master policy as may pertain to the individual insured thereunder

(3) A provision that to the group or class thereof originally insured shall be added from time to time all new employes of the employer or members of the association eligible to and applying for insurance in such group or class

(4) A provision stating when the insurance takes effect and when it terminates

(5) A provision that all premiums are payable to the insurer at its home office or to its duly authorized agent if so provided on or before the due date thereof that premium adjustments corresponding to changed conditions shall be granted at the premium due date next succeeding such change after the insurer has had due notice thereof

(6) A provision that written notice of injury or sickness on which a claim or claims may be based shall be given to the insurer at its home office within ten (10) days after the date of the accident causing injury or within twenty (20) days after the commencement of disability from such sickness in event of accidental death immediate notice thereof must be given to the insurer provided that failure to give such notice within such time shall not invalidate any such claim if it shall be shown that such notice was given as soon as reasonably possible and without unnecessary delay

(7) A provision that affirmative proof of loss must be furnished to the insurer at its office in case of claim for loss of time from disability within ninety (90) days after the termination of the period for which the insurer is liable and in case of claim for any other loss within ninety (90) days after the date of such loss

(8) A provision to the effect that no action at law or in equity shall be brought to recover on such policy prior to the expiration of sixty (60) days after proof of loss has been filed in accordance with the requirements thereof nor shall such action be brought at all unless brought within two (2) years from the expiration of the time within which proof of loss is required by such policy

(c) Family expense accident and health insurance is hereby declared to be that form of accident and health insurance covering members of any one family including husband and wife and children written under a master policy issued to the head of such family Any insurance company authorized to write accident and health insurance in this State shall have the power to issue family expense accident and health insurance No policy of family expense accident and health insurance may be issued or delivered in this State unless copy of the form thereof shall have been filed with the Insurance Commissioner and approved by him in accordance with section six hundred sixteen of this act No such policy shall be issued or delivered unless it contains in substance the following provisions

(1) A provision that the policy and the application of the head of the family shall constitute the entire contract between the parties and that all statements made by the head of the family shall in the absence of fraud be deemed representations and not warranties and that no statement shall be used in defense to a claim under the policy unless it is contained in a written application

(2) A provision that to the family group originally insured shall be added from time to time all new members of the family eligible for insurance in such family group

(3) A provision that written notice of injury or sickness on which a claim or claims may be based shall be given to the insurer at its home office within ten (10) days after the date of the accident causing such injury or

within twenty (20) days after the commencement of disability from such sickness in event of accidental death immediate notice thereof must be given to the insurer provided that failure to give such notice within such time shall not invalidate any such claim if it shall be shown that such notice was given as soon as reasonably possible and without unnecessary delay

(4) A provision that affirmative proof of loss must be furnished to the insurer at its office in case of claim for loss of time from disability within ninety (90) days after the termination of the period for which the insurer is liable and in case of claim for any other loss within ninety (90) days after the date of such loss

(5) A provision to the effect that no action at law or in equity shall be brought to recover on such policy prior to the expiration of sixty (60) days after proof of loss has been filed in accordance with the requirements thereof nor shall such action be brought at all unless brought within two (2) years from the expiration of the time within which proof of loss is required by such policy

(d) If any hospitalization medical or surgical benefits shall become payable under any group accident and health or family expense accident and health insurance policy issued pursuant to this Act then such benefits shall upon written direction to the insurer by the insured be paid to the institution rendering the service care or attention on account of which such benefits become payable and any such benefits so paid by an insurer at the direction of an insured shall to the extent of the payment so made discharge the insurer from any additional liability under such policy therefor

Section 2 Section six hundred twenty-nine of said act as amended by the act approved the twenty-fourth day of May one thousand nine hundred thirty-three (Pamphlet Laws 985) and as amended by the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1120) is hereby further amended to read as follows

Section 629 Limitations

(a) Nothing in subdivision (b) of this article shall apply to or affect any policy of workmen's compensation insurance [or any general or blanket policy of insurance issued to any municipal corporation or department thereof or to any corporation or individual employer police or fire department where the officers members or employes or classes or departments thereof are insured for their individual benefit against specified accidental bodily injuries or sickness while exposed to the hazards of the occupation or otherwise in consideration of a premium intended to cover the risks of all the persons insured under such policy] The provisions of sections six hundred seventeen six hundred eighteen and six hundred nineteen of this act shall not apply to those forms of health and accident policies enumerated in section six hundred twenty-one and one-tenth of this act except as provided in said section

(b) Nothing in subdivision (b) of this article shall apply to nor in any way affect life insurance endownment or annuity contracts or contracts supplemental thereto which contain only such provisions relating to accidents and health insurance as (a) provide additional benefits in case of death by accidental means and as (b) operate to safeguard such contracts against lapse or to give a special surrender value or special benefit or an annuity in the event that the insured or annuitant shall become totally and permanently disabled as defined by the contract or supplemental contract The Insurance Commissioner shall have power to make reasonable rules and regulations concerning such provisions and contracts or supplemental contracts containing such provisions shall not be issued or delivered to any person in the Commonwealth unless and until a copy of the form thereof has been filed with the Insurance Commissioner in accordance with the provisions of section four hundred nine of an act approved May seventeen one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two)

(c) Nothing in subdivision (b) of this article shall be applicable to policies issued by companies organized under the provisions of the act approved April twenty-eight one thousand nine hundred and three (Pamphlet Laws three hundred twenty-nine) entitled "An act to provide for the incorporation and regulation of corporations for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death therein limiting the amount for which such corporations may issue policies and providing the manner in which certain existing corporations may become reincorporated under this act" or to policies issued by companies reincorporated under the provisions of the act approved April twentieth one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred seventeen) entitled "An act authorizing certain existing beneficial or protective societies heretofore incorporated to reincorporate for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death regulating such corporations and limiting the amount for which corporations may issue policies and imposing a tax on gross premiums of companies reincorporated under the provisions of this act"

(d) The provisions contained in clause (e) of section six hundred and seventeen (617) and clauses (b) (c) (h) and (i) of section six hundred and eighteen (618) may be omitted from [railroad ticket policies sold only at railroad stations or at railroad ticket offices by railroad employes] ticket policies sold only to passenger by common carriers

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203.

Achterman,	Downey,	Levy,	Sarge,
Ackermann,	Eckels,	Leydic,	Sarraf,
Allen,	Ely,	Lichtenwalter,	Scanlon,
Allmond,	Ewing,	Long,	Schrock,
Alspach,	Falkenstein,	Lovett,	Schrope,
Andrews,	Fauset,	Lyons,	Schwab,
Atkins,	Finnerty,	Madden,	Seif,
Auker,	Fisher,	Malloy,	Serrill,
Baker,	Fiss,	Malone,	Shaw,
Balliet,	Flanagan,	Marr,	Shearer,
Balthaser,	Fleming,	Matthews,	Simons,
Bardes,	Foor,	McClester,	Skale,
Bennett,	Freed,	McGarrity,	Sloan,
Bohn,	Fullerton,	McKinney,	Snyder,
Boles,	Furman,	McLane,	Sollenberger,
Boney,	Gates,	McNally,	Stambaugh,
Boorse,	Gillan,	McVay,	Stank,
Boose,	Gillette,	Melchiorre,	Stewart,
Bower,	Goll,	Mihm,	Stockham,
Boyd,	Gorski,	Montgomery,	Sweeney,
Brancato,	Habbyshaw,	Mooney,	Tahl,
Bretherick,	Haines,	Moran,	Tarr,
Broad,	Hall,	Moser, F. S.,	Taylor,
Bronson,	Hamilton,	Moser, J. L.,	Terry,
Brown, H. S.,	Harbeson,	Muir,	Thistle,
Brown, S. W.,	Haudenshield,	Munley,	Thompson, G. R.,
Brunner,	Henry,	O'Brien,	Tiemann,
Burns,	Hess,	O'Connor,	Tronzo,
Burris,	Hewitt,	O'Dare,	Trout,
Cadwalader,	Hindman,	O'Keefe,	VanAllsburg,
Calvin,	Hocke,	Ominsky,	Van Belle,
Carpenter,	Hoffman, J. N.,	O'Neill,	Voorhees,
Check,	Hoffman, S. K.,	Peacock,	Wagner,
Chervenak,	Holland,	Peale,	Walsh,
Christler,	Hoyt,	Powers,	Watkins,
Clark,	Huntley,	Preston,	Webster,
Clearwater,	Imbrie,	Readinger,	Weiss,
Cohen, H. B.,	James,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Welsh, M. J.,
Cook,	Johnston,	Reese, R. E.	Westrick,
Cooper,	Jones,	Regan,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 439, as follows:

An Act to amend sections one and two of the act approved the fourth day of April one thousand nine hundred and twenty-five (P. L. 127) entitled "An act relating to adoption" as amended by authorizing nonresidents to adopt persons within the Commonwealth and validating certain adoption proceedings heretofore decreed

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Sections one and two Sections one of the act approved the fourth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 127) entitled "An act relating to adoption" as amended by section one of the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 822) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be lawful for any adult citizen of this Commonwealth [residing therein] or of any other state regardless of where such person shall reside desirous of adopting any person either a minor or anadult as his or her heir or as one of his or her heirs to present his or her petition to the orphans' court or to a law judge thereof of the county where he or she may be resident or of the county in which the persons to be adopted is a resident declaring such desire and that he or she will perform all the duties of a parent to such person Such petition shall also set forth the name age date and place of birth of the person proposed to be adopted the name residence and marital status of the adopting parent or parents the name and place of residence of each of the natural parents or of the surviving parent or of any other person whose consent to the proposed adoption is necessary as hereinafter provided and shall embody or have attached thereto the consents in writing of the person or persons whose consent to the proposed adoption is necessary as hereinafter provided

Section 2 Consents Necessary to Adoption Consent to the adoption is necessary as follows

(a) Of the person proposed to be adopted if over twelve years of age and of said person's husband or wife if any

(b) Of the adopting parent's husband or wife unless they jointly adopt such person

(c) Of the parents or surviving parent of the person proposed to be adopted except that in the case of an illegitimate child the consent of the mother only is necessary unless the father has acknowledged such child but the consent of a parent who has been adjudged a lunatic or habitual drunkard or who has abandoned the child is unnecessary provided such fact is proven to the satisfaction of the court or judge hearing the petition in which case such court or judge shall so find as a fact

(d) If the person proposed to be adopted has no father or mother living or whose consent is necessary hereunder then of the legal guardian if any there be and of the person or persons having the legal custody of such child if any such person can be found but if such child has no father or mother living or whose consent is necessary hereunder and no legal guardian and no person can be found who has the legal custody of such child and the same be proven to the satisfaction of the court or judge hearing the petition the said court or judge shall so find as a fact

(e) If the person proposed to be adopted has theretofore been adopted then of such adopting parents or surviving adopting parent subject to the same exception provided in clause (c) of this section in the case of natural parents

(f) If the adopting parent or parents are not residents of the Commonwealth then the consent of the Department of Welfare of the Commonwealth unless the court shall be satisfied after a thorough investigation that the adopting parent or parents are proper persons and financially able to provide a suitable home for the person proposed to be adopted

Section 2 Any adoption heretofore granted or decreed by any court of record of this Commonwealth in which either the person or persons adopting or the person or persons adopted was a nonresident or were nonresidents of this Commonwealth at the time such adoption was granted or decreed and any adoption which was granted prior to the expiration of the full ten days required by the act of Assembly to intervene between the filing of the petition for the adoption and the hearing of such petition by the court and any adoption which was granted without the formal entry of findings of fact is hereby declared valid and lawful as though made with full observance of all the requirements of the said act of Assembly mentioned Provided That the petition and decree or such adoption was otherwise in accordance with the act of Assembly pertaining thereto

And said bill having been read at length the third time, consedered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203.

Achterman,	Downey,	Levy,	Sarge,
Ackermann,	Eckels,	Leydic,	Sarraf,
Allen,	Ely,	Lichtenwalter,	Scanlon,
Allmond,	Ewing,	Long,	Schrock,
Alspach,	Falkenstein,	Lovett,	Schrope,
Andrews,	Fauset,	Lyons,	Schwab,
Atkins,	Finnerty,	Madden,	Seif,
Auker,	Fisher,	Malloy,	Serrill,
Baker,	Fiss,	Malone,	Shaw,
Balliet,	Flanagan,	Marr,	Shearer,
Balthaser	Fleming,	Matthews,	Simons,
Bardes,	Foor,	McClester,	Skale,
Bennett,	Freed,	McGarrity,	Sloan,
Bohn,	Fullerton,	McKinney,	Snyder,
Boies,	Furman,	McLane,	Sollenberger,
Boney,	Gates,	McNally,	Stambaugh,
Boorse,	Gillan,	McVay,	Stank,
Boose,	Gillette,	Melchiorre.	Stewart,
Bower,	Goll,	Mihm,	Stockham,
Boyd,	Gorski,	Montgomery,	Sweeney,
Brancato,	Habbyshaw,	Mooney,	Tahl,
Bretherick,	Haines,	Moran,	Tarr,
Broad,	Hall,	Moser, F. S.,	Taylor,
Bronson,	Hamilton,	Moser, J. L.,	Terry,
Brown, H. S.,	Harbeson,	Muir,	Thistle,
Brown, S. W.,	Haudenshield,	Munley,	Thompson, G.R.,
Brunner,	Henry,	O'Brien,	Tiemann,
Burns,	Hess,	O'Connor,	Tronzo,
Burris,	Hewitt,	O'Dare,	Trout,
Cadwalader,	Hindman,	O'Keefe,	VanAllsburg,
Calvin,	Hocke,	Ominsky,	Van Belle,
Carpenter,	Hoffman, J. N.,	O'Neill,	Voorhees,
Check,	Hoffman, S. K.,	Peacock,	Wagner,
Chervenak,	Holland,	Peale,	Walsh,
Christler,	Hoyt,	Powers,	Watkins,
Clark,	Huntley,	Preston,	Webster,
Clearwater,	Imbrie,	Readinger,	Weiss,
Cohen, H. B.,	James,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Welsh, M. J.,
Cook,	Johnston,	Reese, R. E.,	Westrick,
Cooper,	Jones,	Regan,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 18, 1939.

Resolved (if the Senate concur) that House Bill No. 610, Printer's No. 126, entitled "A supplement to the act approved the twenty-first day of July one thousand nine hundred and thirty-seven (Appropriation Acts page 74) entitled 'An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven' by lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation and reappropriating such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin", be recalled from the Governor for the purpose of amendment.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 546.

An Act to further amend section six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," by eliminating certain provisions relating to retirement age of a major general in command of the National Guard.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 5, by inserting a light-faced bracket before the word "with"; also same line by inserting a light-faced bracket after the word "General"; also line 6, by inserting after the word "line" and before the word "The" the words "Provided That the Governor may appoint in addition thereto an Adjutant General."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Downey,	Levy,	Sarge,
Ackermann	Eckels,	Leydic,	Sarraf,
Allen,	Ely,	Lichtenwalter,	Scanlon,
Allmond,	Ewing,	Long,	Schrock,
Alspach,	Falkenstein,	Lovett,	Schrope,
Andrews,	Fauset,	Lyons,	Schwab,
Atkins,	Finnerty,	Madden,	Seif,
Auker,	Fisher,	Malloy,	Serrill,
Baker,	Fiss,	Malone,	Shaw,
Balliet,	Flanagan,	Marr,	Shearer,
Balthaser,	Fleming,	Matthews,	Simons,
Bardes,	Foor,	McClester,	Skale,
Bennett,	Freed,	McGarrity,	Sloan,
Bohn,	Fullerton,	McKinney,	Snyder,
Bois,	Furman,	McLane,	Sollenberger,
Boney,	Gates,	McNally,	Stambaugh,
Boorse,	Gillan,	McVay,	Stank,
Boose,	Gillette,	Melchiorre,	Stewart,
Bower,	Goll,	Mihm,	Stockham,
Boyd,	Gorski,	Montgomery,	Sweeney,
Brancato,	Habbyshaw,	Mooney,	Tahl,
Bretherick,	Haines,	Moran,	Tarr,
Broad,	Hall,	Moser, F. S.,	Taylor,
Bronson,	Hamilton,	Moser, J. L.,	Terry,
Brown, H. S.,	Harbeson,	Muir,	Thistle,
Brown, S. W.,	Haudenshield,	Munley,	Thompson, G. R.,
Brunner,	Henry,	O'Brien,	Tiemann,
Burns,	Hess,	O'Connor,	Tronzo,
Burris,	Hewitt,	O'Dare,	Trout,
Cadwalader,	Hindman,	O'Keefe,	Van Allsburg,
Calvin,	Hocke,	Ominsky,	Van Belle,
Carpenter,	Hoffman, J. N.,	O'Neill,	Voorhees,
Check,	Hoffman, S. K.,	Peacock,	Wagner,
Chervenak,	Holland,	Peale,	Watkins,
Christler,	Hoyt,	Powers,	Walsh,
Clark,	Huntley,	Preston,	Webster,
Clearwater,	Imbrie,	Readinger,	Weiss,
Cohen, H. B.,	James,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Welsh, M. J.,
Cook,	Johnston,	Reese, R. E.,	Westrick,
Cooper,	Jones,	Regan,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan	Riley	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

The SPEAKER. The Chair requests the gentleman from Bucks, Mr. Stockham, to preside.

MR. STOCKHAM IN THE CHAIR.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 483.

An Act regulating the appointing or election of deputy controllers in cities of the second class A and prescribing their powers and duties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 2, by striking out the words "is hereby authorized to" and inserting in lieu thereof the words "shall within thirty days after this act becomes effective"; also same line by inserting after the

word "appoint" the words "an employe in the office as"; also line 3, by striking out the words "death resignation removal"; also line 6 by inserting after the word "controller" the words "without any additional salary".

Amend Section 2, page 1, line 11, by inserting after the word "occurs" the words "by reason of death resignation or removal"; also page 2, at the beginning of line 17, by inserting after the syllable "troller" and before the word "and" the words "shall receive the same salary."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Downey,	Levy,	Sarge,
Ackermann,	Eckels,	Leydic,	Sarraf,
Allen,	Ely,	Lichtenwalter,	Scanlon,
Allmond,	Ewing,	Long,	Schrock,
Alspach,	Falkenstein,	Lovett,	Schrope,
Andrews,	Fauset,	Lyons,	Schwab,
Atkins,	Finnerty,	Madden,	Seif,
Auker,	Fisher,	Malloy,	Serrill,
Baker,	Fiss,	Malone,	Shaw,
Balliet,	Flanagan,	Marr,	Shearer,
Balthaser	Fleming,	Matthews,	Simons,
Bardes,	Foor,	McClester,	Skale,
Bennett,	Freed,	McGarrity,	Sloan,
Bohn,	Fullerton,	McKinney,	Snyder,
Boles,	Furman,	McLane,	Sollenberger,
Boney,	Gates,	McNally,	Stambaugh,
Boorse,	Gillan,	McVay,	Stank,
Boose,	Gillette,	Melchiorre,	Stewart,
Bower,	Goll,	Mihm,	Stockham,
Boyd,	Gorski,	Montgomery,	Sweeney,
Brancato,	Habbyshaw,	Mooney,	Tahl,
Bretherick,	Haines,	Moran,	Tarr,
Broad,	Hall,	Moser, F. S.,	Taylor,
Bronson,	Hamilton,	Moser, J. L.,	Terry,
Brown, H. S.,	Harbeson,	Muir,	Thistle,
Brown, S. W.,	Haudenshield,	Munley,	Thompson, G.R.,
Brunner,	Henry,	O'Brien,	Tiemann,
Burns,	Hess,	O'Connor,	Tronzo,
Burris,	Hewitt,	O'Dare,	Trout,
Cadwalader,	Hindman,	O'Keefe,	VanAllsburg,
Calvin,	Hocke,	Ominsky,	Van Belle,
Carpenter,	Hoffman, J. N.,	O'Neill,	Voorhees,
Check,	Hoffman, S. K.,	Peacock,	Wagner,
Chervenak,	Holland,	Peale,	Walsh,
Christler,	Hoyt,	Powers,	Watkins,
Clark,	Huntley,	Preston,	Webster,
Clearwater,	Imbrie,	Readinger,	Weiss,
Cohen, H. B.,	James,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Welsh, M. J.,
Cook,	Johnston,	Reese, R. E.	Westrick,
Cooper,	Jones,	Regan,	Wilkinson,
Cordier,	Kane,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan	Riley,	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered That the Clerk inform the Senate accordingly.

ADDRESS BY MR. KANE

Mr. KANE asked and obtained unanimous consent to address the House.

Mr. Speaker, on March 28th, I made a serious speech here outlining some defects in our educational system and proposing remedies. Since then I have received plenty of mail denouncing me as a foe of teachers, thereby showing they did not finish reading my speech.

Last week, we had with us another pressure group with little badges on, saying "Defeat S-45." I didn't find anyone who could explain S-45, but all these callow youths and determined-looking lassies were against it just the same. At a public hearing in the Forum of the Education Building, they behaved worse than any group of spoiled children and yet their purpose here as a pressure group was to instil fear into the hearts of any timid lawmakers they met and to be sure that they—ill-mannered and ignorant as many of them were—would be maintained by our silly Life Tenure Bill in charge of our children. I have held hearings attended by the much-abused boot-leg miners and also the C.I.O. miners, but I never heard them hoot and stamp and hiss at any speaker the way these so-called teachers did last week.

Well I think Senate Bill 45 is nonsense and may vote against it because on page 8 it recognizes permanent tenure in so many words but discriminates against a married teacher for maintaining a home.

I noticed with a good deal of pride that there were not many from around McKean County here to protest S-45 and I spent a very pleasant evening, after the hoodlum element got tired talking and went to bed, with a fine old teacher who had worked in the mines when twelve years old and who wanted to know what could be done for others—not himself. A man who had taught judges and senators, he still taught each day. He was proud of his long service as a teacher, but asked no favors of anyone. And it is a pretty bad comment on the teaching profession of today that this fine old fellow would occasionally pause to state: "You know, Mr. Kane, I wouldn't have to teach. I could earn a living if they didn't want me teaching. I have always been proud of the fact that no one would know I was a teacher unless someone told them." He had no objection to a contract of any reasonable term, but he thought life tenure a little bit absurd. But the lesser men in the pressure group wanted lifetime jobs by law. Why? Because in their hearts they doubted if they were worth their pay.

We are not here to pull any chestnuts out of the fire for any pressure groups. I am not for "life termites" anywhere in any public job. And there can be no greater error than supposing a person who was a good student can be hired by anyone with or without investigation and necessarily turn out to be a good teacher. Degrees earned as students mean nothing as to ability to teach or handle students.

This reminds me of a story of a professor of Columbia University with the Degrees of B.S., M.S. and Ph.D., professor Fiddlebunk, who was invited to deliver a lecture in a Wisconsin Norwegian lumber town. When the professor had finished after an hour and a quarter, the toastmaster arose and said, "If anyone here desires to ask the professor any questions, he may do so now." Whereupon one big Norwegian arose and said, "I would like to ask the professor, Mr. Toastmaster, what all dose ledders after his name mean." He said, "Vell, ve all know vot 'B.S.' mean; 'M.S.' means More of Same, und 'Ph.D.' means Piling Higher and Deeper."

If they must have this whole Life Tenure Bill question presented as the ridiculous proposition it is, I am going to help them do it and I am going to compare life tenure

for teachers with tenure for court house politicians, who are public servants, but whom every teacher will agree ought not to serve for life.

So here you have it.

The title of this doggerel is:

"SCHOOL HOUSE AND COURT HOUSE TENURE" or "AN OLD OCCUPATIONAL DISEASE OF DEMANDING ADDITIONAL COMPENSATION"

THE TENURE BILL

I.

Time was when teacher knew no joys,
Her lot was work and strife,
But now she's rushed by all the boys,
Her job will last for life.

II.

Time was when teacher dared not wed
For fear she'd lose her job,
Her boy friend had to work instead
While she must frustrate, sob.

III.

The teacher had to try to please,
The school board all had axes,
But now she tells the board to go
To Hell—just raise more taxes.

IV.

Ambition soon will flee our schools,
Why work! What does it gain ya?
If you are smart, you'll hire away;
If dumb, there's Pennsylvania.

V.

Here is a state, both great and free,
The Keystone of the Nation,
Whose people keep us living soft
Though they go through starvation.

VI.

And now, ye teachers, so secure,
Your life is one long Sunday;
And yet on last Election Day
You did not work for Mundy.

VII.

When good old Leo took the count
And lost in his ambition,
The Legislators all took note,
And you slid toward perdition.

VIII.

When our schools are choked with aged drones
And we don't know where to turn,
We'll owe it all to Leo—
The Lion of Luzerne.

IX.

So let's look to our firesides
And let's look to our kids
And give this gang we can't afford
The Legislative skids.

X.

Let's jail the crooks on school boards,
Keep their relatives off pay—
Take from those who never passed
Sixth grade, scholastic sway.

XI.

Let's turn our schools to good account
And train our kids for jobs
And get away from lazy,
Highly cultured little snobs.

XII.

Ashamed of Dad and Mamma,
But still too proud to work
They turn to petty banditry
To pay the soda clerk.

XIII.

A man should feel that when he's spent
His last sou on his daughter,
That she could earn a living
Using what her teacher taught her.

. . . . . .

XIV.

Do doctors hold their jobs by law
If they don't succeed or please?
Is teaching more important
Than the curing of disease?

XV.

Can lawyers or can dentists
By law retain a post
They either please their clients
Or soon give up the ghost.

XVI.

Who hires a carpenter for life
If he doesn't like his work?
We taxpayers must all perform
Or wind up with a jerk.

XVII.

I still say that the question
Is not, should teacher marry
But what kind of a teacher's brain
Does little teacher carry.

XVIII.

We have no right to fire her
If a husband comes her way.
But we have a right to fire her
If she doesn't earn her pay.

XIX.

The beauty of Life Tenure is
It only works one way
Poor teachers can hang on for life
But we can't make good ones stay.

XX.

When vacancies cannot occur
There's no chance for promotion
Young profs who want to get ahead
Had better cross the ocean.

XXI.

Why keep a teacher in a school
And everyone berate her,
Protected by a Tenure Law
When all the children hate her.

XXII.

Why keep a teacher till she dies
Of School House Silicosis;
The children simply will not learn,
If she has halitosis.

So much for Life Tenure for Teachers. Now we come to—

LIFE TENURE FOR COURT HOUSE POLITICIANS

I.

Now Court House drones get running fits
From dust off ancient books
That makes them run for office,
Regardless of their looks.

II.

With hand extended, go about
Clad in their Sunday togs
To kiss the babes and kid the girls,
And shake hands with the dogs.

III.

Some win upon their whiskers,
While others pull the cork,
They pass out cards in endless streams
From Erie clear to York.

IV.

Some ask us to elect them
To get them off relief
While others say their grandpap died
And campaign on their grief.

V.

They seem to think the public
One thing alone should know
"We've held the job for 20 years"
So "Re-elect Old Joe".

VI.

Swift movements in a Court House
Look strangely out of place
Some dare not hurry lest they stare
Their maker in the face.

VII.

A sort of Court House Asthma,
They never call it quits,
Until at last their party
Either rots or blows to bits.

VIII.

There comes a time we ought to give
These loafers all the gate;
These firm believers that they serve,
Who only stand and wait.

IX.

These ancient men who strode Palm Beach
Upon election day,
Now claim that they elected us
And we the debt must pay.

X.

That we who survived Roosevelt
Were carried in by James,
They clamber from the catacombs
To announce their long-dead names.

XI.

They climb out of the pyramids,
Surprised that we survive,
And climb into our chariot,
And now, they want to drive!

XII.

They say that this Assembly,
Just as they claim are "nuts",
We'd get ourselves some tenure,
If we only had the "guts".

XIII.

Though teacher needs a decent chance
I don't see where she rates
One longer than the President
Of these United States.

XIV.

Let's get through this Assembly
An old age pension plan
For aged politicians
And for the teaching clan.

It is time the sensible teachers called a halt to the monkeyshines of their organized inferiors.

There was once a zookeeper who loved children. There was a monkey in that zoo which was a favorite with children and with parents. The night before a lot of children were scheduled to visit the zoo that monkey died. The zookeeper didn't want to let the children down so he hired a jobless friend and got him a monkey-suit to perform in the cage. The children liked him and he liked the job. But he got swinging pretty high and fell into the lion cage. There he faced the lion and screamed and screamed for help. The lion let out a little roar and said: "shut up you fool or we'll both lose our jobs!"

And when you worry about the influence of these pressure groups, remember that Senator Leo Mundy of Luzerne came all the way to my little town as a candidate for Lieutenant Governor. He is a fine gentleman and a distinguished surgeon. He had just become notorious as the author of the Teachers' Lifetime Tenure Act. He was the regular Democratic candidate and he was accompanied by a very fine Pittsburgh lawyer—Charles Alvin Jones.

There are over a hundred teachers right around the borough and fifty more, at least, in the townships on each side and 106 members of the regular Democratic Committee. The candidates were distinguished men. One was the author of the Tenure Bill, Senator Leo Mundy, of Luzerne—the other, the candidate for Governor, who was to uphold it. The meeting was held at noon so everyone could come. There were only 29 persons there to welcome Jones and Mundy and the Republican Assemblyman was one of those. The teachers were conspicuous by their absence. The candidates were embarrassed. The Democratic County Chairman called on me and so I made a speech for Leo Mundy and Charles Alvin Jones, as very fine gentlemen, professional men of excellence and I said that I was sorry I could not vote in the primary for Charles Alvin Jones and Leo Mundy, the regular candidates, and against Senator Guffey's ticket and everything he stands for.

But the teachers all were busy elsewhere, eating dinner, when Mundy came to town. He was a State Senator. He was a distinguished surgeon—the regular candidate of the Democratic organization and the author of the Tenure Act—but the teachers, who claimed they needed Tenure—those teachers let him down.

The worthwhile teachers weren't interested in Lifetime Tenure. The others had no influence on November 8th. The grade school children couldn't vote but the taxpayers could and they did.

ADDRESS BY MR. DENMAN

Mr. DENMAN asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, the remarks of the gentleman from McKean, Mr. Kane, were quite interesting and they reminded me of a few articles that I read in the newspapers as I came down here this week, to the effect that the administration is very greatly interested in the plight of the real estate owner and his taxes, and desires to do something for these real estate owners who are having trouble with their taxes.

Mr. Kane spoke about the Tenure Bill, the plight of the teachers. I wonder if we have ever stopped very long to give thought to the cause of this trouble and why these teachers are complaining. Certainly we have somewhat of a cancer here in the State when we cannot pay the teachers who are trying to teach our little children the way they should go. We have teachers in places where hundreds of thousands of dollars are owed to them in back salaries. We say we are going to give them the tremendous sum of one million dollars to overcome this back pay. That is just a drop in the bucket. What Pennsylvania needs and needs quickly is to do something to increase the increment which goes from the State into the various school districts to pay for public school support and reduce school taxes.

We have in this House a number of bills introduced which can take care of this situation and which, if they are reported out on the floor of the House for the consideration of the members of the House, will to a great extent alleviate this hardship on the part of the real

estate owners back home. In the Education Committee of this House there are a number of good bills. I admit I have one. I will not say it is a good bill because that is for the membership of this House to say. We propose to help these people back home in lowering taxation on their real estate, especially lowering the school taxes on their real estate. They are being told by the Educational Administration here in Harrisburg that they must build buildings that are monuments to the future, which cost far more than the local communities can afford to pay, and yet the Educational Department at Harrisburg says to them, "You must build a half a million dollar building," but does not say that the money will come from this particular place. It leaves it up to the local board of education to reach down in their pockets and try to make good. We have been very free to pass bills which provide that when a man cannot get a job and cannot get money to pay his taxes and must see his home sold by the sheriff because he cannot pay his taxes, and then in the next breath we will say, "Well, it is too bad, old top, we sold your home because you could not pay your taxes, you just go out in the gutter and be a good boy and a good citizen." Those two things will not work together.

Mr. Speaker, in the Educational Committee in this House there are bills that should come out on the floor for deliberation, and I submit to you that the real estate owners of this State have the right to know from the Chairman of the Educational Committee of this House why they do not bring out the bills from that Committee which will reduce the taxes to the taxpayers back home. He wants to know why you do not. Mr. Kane said something about somebody being given the gate. I am not so sure that if we do not do something in this session of the Legislature, in this session of the House, this spring to consider these bills, that are now being pickled in the Education Committee, I am not so sure but what the real estate owners back home will give us the gate next year, and when he does I am not so sure but what it would have been the right thing to do.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Bucks, Mr. Stockham.

ADDRESS BY MR. BONEY

Mr. BONEY asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, after sitting and listening to Mr. Kane's discourse, I just happened to come upon an editorial that was written by a very distinguished newspaper man from Luzerne County, Colonel Ernest G. Smith, and for your information and with your kind attention I shall read this article:

ATTACKING TEACHERS' TENURE

"Home school authorities have not been entirely at rest since the Teachers Tenure bill passed into the body of the law of this State. This was the Mundy measure. One high in political councils and influence and perhaps as anxious as any other to perpetuate the status quo, as to regnancy of political party, still sponsored and put through a law that protected teachers from the invasion, humiliations and dominance of politics, gave them back a measure of self respect, and permitted them to give the hours even during campaigns and other disturbances, to their work. No longer were they at the beck and call of the dominant faction. No longer were they in fear of displacement at a change of complexion of the school board.

"Hardly any legislation recently has done more to provide public servants of years and experience and increasing value with that satisfaction and serenity, under which the most generous return can be made in public service.

"Terrific and wide spread abuses led up to this necessary reform. When the status had become so noisome that it could not be worse, reform came. Legislators were moved to sympathy with the purpose of the bill.

"There are those who think the teachers could have been protected in their positions without certain other features of the bill which they earnestly asseverate has interfered with the discretion of the boards. They think protection has gone beyond the reasonable and has tempted the unreasonable. In this not many will agree though there is color for the thought that upright boards should not be robbed of all disciplinary sway over the teaching force. However, since this law concerns tenure, importantly and chiefly, and does effect wider fields of board control like contracts for supplies, and first selections of teachers, nor filling such vacancies as are likely to occur, it is asserted, and plausibly, that the boards can well measure up to a reasonable ambition in their work and have a certain pride in it. This view is formed by the fact the scheming boards were largely responsible for the law, because they had so often and so palably abu d discretion, and had lent themselves to these many degrading political tricks. It is easily seen now that with the loose methods heretofore prevailing, boards sometimes were utterly lost to decency or held by the urge of making dollars out of the unfortunate, and they did profit by kick backs in naming new teachers to posts or in holding a threat of dismissal over them along the way.

"Because such things were done, and in certain instances almost expected to be done, and because the new law has cured them, there should not be alteration or amendment in these respects. Legislature will realize that in this act thousands of public servants lived more freely and that the school system had a new infusion of justice and dignity and right.

"Perhaps amendments somewhat altering the period of probation are well enough, not harmful to the spirit of the law itself but favorable to it. As to the ruling features, the essential genius of the Teachers' Tenure Act, there should be no change, and to permit any change in essentials would stultify the legislators and return them to a class of opportunists willing to connive in political rottenness."

RECONSIDERATION OF HOUSE BILL NO. 439

Mr. ROSE. Mr. Speaker, I move that the vote by which House Bill No. 439, Printer's No. 302, entitled:

An Act to amend sections one and two of the act approved the fourth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 127) entitled "An act relating to adoption" as amended by authorizing nonresidents to adopt persons within the Commonwealth and validating certain adoption proceedings heretofore decreed

passed finally be reconsidered.

Mr. GILLAN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Cambria, Mr. Rose vote on the final passage of this bill?

Mr. ROSE. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Franklin, Mr. Gillan, vote on the final passage of this bill?

Mr. GILLAN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. ROSE. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. ROSE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend bill, page 1, line 1, by inserting at the beginning of said line the following: "Section 1."

Amend bill, page 1, line 1, by striking out the words: "Section one"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

REPORTS FROM COMMITTEES

Mr. CORDIER from the Committee on Municipal Corporations reported as amended, House Bill No. 722, entitled:

An Act to amend section four; sections nine, ten, and fifteen, as amended; and sections seventeen, twenty-one, twenty-eight of an act approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred seven), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior Acts of Assembly," making additional provisions for the filing and consolidation of tax claims, providing further procedure for preserving such liens and enforcing payment of such claims.

Mr. CORDIER from the Committee on Cities—Second Class reported as amended, House Bill No. 1161, entitled:

An Act establishing in each borough, township and ward of counties of the second class, a separate justice of the peace or alderman district; providing for the election of such justices of the peace and aldermen; prescribing their powers and duties; imposing upon such counties the cost of establishment and maintenance of justices' of the peace and aldermen's courts, including the payment of all salaries; fixing salaries and restricting justices of the peace and aldermen to duties of office and repealing inconsistent acts.

Mr. ELY from the Committee on Agriculture reported as amended, House Bill No. 1156, entitled:

An Act relating to the grading and sale of certain farm products; providing penalties for violations; and imposing duties upon the Department of Agriculture.

Mr. LICHTENWALTER from the Committee on Counties reported as amended, House Bill No. 674, entitled:

An Act requiring justices of the peace and aldermen to use only the forms of warrants, notices, writs and processes as furnished by the county commissioners through the county controllers; requiring that records of the issuance thereof be kept and returns be made quarterly thereon to the county controllers; and providing penalties.

Mr. MADDEN from the Committee on Townships reported as committed, House Bill No. 649, entitled:

An Act to add clause twenty-one to section seven hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class, and amending, revising, consolidating, and changing the law relating thereto," by authorizing appropriations for the suport, maintenance, discipline, and training of units of the National Guard, and regulating the expenditure and accounting of such moneys.

TIME EXTENDED ON BILL

Mr. WAGNER. Mr. Speaker, I move that the time on House Bill No. 598, Printer's No. 215, entitled:

An Act authorizing the compromise of delinquent taxes on real property and the penalties interest and costs due thereon except in counties of the first second and third class before a tax sale of such real property and providing the procedure in such case

on page 18 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 483.

An Act regulating the appointing or election of deputy controllers in cities of the second class A and prescribing their powers and duties

HOUSE BILL No. 546.

An Act to further amend section six of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" by eliminating certain provisions relating to retirement age of a major general in command of the National Guard

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMITTEE MEETINGS

There will be meetings of the Committees on:

Cities—Third Class, Wednesday, April 19th at 12 noon in Room 546.

Constitutional Amendments, Wednesday, April 19th at 10:30 a. m., in Room 333.

Dairy Industries, Wednesday, April 19th at 10 a. m., in Room 325.

Education, Wednesday, April 19th at 11 a. m., in Room 323.

Judiciary Special, Wednesday, April 19th at 11 a. m., in Room 333.

Liquor Control, Wednesday, April 19th at 11 a. m., in Room 147.

Military Affairs, Wednesday, April 19th at 12:30 a. m., in Room 541.

Mines and Mining, Tuesday, April 18th at 5 p. m., in Room A.

Motor Vehicles, Wednesday, April 19th at 10 a. m., in Room 324.

Printing, Wednesday, April 19th at 10 a. m., in Room 147.

Public Health and Sanitation, Wednesday, April 19th at 10 a. m., in Room 323.

Railroads and Railways, Wednesday, April 19th at 11 a. m., in Room 541.

State Government, Tuesday, April 18th at 5:30 p. m., in Room 147.

Ways and Means, Wednesday, April 19th at 11 a. m., in Room 100.

RESOLUTION NO. 68

Mr. NORMAN WOOD. Mr. Speaker, I desire to call up at this time Resolution No. 68, Printer's No. 304.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 12, 1939.

Whereas Robert Fulton one of the great engineers and inventors of modern times and a pioneer in the development of steam navigation was a native son of Pennsylvania being born in Lancaster County and spending the first twenty-one years of his life in Pennsylvania and

Whereas In his services to the world as on inventor and engineer Robert Fulton contributed richly to the foundations of our modern industrial and mechanical progress which provides the central theme behind the great New York Exposition and

Whereas The Commonwealth of Pennsylvania has under consideration the acquisition of the birthplace of this noted American and Pennsylvanian as a permanent memorial and shrine dedicated to the memory of Fulton and his achievements therefore be it

Resolved That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania does respectfully petition the Honorable Grover Whalen Chairman of the World's Fair Commission to set aside August 17 1939 anniversary of the beginning of the pioneer journey of the steamship Clermont from New York to Albany and return one hundred and thirty-two years ago that date to be known as Robert Fulton Day in proper recognition of a great American and Pennsylvanian to arrange for such special exercises or program as shall seem fitting in this connection and said exercises or program be held in the Pennsylvania building at the World's Fair in New York and be it further

Resolved That it is the sentiment of this House that the Pennsylvania World's Fair Commission be requested to urge the same upon the Honorable Grover Whalen and his Commission and take the lead in arranging for the proper observance of this day set aside in tribute to one of the great leaders of modern inventive progress the native son of Pennsylvania Robert Fulton and be it further

Resolved That a copy of this resolution be transmitted to the Honorable Grover Whalen and to the chairman of the Pennsylvania World's Fair Commission as embodying the true sentiment and desire of all loyal citizens of our great Commonwealth

On the question,

Will the House adopt the resolution?

It was adopted.

ADJOURNMENT

Mr. IMBRIE. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1 p. m.

The motion was agreed to, and (at 5:15 p. m.) the House adjourned until Wednesday, April 19, 1939, at 1 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1939. 133d of the General Assembly.

Vol. 23 HARRISBURG, PA., WEDNESDAY, APRIL 19, 1939. No. 40.

SENATE

WEDNESDAY, April 19, 1939.

The Senate met at 11:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

O King of Glory, Lord of Hosts, in deepest unworthiness we approach Thy holy Throne this day because we have followed too much the devices and desires of our own hearts. We have not sought Thy will as we should neither have we desired too much interference with our own plans. We have strayed from Thy ways like lost sheep.

Father of Mercy, deal not with us after our sins nor judge us according to our iniquities, for if Thou dost, O Lord, who shall stand?

Help us to be men strong in courage, definite in purpose, honest in endeavor and consecrated in spirit that this day we may serve Thee in this legislative chamber as workmen approved unto Thee.

For Thy name's sake. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. GELDER, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries public, which were laid on the table.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 471, (Senate Bill No. 599), entitled:

An Act to amend section three of the act, approved the twelfth day of June, one thousand nine hundred and seventeen (P. L. 461), entitled "An act to provide for the removal or retirement of judges of the Supreme, Superior, common pleas, orphans', municipal, and county court, permanently disqualified by reason of physical or mental disability to perform their regular judicial functions or duties, and providing for the payment of compensation to them during the balance of the term for which they may have been elected, and, in certain cases, for the remainder of their lives after resignation or retirement, and for filling the vacancies caused thereby, providing for judges who have been retired or who may have retired or resigned under provisions of previous acts or otherwise; and repealing certain acts," by providing compensation for such judges who have served ten years on the bench.

Which was committed to the Committee on Judiciary General.

House Bill No. 508, (Senate Bill No. 600), entitled:

An Act validating county treasurers sales for delinquent taxes when such sales were held contrary to an act of Assembly requiring the adjournment or readjournment of such sales to a later date.

Which was committed to the Committee on County Government.

House Bill No. 559, (Senate Bill No. 601), entitled:

An Act to reenact and further amend section two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "Public School Code" by providing for the election of school directors in school districts made up of two or more cities, boroughs, incorporated towns, or townships or any combination thereof.

Which was committed to the Committee on Education.

House Bill No. 738, (Senate Bill No. 602), entitled:

An Act to further amend sections one, two, three, four and five of the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (P. L. 1032), entitled "An act providing for the abatement of nuisances caused by the improper grading or defective paving or encroaching fences in alleys, in cities of the first class; for the establishment of lines and grades for, and the grading, paving, or repaving of, said alleys, and the grading of private alleys hereafter laid out; and for apportioning the cost, and for the filing of liens therefor," by extending the provisions of said act to retaining walls.

Which was committed to the Committee on Municipal Government.

House Bill No. 755, (Senate Bill No. 603), entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65), entitled "Municipal Indebtedness Law" and the amendments and

supplements thereto, and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections, and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective, to cure such defective publication of sale notices and validate the sale thereof.

Which was committed to the Committee on Municipal Government.

House Bill No. 783, (Senate Bill No. 604), entitled:

An Act to amend section thirty-seven of the act, approved the fifteenth day of June, one thousand nine hundred and thirty-seven (P. L. 1743), entitled "1937 Magistrates' Court Act" fixing the salary of the chief clerk of the board of magistrates.

Which was committed to the Committee on Municipal Government.

House Bill No. 821, (Senate Bill No. 605), entitled:

An Act to amend section seven hundred three of the act, approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "First Class Township Law," by providing for the compensation paid to township commissioners.

Which was committed to the Committee on County Government.

House Bill No. 868, (Senate Bill No. 606), entitled:

An Act to repeal the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2778), entitled "An act providing that all appointments made by the county commissioners in counties of the first class shall be divided between the majority and minority commissioners."

Which was committed to the Committee on Municipal Government.

House Bill No. 919, (Senate Bill No. 607), entitled:

An Act to further amend section four hundred four of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "Insurance Company Law of 1921," by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth.

Which was committed to the Committee on Insurance.

House Bill No. 947, (Senate Bill No. 608), entitled:

An Act to repeal the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 475), entitled "An act to amend the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred eighty-one), entitled 'An act for the better government of cities of the first class of this Commonwealth,' by abolishing the department of receiver of taxes, and transferring its powers and duties to the department of city treasurer; and abolishing the office of receiver of taxes."

Which was committed to the Committee on Municipal Government.

House Bill No. 952, (Senate Bill No. 609), entitled:

An Act to repeal the act, approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (P. L. 2123), entitled "An act imposing upon the Board of Revision of Taxes in cities of the first class the duty of reading water meters, authorizing the employment of assistants for the performance of such duties; fixing the salaries of such assistants; and repealing inconsistent acts."

Which was committed to the Committee on Municipal Government.

House Bill No. 1037 (Senate Bill No. 610), entitled:

An Act empowering corporate authorities of political subdivisions of the Commonwealth to exonerate in whole or in part tax collectors from the collection of taxes on certain real estate and improvements for certain purposes.

Which was committed to the Committee on Municipal Government.

House Bill No. 1063, (Senate Bill No. 611), entitled:

An Act to further amend section one thousand thirty-five of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "General Borough Act" by changing contents of auditors' statement.

Which was committed to the Committee on Insurance.

REPORTS FROM COMMITTEES

Mr. FARRELL, from the Committee on Judiciary General, reported as committed, Senate Bill No. 427, (House Bill No. 375), entitled:

An Act to amend paragraph (c) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended by permitting foreign fiduciaries representing the estates of decedents, minors and legal incompetents, to foreclose on mortgages, to enter judgment on mortgage bonds, to sell the property bound thereby, to take title to property so sold, and to resell such property.

Mr. BARTLETT, from the Committee on Judiciary General, reported as committed, Senate Bill No. 282, (House Bill No. 354), entitled:

An Act to amend clause (d) as added to section twenty-one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 363), entitled "An act relating to the organization, jurisdiction, and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," requiring certification of verdicts and judgments entered in orphans' courts to the prothonotary, and the filing, docketing and indexing the same by him.

Mr. WOODWARD, from the Committee on Judiciary General, reported as committed, Senate Bill No. 456, entitled:

A Joint Resolution proposing an amendment to section one, article nine of the Constitution of the Commonwealth of Pennsylvania.

Mr. STEVENSON, from the Committee on Judiciary General, reported as committed, Senate Bill No. 342, (House Bill No. 373), entitled:

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon the profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation

Mr. GELTZ, from the Committee on Judiciary General, reported as committed, Senate Bill No. 305, (House Bill No. 374), entitled:

An Act to amend section three of article one, and section forty of article four of the act, approved the twentieth day of June, one thousand nine hundred nineteen (P. L. 521), entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; defining and taxing transfers made in contemplation of death; defining as a transfer and taxing the right of survivorship in property as to which such right exists; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefor; and providing for the repayment of taxes paid in excess of amount due on future estates.

Mr. SHAPIRO, from the Committee on Judiciary General, reported as amended, Senate Bill No. 394, (House Bill No. 363), entitled:

An Act to amend section six of the act approved the twelfth day of May, one thousand nine hundred and twenty-five, (P. L. 603), entitled "An act concerning conditional sales and to make uniform the law relating thereto." by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court.

Mr. REED, from the Committee on Judiciary General, reported as committed, Senate Bill No. 306, (House Bill No. 376), entitled:

An Act to add paragraph four to clause (a) of section forty-one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases, and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended, by permitting fiduciaries holding mortgages to accept deeds in lieu of foreclosures; and prescribing the effect thereof.

RESOLUTION OPPOSING TWO BILLS, SENATE BILL No. 134 AND HOUSE BILL No. 56

Mr. KILGALLEN offered the following resolution which was twice read as follows:

Whereas, There are now pending in the State Legislature, two Bills, S. 134 and H. R. 56, requiring all aliens residing in this State and not possessing a valid Declaration of Intention, to register and pay an annual fee of five dollars, subject to fine and imprisonment, and,

Whereas, We, the Members of the Catholic Radical Alliance, believe enactment of such measures to be unnecessary, unreasonable, and of doubtful constitutionality, in view of the fact that supervision of alien entry, residence, and registration is already vested, by Act of Congress, in the Commissioner General of Immigration, United States Department of Labor, and,

Whereas, Such alien entry is still further supervised by quota-control officers of the Consular Service, United States Department of State, residing in foreign countries, who examine information given on questionnaires, eliminating from lists of admissibles all those excluded by law, and,

Whereas, The Commissioner General of Immigration in this Country and Consular Agents abroad, cooperate in carrying out the provisions of Federal Immigration Acts, in order to protect the rights of citizens of the States and of the United States, to protect the natural rights of alien persons and to safeguard the general welfare of the individual States and of the United States, and,

Whereas, Alien residents of this State are subject to Immigration Laws of the United States, including examination by Agents of the Consular Service in foreign ports of embarkation, scrutiny by Public Health and Immigration Officers at the Port of Entry, registration and examination to determine probable fitness for American citizenship, and

Whereas, To guard against illegal entry and residence, the National Congress has broadened the authority of the said Commissioner General of Immigration, vesting that office with power to deport criminals, incompetents, imbeciles, illiterates, and undesirables, and,

Whereas, We recognize the necessity for proper enforcement of existing regulations governing alien entry, residence, and registration, we believe the processes by which existing Alien and Immigration Acts were written into law and are now being enforced, adequately provide for any emergencies arising out of alien entry, residence, and registration, and,

Whereas, The power to collect fees, impose fines, and inflict imprisonment, in a field of policy which the custom and usage of one hundred and fifty years of Constitutional procedure have assigned to the Federal Government, ought not to be multiplied, duplicated, exaggerated, or usurped by State governments, and,

Whereas, The proposed Bills with their schedules of fees, fines, and imprisonment, contemplate an unwarranted and unjustifiable exercise and extension of the police power, susceptible of vicious, malicious, and tyrannical misuse and abuse, dangerous alike to the natural rights of alien residents and the civil and political rights of citizens of this Commonwealth, and,

Whereas, It is a fact of history that during periods of hysteria, many innocent aliens were subjected to brutal inquisition, held in jail without warrant, and released only when no case could be established to justify their continued detention, and,

Whereas, It is the consensus of opinion of this Membership that the said Bills are not only legislative persiflage. but violative of the sanctuary this Nation has always offered refugees from political or religious persecution, regardless of whether such refugees came by way of Ellis Island or Plymouth Rock, and,

Whereas, The said Bills are themselves ALIEN to the traditions of the State in which the Declaration of Independence and the Constitution of the United States were adopted, and ALIEN likewise to the spirit and intention in which a liberty-loving people ratified that Constitution, therefore be

Resolved, That We, the Members of the Catholic Radical Alliance, oppose their purpose and resist every attempt to enact them into law, and,

Further Be It Resolved, That the next of these Resolutions be entered upon our Minutes, that copies be forwarded to our Representatives and Senators in the State Legislature, and copies be forwarded to the Pittsburgh Catholic, the Pittsburgh Press, the Sun-Telegraph, and the Pittsburgh Post-Gazette.

Committee on Resolutions:

Catholic Radical Alliance:

CHARLES F. BARRETT, Chairman
FRANCIS G. HENSLER
Rev. CHAS. OWEN RICE

Rep. HOLLAND also has a copy of the Resolution.

JOINT RESOLUTION REGARDING SUSPENSION OF PRODUCTION OF BITUMINOUS COAL

Mr. MALLERY offered the following resolution which was twice read, considered, and agreed to:

Whereas, The present economic crisis in the Commonwealth has been seriously aggravated by a suspension in the production of bituminous coal; and

Whereas, This suspension has now continued for a period of almost three weeks and there is a grave uncertainty as to when the differences between the operators and the miners will be amicably adjusted; and

Whereas, The bituminous coal industry of this Commonwealth furnishes direct employment to 125,000 men and furnishes direct support to approximately 600,000 people and indirectly for thousands of other citizens of the Commonwealth; and

Whereas, The welfare of the people of this Commonwealth requires that the existing differences be speedily adjusted and it is the duty of everyone to unite and strive for the accomplishment of this end; and

Whereas, the Legislature of the Commonwealth of Pennsylvania representing all of its people realizes the necessity for rehabilitating the basic coal industry and has legislation pending in the General Assembly to aid it in regaining its former industrial position; and

Whereas, a continuation of the present lack of production will result in permanent harm to the future production of bituminous coal because of the use of substitute fuels; Now Therefore Be It

Resolved (if the House of Representatives concur) That the General Assembly of the Commonwealth of Pennsylvania hereby urges the conferees representing the operators and miners to perform a patriotic duty in the interest of all the people and reconcile their differences immediately for the common good so that the production of bituminous coal may be resumed at an early date and the wheels of industry be kept turning; And Further

Resolved, That a copy of this resolution be transmitted by telegraph by the Chief Clerk of the Senate to the conferees now meeting in the city of New York.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate bill No. 34, entitled:

An Act to further amend section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further regulating the incurring of temporary indebtedness and the repayment thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An Act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section three of the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2860) is hereby further amended to read as follows

Section 508 Any school district having no indebtedness or whose indebtedness incurred or created without the assent of the electors thereof is less than two (2) per centum of the total valuation of the taxable property for school purposes therein may at any time for the purpose of providing funds in any fiscal year for current expenses and debt service for permanent improvements or in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs with such limitations and for such length of term as hereinafter provided by or through its board of school directors incur in addition to any bonds therein authorized a temporary debt or borrow money and issue an obligation or obligations therefor under the seal of the district if any properly attested by the president and secretary thereof and bearing interest not exceeding the legal rate but no such obligation shall be sold for less than par Provided That the incurring of any such temporary debt or borrowing money upon such obligation shall receive the affirmative vote of not less than two-thirds of the members of the board of school directors therein

The total amount of temporary indebtedness incurred for current expenses and debt service shall at no time exceed an amount equal to the State appropriations not received but payable during the fiscal year and the tax levied upon taxable property within such school district for school purposes and remaining uncollected and unpledged for the current fiscal year Provided That for a period of five years from the effective date of these amendments any temporary indebtedness incurred for current expenses and debt service may equal but not exceed the State appropriations not received but payable during the fiscal year and all taxes levied upon taxable property within the school district for school purposes for past years as well as for the current fiscal year and remaining uncollected and unpledged All such loans shall be paid out of the receipts available or pledged for the repayment thereof when and as the said funds are received Provided That the total amount of the temporary indebtedness for such purpose remaining unpaid at the close of the fiscal year shall become an obligation upon the following year's budget and be included therein

The total amount of temporary indebtedness incurred in any school district for the purpose of permanent improvements shall at no time in school districts of the first and second class exceed one-half of one (1) per centum

of the last assessed valuation of taxable property for school purposes therein and in school districts of the third and fourth class two (2) per centum of such assessed valuation Provided That at or before the time of incurring such indebtedness for such purpose provision shall be made for the collection of an annual tax sufficient to pay the interest and also the principal thereof within the term of such indebtedness as hereinafter provided Provided That the total indebtedness in any school district of the first class including all bonded indebtedness and temporary indebtedness shall never exceed two (2) per centum of the last assessed valuation of taxable property for school purposes therein and in school districts of the second third and fourth class shall not exceed seven (7) per centum of such assessed valuation

The total amount of temporary indebtedness incurred in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs as hereinbefore provided shall not exceed seventy-five (75) per centum of the full amount of bonds authorized by such bond issue

All money borrowed for the purpose of current expenses and debt service as hereinbefore provided and remaining unpaid at the close of any fiscal year shall be paid out of the receipts of the following fiscal year for school districts as heretofore provided but in all events not later than the first day of July of such following year in school districts of the first class and not later than the first day of November in school districts of the second third and fourth class Provided That all temporary indebtedness for such purpose existing prior to the first day of July one thousand nine hundred [thirty-seven] thirty-nine shall be payable at any time not to exceed three years thereafter.

All money borrowed for permanent improvements for which no bond issue has been provided and for which an obligation or obligations other than bonds have been issued shall be paid within three years from date of issue of such obligation together with interest and at least one-third of the total principal of the original loan shall be paid annually Such obligation or obligations may be paid in full or in part each year when the taxes are received and reborrowed again the latter part of the fiscal year Provided That the amount reborrowed is less than the amount borrowed the preceding year by at least one-third of the total amount of the original loan Provided further That each time the money is reborrowed the date and purpose for which it was originally borrowed shall be restated Provided further That the amount of the original loan shall be paid in full within a maximum term of three years from the date of the original loan for such purpose

All obligations other than bonds issued by any school district in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs shall be paid in full together with interest out of the proceeds of such bond issue within one year six months from the date of authorization of such bond issue

In case of an emergency any school district in this Commonwealth in any fiscal year after incurring temporary indebtedness for current expenses and debt service to the full extent of the provisions hereinbefore provided and finding the receipts from said temporary loans together with all other receipts to be inadequate to meet the expenditures of the official fiscal year's budget may appeal to the State Superintendent of Public Instruction for permission to increase the temporary indebtedness of such school district beyond the amount hereinbefore provided and shall present to the State Superintendent of Public Instruction or his agent such financial statements or reports as he may require to give him adequate facts relative to the necessity of such increase in indebtedness The State Superintendent of Public Instruction is hereby authorized after due examination of the need of such school district either to refuse or grant permission to such school district to borrow additional funds beyond the provisions hereinbefore provided and in case of approval he shall set a maximum limit of the total amount of additional temporary indebtedness that such school district may incur during the fiscal year in addition to all temporary indebtedness outstanding at the time of such approval Provided That such additional amount of temporary indebtedness together with all other temporary indebtedness at any time for the purpose of payments on current expenses and debt service in school districts of the first [and second] class shall not exceed four-tenths of one (1) per centum and in school districts of the second class shall not exceed three-fourths of one (1) per centum and in school districts of the third and fourth class shall not exceed one (1) per centum of the total amount of taxable property in such district and the total indebtedness for such purposes together with all other indebtedness incurred without authorization by vote of the electors of the district shall at no time exceed two (2) per centum of the last total assessed valuation of the taxable property therein All temporary indebtedness remaining unpaid at the end of the fiscal year shall be paid in the same manner as hereinbefore provided

Section 2 This act shall become effective immediately upon its approval by the Governor

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39.

Bartlett,	Farrell,	Letzler,	Shapiro,
Cavalcante,	Gelder	Mallery,	Snowden,
Chapman,	Geltz,	McCreesh,	Stevenson,
Crowe,	Gilson,	McGinnis,	Stiefel,
Dando,	Heyburn,	Miller,	Tallman,
Deitrich,	Homsher,	Owlett,	Thomas,
Dent,	James,	Pierson,	Walker.
DiSilvestro,	Kilgallen,	Rice,	Wolfenden,
Ealy,	Kunkel,	Ruth,	Woodward,
Edmonds,	Lanius,	Scarlett,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate bill No. 52, (House bill 186), entitled:

An Act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39.

Bartlett,	Farrell,	Letzler,	Shapiro,
Cavalcante,	Gelder,	Mallery,	Snowden,
Chapman,	Geltz,	McCreesh,	Stevenson,
Crowe,	Gilson,	McGinnis,	Stiefel,
Dando,	Heyburn,	Miller,	Tallman,
Deitrick,	Homsher,	Owlett,	Thomas,
Dent,	James,	Pierson,	Walker,
DiSilvestro,	Kilgallen,	Rice,	Wolfenden,
Ealy,	Kunkel,	Ruth,	Woodward,
Edmonds,	Lanius,	Scarlett,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same wihout amendments.

BILL OVER IN ORDER

Mr. GELTZ, Mr. President, I ask unanimous consent that Senate Bill No. 214, on third reading, entitled:

An Act requiring retail dealers in liquid fuels to display the price of liquid fuels on signs specifying the location thereof maximum size thereof minimum size of lettering and figures thereon conferring powers and duties upon the Department of Revenue and imposing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 317, entitled:

An Act to amend sections four hundred fifteen and four hundred sixteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended further defining group life insurance to include additional classes of persons

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40.

Bartlett,	Edmonds,	Letzler,	Scarlett,
Cavalcante,	Farrell,	Mallery,	Shapiro,
Chapman,	Gelder,	McCreesh,	Snowden,
Coleman,	Geltz,	McGinnis,	Stevenson,
Crowe,	Heyburn,	Miller,	Stiefel,
Dando,	Homsher,	Owlett,	Tallman,
Deitrick,	James,	Pierson,	Thomas,
Dent,	Kilgallen,	Reed,	Walker,
DiSilvestro,	Kunkel,	Rice,	Wolfenden,
Ealy,	Lanius,	Ruth,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 389, (House Bill No. 574) on third reading, entitled:

A Supplement to the act, approved the second day of July, one thousand nine hundred thirty-seven, (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine and providing for the payment of certain of the deficiency appropriations out of revenues of the fiscal biennial period beginning June first, one thousand nine hundred thirty-nine.

go over in its order.

The PRESIDENT. Is there objection?

Mr. EDMONDS. Mr. President, I find that Senate Bill No. 389 is not in my file; but I understand that it is in the files of some of the other members.

I should like a page to bring me a copy so that I may familiarize myself with the amendment.

Mr. SHAPIRO. Mr. President, I move that the Senate Bill No. 389, go over in order.

Mr. HEYBURN. Mr. President, I second the motion.

Mr. EALY. Mr. President, I understand that this bill will just go over in order temporarily, and will be considered in a short time.

The PRESIDENT. It has been suggested that Senate Bill No. 389, go over temporarily, until the Senator from Montgomery has had an opportunity to read it.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 518, entitled:

An Act to further amend section one, and a part of section two of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (P. L. 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purpose through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" changing the membership of the board and the functions of the Secretary of Health with reference thereto requiring audits by the Auditor General and reports of the activities of the board and increasing the maximum amount that may be expended for burial of unclaimed bodies unfit for anatomical purposes

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Warren, Dr. Chapman.

The PRESIDENT. Will the Senator from Warren, Dr. Chapman, permit himself to be interrogated?

Mr. CHAPMAN. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I do not know enough about the anatomical situation to get mixed up in that, and I am not interested in the disposition of dead bodies from the morgue, but why it is necessary to increase the minimum from $50 to $75 to the Coroner of Philadelphia

for the purpose of burying bodies They seem to get along very well with the $50 maximum. Why do they need $75.

Mr. CHAPMAN. Mr. President, the minimum was $35.

Mr. SHAPIRO. Mr. President, is there any real reason to increase the amount to $75?

Mr. CHAPMAN. Mr. President, I think that may be remedied.

Mr. SHAPIRO. Mr. President, I move that this bill go over in order, so that it may be amended.

I have not heard any clamor from those gentlemen in Philadelphia, who remove those dead bodies from the morgue, for more money. The minimum is $35, Mr. President, but they always get the maximum.

And the question recurring,

Will the Senate agree to the bill?

BILL OVER IN ORDER

Mr. SHAPIRO, Mr. President, I ask unanimous consent that Senate Bill No. 518, on third reading, entitled:

An Act to further amend section one, and a part of section two of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (P. L. 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed bodies for scientific purpose through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" changing the membership of the board and the functions of the Secretary of Health with reference thereto requiring audits by the Auditor General and reports of the activities of the board and increasing the maximum amount that may be expended for burial of unclaimed bodies unfit for anatomical purposes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate bill No. 527, (House bill No. 885), entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bartlett,	Farrell,	Mallery,	Shapiro,
Cavalcante,	Gelder,	McGinnis,	Snowden,
Chapman,	Geltz,	Miller,	Stevenson,
Coleman,	Gilson,	Owlett,	Stiefel,
Crowe,	Heyburn,	Pierson,	Tallman,
Dando,	Homsher,	Reed,	Thomas,
Deitrick,	James,	Rice,	Walker,
DiSilvestro,	Kilgallen,	Ruth,	Wolfenden,
Ealy,	Kunkel,	Scarlett,	Woodward,
Edmonds,	Letzler,		

NAYS—2

Dent,	Lanius,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 528, (House Bill No. 886), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Farrell,	Letzler,	Scarlett,
Cavalcante,	Gelder,	Mallery,	Shapiro,
Chapman,	Geltz,	McCreesh,	Snowden,
Coleman,	Gilson,	McGinnis,	Stevenson,
Crowe,	Heyburn,	Miller,	Stiefel,
Dando,	Homsher,	Owlett,	Tallman,
Deitrick,	James,	Pierson,	Thomas,
Dent,	Kilgallen,	Reed,	Walker,
DiSilvestro,	Kunkel,	Rice,	Wolfenden,
Ealy,	Lanius,	Ruth,	Woodward,
Edmonds,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Mr. EALY. Mr. President, I move that the Senate do now resume consideration of Senate Bill 389, (House Bill No. 574), on third reading.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 389, (House Bill No. 574), entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page 74) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for the two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine and providing for the payment of certain of the deficiency appropriations out of revenues of the fiscal biennial period beginning June first one thousand nine hundred thirty-nine

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Farrell,	Letzler,	Scarlett,
Cavalcante,	Frey,	Mallery,	Shapiro
Chapman,	Gelder,	McCreesh,	Snowden,
Coleman,	Geltz,	McGinnis,	Stevenson,
Crowe,	Gilson,	Miller,	Stiefel,
Dando,	Heyburn,	Owlett,	Tallman,
Deitrick,	Homsher,	Pierson,	Thomas,
Dent,	James,	Reed,	Walker,
DiSilvestro,	Kilgallen,	Rice,	Wolfenden,
Ealy,	Kunkel,	Ruth,	Woodward.
Edmonds,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 226, as follows:

An Act abolishing the Oil Industry Investigation Commission terminating the terms of its members and lapsing the unobligated balance of any appropriation made therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Oil Industry Investigation Commission is hereby abolished and the terms of all its members are hereby terminated on the effective date of this act All unobligated balances of any appropriation made to or for said commission are hereby lapsed and shall revert to the General Fund in the State Treasury

Section 2 The act approved the twelfth day of August one thousand nine hundred and thirty-eight (Pamphlet Laws nineteen) entitled "An act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employes and making an appropriation" as amended by the act approved the twenty-ninth day of November one thousand nine hundred and thirty-eight (Pamphlet Laws 102) is hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 265, (House Bill No. 383), entitled:

An Act to amend the title and the act approved the sixteenth day of May, one thousand nine hundred thirty-five (P. L. 176) entitled "An act requiring cities of the second and third class to allow members of the police department twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases" extending the provisions of said act to cities of the second class A

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 289, (House Bill No. 282,) entitled.

An Act to repeal the act approved the twenty-second day of September one thousand nine hundred and thirty-eight (Pamphlet Laws 37) entitled "An act relating to and removing the remaining additional persons now serving as Pennslyvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one (Pamphlet Laws five hundred seventy-five) entitled 'An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Delaware River Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of The Delaware River Bridge Joint Commission and making an appropriation' and providing for the appointment of their successors"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 431 as follows:

An Act to amend sections one and six of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1356) entitled "An act to regulate the sale and delivery of solid fuel as herein defined providing for appointment of licensed weighmasters prescribing their powers and duties authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs and providing penalties" by providing for reciprocal recognition of weight certificates for solid fuel between the Commonwealth of Pennsylvania and bordering states requiring such certificates and defining the term "licensed weighmaster"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and six of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1356) entitled "An act to regulate the sale and delivery of solid fuel as herein defined providing for appointment of licensed weighmasters prescribing their powers and duties authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs and providing penalties" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "solid fuel" when used in this act shall mean anthracite semi-anthracite

bituminous semi-bituminous or lignite coal briquettes boulets coke gas-house coke petroleum coke petroleum carbon char-coal or any other natural manufactured or patented fuel not sold by liquid or metered measure

The term "person" when used in this act shall be construed to include any individual partnership unincorporated association or corporation

The term "licensed weighmaster" when used in this act shall include a person licensed to weigh solid fuel by this Commonwealth or by a bordering state issuing such licenses and recognizing licenses and weight certificates issued by such licensees in this Commonwealth

Section 6 No person shall make or issue a weight certificate of solid fuel unless licensed by the Secretary of the Department of Internal Affairs of this Commonwealth except as otherwise provided in this act Application for such license shall be made upon a form prescribed by the secretary of said department and shall indicate the place where the weighmaster shall perform this function and the type and capacity of the scale to be used by the applicant The applicant shall furnish satisfactory evidence of good moral character and of ability to weigh accurately and to make correct weight certificates The applicant shall pay a license fee of five dollars ($5.00) to the secretary of the said department for remittance to the State Treasurer The license shall be for a period not exceeding three years A license may be renewed in the discretion of the secretary for successive periods of not exceeding three years each upon payment of a license fee of five dollars ($5.00) to the Secretary of the Department of Internal Affairs for remittance to the State Treasurer Each license shall be kept at the place where the weighmaster is engaged in weighing and shall be open to inspection A license may be revoked by the Secretary of the Department of Internal Affairs after hearing upon due notice to the licensee for dishonesty incompetency inaccuracy or for any violation of the provisions of this act and must be revoked by the secretary when the weighmaster has lost his employment at the place of weighing for which the license has been issued

Provided however That in any case where a license has been revoked any person shall be authorized to substitute at the place for which said revocation was made another weighmaster in his employ and duly certified as such under the provisions of this act pending disposition by the Secretary of Internal Affairs of a new application for license of a new applicant as weighmaster at the place for which the license has been revoked And provided further That the said new application must be forwarded to the Secretary of Internal Affairs within five days of the substitution of another weighmaster

In case of the absence or inability to act of a licensed weighmaster any person may substitute for such deceased or absent weighmaster another weighmaster in his employ and duly certified as such under the provisions of this act Provided That immediate notice of such substitution be reported by said person to the Secretary of Internal Affairs And further provided That any such substituted weighmaster shall not be authorized to continue as weighmaster at the place of substitution for a period in excess of thirty days unless with the written consent of the Secretary of Internal Affairs

Whenever any bordering state requiring licenses and weight certificates for solid fuel recognizes licenses and accepted weight certificates issued by licensees of this Commonwealth such licenses and weight certificates of such state shall be recognized and accepted in this Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 432, as follows:

An Act authorizing the Department of Property and Supplies with the consent of the Department of Military Affairs and the approval of the Governor to sell or exchange and convey the property of the Pennsylvania State Arsenal at Harrisburg appropriating the proceeds thereof to the Department of Military Affairs and providing for the construction of an arsenal or warehouse on the military reservation at Indiantown Gap and for the removal of State and Federal supplies thereto.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies is hereby empowered to sell or exchange all or any part or parts of the grounds buildings utilities or other facilities of the Pennsylvania State Arsenal at Harrisburg with the consent of the Department of Military Affairs and subject to the approval of the Governor The deed for any such conveyance shall be executed by the Secretary of Property and Supplies and approved by the Governor Any moneys received from any such sale or exchange shall be deposited through the Department of Revenue into the State Treasury and are hereby appropriated to the Department of Military Affairs for the purchase of additional land for sponser's contribution to Works Progress Administration projects and for the making of improvements additions or repairs to existing buildings roads and utilities and the construction by competitive bid and contract of an arsenal or warehouses on the military reservation at Indiantown Gap Provided however That if any other department of the Commonwealth so request the Pennsylvania State Arsenal at Harrisburg may be transferred in whole or in part with the consent of the Department of Military Affairs and with the approval of the Governor to such other department on such terms and conditions as may be mutually agreed upon

Section 2 As soon as said arsenal or warehouse at Indiantown Gap is ready for use the Department of Military Affairs is authorized to transfer all State and Federal supplies now stored in the arsenal at Harrisburg to the new buildings provided therefor at the military reservation at Indiantown Gap

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. WALKER, Mr. President, I ask unanimous consent that Senate Bill No. 543, on second reading, entitled:

An Act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Board of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 544, on second reading, entitled:

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits shall be assessed levied and collected upon the basis of the county assesements imposing duties on county taxing authorities abolishing the department of assessors in cities of the second class and transferring certain property to county taxing authorities

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Delaware, Mr. Heyburn.

The PRESIDENT. Will the Senator from Delaware permit himself to be interrogated?

Mr. HEYBURN. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the Senator from Delaware tell the Senate whether the name of John Bauer of Delaware county is known to him.

Mr. HEYBURN. Yes, sir, Mr. President.

Mr SHAPIRO. Mr. President, will the Senator from Delaware tell the members of the Senate who John Bauer happens to be.

Mr. HEYBURN. Mr. President, he is Secretary to John J. McClure, my predeccessor.

Mr. SHAPIRO. Mr. President, is the gentleman familiar enough to know whether it is not so that this is the man who was convicted in the Federal Courts for the crime of collecting from bawdy houses.

Mr. HEYBURN. Mr. President, Yes, I believe he was convicted in the trial of 1933.

Mr. SHAPIRO. Mr. President, was the gentleman consulted at all prior to his appointment as Registrar of Vital Statistics in Delaware County?

Mr. HEYBURN. Mr. President, the first I knew about it, I saw it in the local papers last Friday or Saturday.

Mr. SHAPIRO. Then the gentleman had nothing to do with the appointment?

Mr. HEYBURN. No, indeed, Mr. President, I did not.

Mr. SHAPIRO. Mr. President, I am glad to know that no member of this Senate had anything to do with that appointment.

MOTION TO CONSIDER SENATE BILL No. 404.

Mr. WOLFENDEN. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 404, on second reading postponed for the present.

Mr. JAMES. Mr. President, I second the motion.

It was agreed to.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 404, as follows:

BILL ON SECOND READING

An Act providing for a uniform commission to fire insurance agents prohibiting additional compensation or excess commission in any form providing for the enforcement of the provisions of this act by the Insurance Commissioner and imposing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order that rates for insurance against the hazards of fire shall be reasonable it shall be unlawful for any fire insurance company association or exchange licensed in this Commonwealth to directly or indirectly pay or allow or offer or agree to allow any commission or other compensation or anything of value other than a standard commission of twenty-five per centum of the premium paid to any person for acting as its agent in respect to any class of such insurance On the written complaint of any insurer or any agent licensed in this Commonwealth that there has been any violation of the provisions of this act or when the Insurance Commissioner deems it necessary without such complaint the Commissioner shall inquire whether or not there has been any violation of the provisions of this act in the commissions paid or payable on such risks in this Commonwealth

Section 2 Any fire insurance company association or exchange and any agent expert person copartnership association or corporation violating any of the provisions of this act shall be subject to a penalty of five hundred dollars ($500) for each violation to be sued for and recovered by the Insurance Commissioner or by any citizen of this Commonwealth and paid into the State Treasury through the Department of Revenue

Section 3 All acts and parts of act inconsistent herewith are hereby repealed

And said bill having been read at length the second time.

On the question,

Will the Senate agree to the bill?

BILL RECOMMITTED

Mr. WOLFENDEN. Mr. President, I move that Senate Bill No. 404, the bill just read, be recommitted to the Committee on Insurance for the purpose of further study.

Mr. JAMES. Mr. President, I second the motion.

The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Westmoreland will state his question of personal privilege.

Mr. DENT. Mr. President, I have here a page from the Congressional Record which I know will be of interest to all of the members of the Senate. Rather than take up the time of the Senate I would like to ask that it be printed in the Journal, and the members of the Senate may read it, if they so desire. It happens to be the speech of Senator Guffey before the House of Representatives and the members of the Senate several weeks ago.

Mr. EDMONDS. Mr. President, I object to it being printed in the Journal. I have no objection to the clerk reading the speech again, if that is what the Senator from Westmoreland wants.

Mr. DENT. The Senator from Montgomery has asked for it and he is going to get it. Mr. President, and members of the Senate, I will read every word of it.

Mr. OWLETT. Mr. President, in order to avoid the necessity of forcing the Senators to listen to the speech again I would ask if the Senator from Montgomery would be willing to withdraw his objection.

Mr. EDMONDS. Mr. President, I should like to interrogate the Senator from Westmoreland.

The PRESIDENT. Will the Senator from Westmoreland permit himself to be interrogated?

Mr. DENT. Mr. President, I will.

Mr. EDMONDS. Mr. President, may I ask the Senator from Westmoreland whether this is literature.

Mr. DENT. Mr. President, Sir?

Mr. EDMONDS. Is it literature, Mr. President?

Mr. DENT. Yes, Mr. President, it is literature.

Mr. EDMONDS. Mr. President, is it classic?

Mr. DENT. Yes, Mr. President, it is classic.

Mr. EDMONDS. Mr. President, is it truthful?

Mr. DENT. Yes, Mr. President. I am only putting the Democratic speech in, so it is true.

Mr. EDMONDS. Mr. President, just exactly as an actual matter of fact, what good comes to the State from putting it into the Journal?

Mr. DENT. Well, Mr. President, I might refer you to the gentleman who sponsored the resolution asking these men to come here, and give their version of conditions as they are; and if they wanted them here, I think not only the General Assembly ought to know exactly what they said thought the condition of the nation, but everybody should know.

Mr. EDMONDS. Well, the Senator from Tioga suggests that if I continue my objection the Senator from Westmoreland will read the speech.

Mr. DENT. Word by word, Mr. President, in full.

Mr. EDMONDS. Mr. President, I think I could stand it as a sort of musical performance, but it would take a lot of time, and, therefore, I will withdraw my objection.

The PRESIDENT. The speech of Senator Guffey, which the Senator from Westmoreland requests be spread upon the Journal, will be spread upon the Journal as requested.

Mr. SHAPIRO. Mr. President, I would suggest that both speeches be printed, so that we may be able to distinguish between "classical" and "jackassical."

ADDRESS BY SENATOR JOSEPH F. GUFFEY

Mr. GUFFEY. Mr. President, I ask unanimous consent to have inserted in the Congressional Record an exact copy of Resolution No. 14, passed by the Pennsylvania House of Representatives, and the address I delivered in response thereto.

Resolution 14

The whole world is distressed and waring and following strange dogmas.

Our own country continues in the grip of the severest economic depression and financial panic in our history.

The federal administration by its domestic policy has engendered an unhealthy class consciousness within our borders.

Secret diplomacy a policy strange to our Republic threatens to embroil our Nation in the dangerous and viscious disputes of Europe.

The policy of reciprocal trade tariffs seem to build up our unemployment roles rather than spur trade.

The dangerous "isms" of Europe appear to be fostered and encouraged by certain federal bureaus threatening the overflow of our government.

The whole New Deal has created the largest debt in our history makes no effort to balance its budgets and threatens inflation.

The Commonwealth of Pennsylvania has a large interest in these problems and a great stake in the economic affairs of the United States, therefore be it

RESOLVED, That the Speaker of this House of Representatives be directed to communicate with the two United States Senators the Honorable Joseph F Guffey and the Honorable James J. Davis the Keystone State's ambassadors to the seat of the federal government at Washington and invite them to appear together at an agreeable time before this House and give to its members a report of the state of the Nation to the end that Pennsylvania may be fully and authentically advised of the things which threaten our people and that this great Commonwealth may be the better guided in the farmulation of a legislative policy that shall protect her best interests and the quicker relieve her distress.

Address of Hon. Joseph F. Guffey, of Pennsylvania, before the House of Representatives of the Commonwealth of Pennsylvania on the evening of Monday, March 27, 1939, in response to House Resolution No. 14 of the session of 1939.

Ladies and gentlemen of the House of Representatives, I wish to express my gratitude to your honorable body for affording me this opportunity to render a report on the problems of the Congress and their relationship to your own legislative program for our Commonwealth.

All of you are familiar with the reports given to Congress by the President of the United States, in which he outlines the major issues facing our Nation. These reports have been supplemented from time to time by numerous hearings, both public and private, before the various committees of the Senate and House. It is on the basis of Presidential messages and the information furnished at committee hearings that the Congress necessarily must base its actions.

Above all, the legislative bodies of the Nation, both in Washington and in the State capitals, from coast to coast, view with ever-increasing anxiety the steady advance in foreign lands of political principles alien to our American concepts of democracy.

Communism and fascism, both based upon the theory of the individual's subordination to the state, have gathered force and momentum during the years since the World War. They are dominant today in Russia, Germany, and Italy. They are contending against each other for domination in Spain. They lie at the root of the warfare that is still raging in China. They are beginning to play an important part in the affairs of our southern neighbors—Mexico and the republics of South America.

We fear, and with good reason, that the present state of affairs in Europe is such that any untoward incident may be sufficient to embroil the great powers in another World War. The very thought of such a conflict fills our American people with foreboding. They naturally fear, because of the economic interdependence of the nations of the world, that such a conflict inevitably will involve the United States.

There are some who dare to assert that the President has not been entirely frank and candid with the people in his foreign diplomacy; some people who profess to believe that secret negotiations have been under way to aline the United States with Great Britain and the other great democracies of the world in anticipation of a life-and-death struggle with the advancing dictatorships.

Nothing could be further from the truth. Nothing could be more typical of the numerous efforts that have been made, sometimes in malice and sometimes in ignorance, to cast doubt upon the policies adopted by the President of the United States. America may well feel gratified that its ship of state has at the helm a man not dedicated to the interests of the international financiers who bred war, not imbued with the old doctrine that the American flag follows the American dollar.

While President Roosevelt has firmly and resolutely protected our American nations in the war areas abroad, he has just as firmly and resolutely resisted all efforts of impassioned partisans to involve the United States in diplomatic incidents. There is no doubt in my mind that on more than one occasion his concern for the peace of this Nation has impelled him to act contrary to his own sympathies.

There is no foundation whatever to the repeated partisan cries that the national administration has been engaged in secret diplomacy contrary to the best interests of the Nation.

I make reference to this because the resolution extending the invitation for me to speak here flatly asserts that such "secret diplomacy" is being practiced. I need only mention that the former Republican Secretary of State, Hon. Henry Stimson, has clearly and unmistakably refuted these claims, and has upheld in the strongest terms the position taken by the President and Secretary Hull.

It should be obvious to everyone that in all diplomacy there are some cries which must be handled without fanfare. Everyone knows that no formal and binding agreements have been, or can be, made until they are publicly presented to and ratified by the Senate of the United States.

If I was surprised at the resolution of this House flatly asserting that "secret diplomacy" was a definite policy of

the Roosevelt administration, I was even more amazed to find this House asserting that "the dangerous 'isms' of Europe appear to be fostered and encouraged by certain Federal bureaus threatening the overthrow of our Government." The mere suggestion that any Federal bureau is threatening the overthrow of our Government or fostering and encouraging alien political principles contrary to American traditions of government is so fantastic as to fall of its own weight.

I cannot think that any Member of this House would lend credence to such idle gossip, which has been repeatedly investigated and repeatedly found to be false. Nor is any refutation of the charge necessary, for no evidence of any kind whatsoever has been brought forward to support it.

I say flatly, and I want you to mark my words, that if dangerous alien "isms" gain ground in this Nation they will do it because of our failure—your failure and my failure and the failure of the American people—to meet the great economic problems that confront us today.

The seed of discontent does not grow until the soil is fertile. One grasping, avaricious employer who denies elementary justice to his workers, one State legislature unmindful of its duty to defend the rights of labor and agriculture and the average man, can do more to promote fascism or communism in this Nation than a whole army of agitators backed by all the gold in Moscow. Your resolution says that "the Federal administration by its domestic policy has engendered an unhealthy class consciousness within our borders." Such a statement is utter nonsense. Class consciousness does not arise from any Federal policy. It arises from wretched working conditions, from low pay and long hours, from unemployment and distress, from the hunger of women and children. It arises from the primary instinct of self-preservation. And it reached its peak, not under the administration of President Roosevelt, but under the administration of Herbert Hoover, when this Nation was as close to class warfare and revolution as it has ever been in all its history. President Roosevelt, by his inspiring leadership, saved us from that ultimate disaster, and for that achievement of statesmanship we all owe him our undying gratitude.

If, on the other hand, your resolution means that the Federal administration, by its labor policies, has made the worker conscious of his dignity as a man and his rights as a citizen, then I am sure the administration will gladly plead guilty.

What policy, or what legislation, I ask, has brought about this so-called unhealthy class consciousness? The Wagner Act, that protects the fundamental right of labor to organize into unions and bargain collectively? The Wage and Hour Act, that establishes absolute minimum conditions for health and decency? The Social Security Act, that guarantees the worker against hunger and destitution in old age? The burden of proof, ladies and gentlemen, rests not upon the accused but upon the accuser.

The same applies, and with equal force, to the accusation that the policy of reciprocal trade tariffs seems to build up our unemployment rolls rather than spur trade.

Without burdening you with figures, which are available in great detail in the United States Department of Commerce, I merely point out that the reciprocal trade agreements have tremendously increased the dollar volume of American trading abroad, without proportionately increasing imports of manufactured goods. Through the trade agreements program, employment in the United States has been increased and business activity stimulated.

We now approach, ladies and gentlemen, some of the fundamental questions raised in your resolution. The first is that our own country continues in the grip of the severest economic depression and financial crisis in our history. The second is that the whole New Deal has created the largest debt in our history, makes no effort to balance its Budgets, and threatens inflation.

Let us consider a few simple facts. Our country scraped bottom financially in 1929 as the logical outcome of policies followed by three successive Republican Presidents—Harding, Coolidge, and Hoover.

After the dizzy speculative inflation of that period there was a still dizzier descending spiral of deflation that almost wrecked the country. President Roosevelt stepped into the breach in the emergency and saved our country from bankruptcy. His emergency measures were met with loud acclaim by business, because business was scared to death. Those measures gained for this country the most precious thing in the world at the moment—time. They allowed time to proceed with the second phase of economic reconstruction, the reform of evil practices, the establishment of new safeguards to eliminate the factors responsible for our economic collapse.

You all know what happened then. Once the storm had passed the special privileged interests immediately wanted to lapse back into the old ways that had proved so disastrous. Knowing full well that the exploitation of labor and agriculture had resulted in destruction of purchasing power, which is in a real sense the fuel that makes our economic machine go, they insisted upon going back to the "good old days."

They not only went on a sit-down strike by refusing to cooperate with the President, but also took an active part in the movement to destroy the New Deal in its entirety.

After the President has pulled them out of the rut they not only got off the bandwagon but tried to pull it back the way it had come. They wanted rescue, but not reform. They were enjoying the new purchasing power that the New Deal has created, but they didn't want to pay for it either in wages or in taxes. They wanted the cake and the penny too.

Instead of purchasing power, they wanted lower rates. Instead of reform, they wanted confidence. They proclaimed that there would be no recovery until they got what they wanted. They conveniently forgot that they had been given all kinds of tax reductions, not to mention "confidence," during those dizzy years that ended with such a bang in 1929.

They insisted upon Budget balancing, with the result that the first move in that direction abruptly ended the comparative prosperity of 1937 and brought on the recession of 1938. Cause and effect followed quickly and surely. Now they are at it again, and, our recent history shows that if they succeed they will get just what they asked for—a still further business slump and more taxes to meet the relief needs it will create.

Your resolution, ladies and gentlemen, says, that the New Deal has "created the largest debt in our history." I believe it would be fairer to say that the debt was created before the New Deal came into existence, because the New Deal's expenditures have been made to restore a structure that was practically destroyed by its predecessor.

If you took over a house that was not habitable and had to spend large sums to prevent it from collapsing altogether, would you not say that the debt had been created by the neglect of the former owner and that you merely assumed it? For that is what the New Deal did; it assumed the debt that was its heritage from the Harding-Coolidge-Hoover crash.

The question is, Has the New Deal made no effort to balance its Budgets? You all know that the President has made a careful and proper distinction between normal and emergency expenditures. The Nation's normal budget is balanced.

The emergency budget, the budget for the care of the victims of depression, has not been balanced. You are perfectly familiar with that distinction, for you are doing the same thing here in Harrisburg.

You have before you a balanced budget for normal expenditures of departments and a highly unbalanced budget for relief. In fact, your relief budget is shortchanged at least $110,000,000, and everyone seems to be accepting the fact calmly. As I said in Washington recently, your Governor is betting $110,000,000 that President Roosevelt will lick the unemployment problem before he leaves office.

You would have no thought, I am sure, of balancing your budget by refusing to provide for the hungry. Neither has the Roosevelt administration, and the plain fact is that the Nation's emergency budget probably will remain unbalanced until the need for relief disappears.

Unbalanced budgets are not unfamiliar to Pennsylvania, even without a relief problem. In the States largest city, Philadelphia, the third largest city in the country, the Republican Party has been in power for a century, and the city's budget hasn't been balanced for as far back as I can remember. Although it has provided little or nothing for relief at any time, its funded debt, today is well over a half billion dollars, its employes go unpaid, and in spite of its recent sales tax it is talking of pawning the gas-plant revenues.

I am sure the Republican members of this House from Philadelphia must have had their tongues in their cheeks when they voted to accuse the New Deal of failing to balance its Budget.

Ladies and gentlemen, you should give thanks that the Federal Government's relief budget is unbalanced, for your problem would be far greater if it were. Let us suppose for a moment that the Senate were to take you seriously in the matter of Budget balancing and suddenly turn the relief problem entirely back to the States. It would be utterly appalling.

With your own budget more than $110,000,000 out of balance, with your principal city practically bankrupt, with your business establishments and industries complaining of taxation, with your real estate groaning under an already insupportable loan, you would have to go out and double—yes, more than double; triple and quadruple—your present emergency taxes.

Just think that over when you speak of Federal Budget balancing. And I warn you that your Pennsylvania friends and political supporters are in Washington right now fighting to have the Budget balanced. God help them—and you—if they should succeed, for the problem would then be yours, and any new taxes you might levy would be theirs, either directly if you taxed industry or indirectly if you attacked purchasing power through a consumers' tax.

The blunt fact is that the relief problem has to be met, and if Congress balances the National Budget by shirking its responsibility you will have to step into the breach.

I hope I may be pardoned if I remind you, since the political campaigning is over for the present, that the Republican Members of this House, and your Republican Governor, solemnly pledged to reduce taxes when elected. In fact, your Governor as a candidate charged that the Democratic administration had established a little New Deal—as if that were something dishonorable—and that the Democratic taxes were "punitive" taxes against business.

Yet today you have before you a budget which not only levies the same amount of taxes but the very same taxes, the identical taxes item by item, and it is freely admitted that even these will not be sufficient.

Now that the campaign is over, of course, the situation is different because you are faced with realities. I would like to ask that you face another reality, the need for continued Federal appropriations for the unemployed. Naturally Republican candidates were expected to fire away at the unbalancing of the Federal Budget while they were candidates, but it's time now to come down to earth. If you want to make good Governor James' implied budget prediction of recovery, and if you want to avoid the necessity for levying tremendous additional taxes a year from now, you should cooperate to the limit in the effort that we are making to provide adequate Federal aid to the needy.

As one of the two representatives from Pennsylvania in the upper House of Congress I am doing everything in my power to bring that about. I want to declare now that I am going to vote to restore the $150,000,000 that was cut out of the W. P. A. relief appropriations bill some weeks ago. This will make available to Pennsylvania an additional sum in excess of $10,000,000 for W. P. A. relief purposes. If my associates and I should fail, you will have to take up the burden, and therefore it is of greatest importance to you that we succeed.

I offer you my fullest and heartiest cooperation. I'm down in Washington fighting for Pennsylvania's best interests, and I'll welcome your help. If you will approach the problems facing our State and our Nation with sincerity and candor, if you will consider the interests of all our citizens rather than a few, if you will concentrate on real issues rather than some of the ward politics' bugaboos that mark your resolution, we will make real progress.

Your request for guidance in the formulation of legislative policy may seem somewhat ironic when addressed to me, accompanied as it is by an attack upon policies to which I am unalterably committed, but nevertheless I am going to take it at face value.

My advice is simply this:

Defend and amplify the liberal statutes enacted by the legislature that preceded you, see to it that they are administered faithfully and well, fix your tax levies on the basis of ability to pay, cooperate with the New Deal in its effort to restore prosperity by restoring purchasing power, meet your legislative issues squarely instead of dodging them with a maximum of concern for public welfare and a minimum of politics.

If you can do that the platforms of both parties will be carried out and you will go down in history as one of the greatest legislatures ever to sit at Harrisburg.

BILLS INTRODUCED

Mr. OWLETT. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT read in place and presented to the Chair Senate Bill No. 612, entitled:

An Act to regulate the acquiring of a legal settlement in this Commonwealth by any person now or hereafter confined in any public institution outside of the Commonwealth.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 613, entitled:

An Act to amend section two hundred one, and to repeal clause (b) of section three hundred eleven as amended, of the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (P. L. 998), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties;" by including the Western State Psychiatric Hospital and the Philadelphia State Hospital under the provisions of said act, and eliminating certain provisions relating to the commitment of male defective criminals.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

He also read in his place and presented to the Chair Senate Bill No. 614, entitled:

An Act to amend the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 1199), entitled "An act for the acceptance of a site from the University of Pittsburgh, and for surveys and the preparation of preliminary plans and estimates for a Western State Psychiatric Hospital; providing for the erection, construction, and equipment of said hospital when appropriations are made available, and for its management by the Department of Welfare," as amended, fixing the cost of maintenance for private or full-pay patients transferred from State-owned mental hospitals to the Western State Psychiatric Hospital.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

Mr. GELTZ. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ read in place and presented to the Chair Senate Bill No. 615, entitled:

An Act to amend route six hundred and seventy-eight of section one, of the act approved the fifth day of May, one thousand nine hundred and twenty-seven (P. L. 787), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

Which was committed to the Committee on Highways.

Mr. STEVENSON. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STEVENSON read in place and presented to the Chair Senate Bill No. 616, entitled:

An Act to amend section eleven of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 395), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth; providing the procedure therefore; providing for the reimbursement of the Commonwealth from tolls and charges; and making an appropriation," as amended, by providing that such toll bridges heretofore or hereafter acquired by the Department of Highways shall be free bridges from the effective date of this act, or from the date they are so acquired.

Which was committed to the Committee on Highways.

Mr. COLEMAN. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COLEMAN read in place and presented to the Chair Senate Bill No. 617, entitled:

A Supplement to the act, approved the first day of July, one thousand nine hundred thirty-seven (P. L. 2651), entitled "An act dedicating and setting aside certain lands in Lackawanna County as a public park and pleasure-ground; and imposing certain powers and duties in connection therewith on the Department of Forests and Waters," making an appropriation to carry out the purposes of said act.

Which was committed to the Committee on Forestry, Game and Fish.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 282, (House Bill No. 354), entitled:

An Act to amend clause (d) as added to section twenty-one of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" requiring certification of verdicts and judgments entered in orphans' courts to the prothonotary and the filing docketing and indexing the same by him.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceedd to the first reading and consideration of Senate Bill No. 305, (House Bill No. 374), entitled:

An Act to amend section three of article one and section forty of article four of the act approved the twentieth day of June one thousand nine hundred nineteen (P. L. 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefor and providing for the repayment of taxes paid in excess of amount due on future estates

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Argeeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 306, (House Bill No. 376), entitled:

An Act to add paragraph four to clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcript to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings

and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by permitting fiduciaries holding mortgages to accept deeds in lieu of foreclosures and prescribing the effect thereof

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 342, (House Bill No. 373), entitled:

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon the profits realized from corporate stock be treated in whole or in part either as principal or income; and repealing inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 394, (House Bill No. 363), entitled:

An Act to amend section six of the act approved the twelfth day of May one thousand nine hundred and twenty-five (P. L. 603) entitled "An act concerning conditional sales and to make uniform the law relating thereto" by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court

And said bill having been read at length the first time, Ordred, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 427, (House Bill No. 375), entitled:

An Act to amend paragraph (c) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended, "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates, including the appointment, bonds, rights, powers, duties liabilities, accounts, discharge and removal of executors, administrators, guardians and trustees herein designated as fiduciaries, the administration and distribution of the estates of presumed decedents, widow's and children's exemptions, debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor and the discharge of real estate from the lien thereof, contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land, the discharge of residuary estates and of real estate from the lien of legacies and other charges, the appraisement of real estate devised at a valuation, the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein, the survival of causes of action and suits thereupon by or against fiduciaries, investments by fiduciaries, the organization of corporations to carry on the business of decedents, the audit and review of accounts of fiduciaries, refunding bonds transcripts to the court of common pleas of balances due by fiduciaries, the rights, powers, and liabilities of non-resident and foreign fiduciaries, the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia, the recording and registration of decrees, reports and other proceedings and the fees therefor, appeals in certain cases and also generally dealing with the jurisdiction, powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended, by permitting foreign fiduciaries representing the estates of decedents, minors and legal incompetents to foreclose on mortgages to enter judgment on mortgage bonds to sell the property bound thereby to take title to property so sold and resell such property

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 456, entitled:

A Joint Resolution proposing an amendment to section one, article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, April 18 and 19, 1939, by His Excellency, the Governor of the Commonwealth.

Mr. BARTLETT. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 18, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for reappointment as a Notary Public, for a term of four years to compute from the date set opposite her name:

LEHIGH COUNTY

Mrs. Irene M. Gillespie, Catasauqua, April 22, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 18, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Cornell M. Black, Greentree.

BEAVER COUNTY

J. C. Potts, Midland.

DELAWARE COUNTY

Clyde H. Chalfant, Upper Darby Twp., Oak Lane and P. R. R., Primos.

LACKAWANNA COUNTY

P. A. Calvey, Scranton.

PHILADELPHIA COUNTY

Miss Emma Goldman, Phila., 129 South 16th Street.
Raymond Uzumecki, Phila., 300 Wharton Street.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 19, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Raymond F. Barnett, Ross Twp., 4527 Perrysville Road, Bellevue.

BEAVER COUNTY

James H. Carson, Beaver Falls.
John Hedish, Jr., Midland.

ERIE COUNTY

Archibald B. Harris, Erie.

LUZERNE COUNTY

Morris R. Davis, Warrior Run.

McKEAN COUNTY

Miss Grace Havens, Mount Jewett.

PHILADELPHIA COUNTY

Miss Mary V. Friel, Phila., 2016 W. Lippincott St.
Miss Mary E. Murphy, Phila., Broad St. Trust Co. Bldg., 1227 N. Broad Street.
James G. Neill, Phila., 2536 Memphis Street.

SCHUYKILL COUNTY

Miss Mary M. Boyle, Coaldale.

VENANGO COUNTY

Orla F. Marvin, Cornplanter Twp., Box 175, Oil City.

WESTMORELAND COUNTY

Miss Sara F. Reynolds, Scottdale.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 19, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

ALLEGHENY COUNTY

George B. Herwick, McKeesport, April 22, 1939.

ERIE COUNTY

Robert L. Roberts, Erie, April 23, 1939.

ALLEGHENY COUNTY

C. C. Meyer, Pittsburgh, 613 Bakewell Bldg., April 24, 1939.

ERIE COUNTY

Mrs. Genevieve Van Dyk, Erie, May 1, 1939.

JEFFERSON COUNTY

Clemens Simon, Sykesville, May 1, 1939.

LACKAWANNA COUNTY

William J. Lewis, Scranton, May 1, 1939.

WASHINGTON COUNTY

Mrs. Gertrude D. Swallow, Washington, May 1, 1939.

ALLEGHENY COUNTY

Charles O. Anderson, McKeesport, May 4, 1939.

LACKAWANNA COUNTY

I. Edward Nasoni, Scranton, May 4, 1939.

ALLEGHENY COUNTY

Miss Margaret Kenny, Dormont, May 6, 1939.

CARBON COUNTY

Clifford L. Snyder, Palmerton, May 6, 1939.

LANCASTER COUNTY

Melvin L. Miller, Columbia, May 6, 1939.

NORTHAMPTON COUNTY

James W. Johnson, Pen Argyl, May 6, 1939.

ALLEGHENY COUNTY

Louis M. Sachs, Pittsburgh, 1522 Centre Avenue, May 7, 1939.

LAWRENCE COUNTY

J. Clyde Gilfillan, New Castle, May 7, 1939.

ERIE COUNTY

Foster E. Davis, Corry, May 8, 1939.

POTTER COUNTY

William Straitz, Galeton, May 8, 1939.

ALLEGHENY COUNTY

Karl A. Lauer, Jr., Pittsburgh, 2310 Koppers Building, May 11, 1939.
Mrs. Margaret Lyon Merritt, Pittsburgh, 901 Berger Building, May 11, 1939.

MONTGOMERY COUNTY

John E. Ward, Conshohocken, May 11, 1939.

BRADFORD COUNTY

William J. Moon, Sayre, May 13, 1939.

DAUPHIN COUNTY

Sylvio V. Lewis, Steelton, May 14, 1939.

PHILADELPHIA COUNTY

Benjamin Disson, Phila., 2458 N. 31st St., May 14, 1939.
Miss Ada M. Smith, Phila., 1310 Arch St., May 14, 1939.
Miss Mary M. Willy, Phila., 1608 Walnut St., May 14, 1939.

SCHUYLKILL COUNTY

Mrs. Viola M. Umbenhauer, Pine Grove, May 14, 1939.

YORK COUNTY

Walter M. Senft, West Manchester Twp., 2113 W. Market St., York May 14, 1939.

DELAWARE COUNTY

Joseph L. Cavender, Upper Darby Twp., 7193 Radbourne Road, Upper Darby, May 18, 1939.

CHESTER COUNTY

C. Gilbert Hazlett, Kennett Square, May 20, 1939.

ERIE COUNTY

Mrs. Adda B. Post, Erie, May 20, 1939.

ALLEGHENY COUNTY

Miss Mildred A. Guyer, Forest Hills, May 21, 1939.
Miss Sophia C. Kasputis, Bridgeville, May 21, 1939.

DELAWARE COUNTY

Mrs. Alfreda D. Anderson, Lansdowne, May 21, 1939.

ERIE COUNTY

Paul T. Allen, Erie, May 21, 1939.

MONTGOMERY COUNTY

E. Nelson Weir, Abington Twp., 210 North Easton Road, Glenside, May 21, 1939.

PHILADELPHIA COUNTY

Miss Anna McCrea, Phila., 1518 Walnut St., May 21, 1939.

MONTGOMERY COUNTY

Alfonse L. Nicholson, Lower Merion Twp., 27 E. Lancaster Ave., Ardmore, May 25, 1939.

PHILADELPHIA COUNTY

Ralph C. Young, Phila., 1729 W. Girard Avenue, May 25, 1939.

WESTMORELAND COUNTY

Dean E. Lohr, Latrobe, May 25, 1939.

ALLEGHENY COUNTY

Herman Regenstein, Pittsburgh, 357 N. Craig Street, May 27, 1939.

PHILADELPHIA COUNTY

Miss Ida E. Fenstermacher, Phila., F. Weber Co., 1220 Buttonwood St., May 28, 1939.

LACKAWANNA COUNTY

Howard A. Wiley, Scranton, May 29, 1939.

ARTHUR H. JAMES.

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. BARTLETT.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. BARTLETT.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeable to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Farrell,	Letzler,	Scarlett,
Cavalcante,	Frey,	Mallery,	Shapiro,
Chapman,	Gelder,	McCreesh,	Snowden,
Coleman,	Geltz,	McGinnis,	Stevenson,
Crowe,	Gilson,	Miller,	Stiefel,
Dando,	Heyburn,	Owlett,	Tallman,
Deitrick,	Homsher,	Pierson,	Thomas,
Dent,	James,	Reed,	Walker,
DiSilvestro,	Kilgallen,	Rice,	Wolfenden,
Ealy,	Kunkel,	Ruth,	Woodward,
Edmonds,	Lanius,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Monday, April 24, 1939 at 9:00 o'clock, p. m.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 12:14 o'clock, p. m. until Monday, April 24, 1939, at 9:00 o'clock, p. m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, April 19, 1939.

The House met at 1 P. M.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

Our Heavenly Father, bend low, and whisper to us the language of the eternal, that we may know the things that are of infinite value. Reveal to us Thy plan that we may keep in harmony with it. Transport our manhood to its highest peak of thought and action that we may do the best we know. Give us breadth of vision, depth of thought, and solemnity of life, that we may think and act in accordance to Thy will. Help us to know that obedience to vision is dedication to duty. May loyalty to country be exceeded only by loyalty to God. O Lord, be near us, to guide, even to the last mile. Through Jesus Christ, our Lord, Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. O'KEEFE, the further reading was dispensed with and the Journal approved.

BILL INTRODUCED AND REFERRED

By Mr. RHODES. HOUSE BILL No. 1394.

An Act making an appropriation to the Department of Public Instruction for the relief of financially distressed school districts of the first class.

Referred to the Committee on Appropriations.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 77. (HOUSE BILL No.1395)

An Act providing for a Legislative Controller and for his election and removal by the General Assembly defining his powers and duties authorizing the employment of assistants by the Legislative Reference Bureau for the use of

the Legislative Controller imposing certain duties and responsibilities upon the executive and administrative departments and agencies of the State government and upon agencies receiving State appropriations and making an appropriation.

Referred to the Committee on State Government.

SENATE BILL No. 117. (HOUSE BILL No. 1396)

An Act to amend the title and section two of the act approved the twenty-sixth day of May one thousand eight hundred and ninety-seven (Pamphlet Laws 106) entitled "An act prohibiting the discharge from public positions of Union soldiers without a reasonable cause and prohibiting the abolishment of or changing the emoluments of public offices occupied by Union soldiers except for good reason" by extending the provisions thereof to veterans and nurses of any war in which the United States has engaged.

Referred to the Committee on Military Affairs.

SENATE BILL No. 260. (HOUSE BILL No. 1397)

An Act to further amend section four hundred four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth.

Referred to the Committee on Insurance.

SENATE BILL No. 269. (HOUSE BILL No. 1398)

An Act to add section one thousand nine hundred and four to the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" providing for the ependiture of moneys by the Pennsylvania State College under the supervision of the Department of Mines to conduct researches to discover a by-product for the use of anthracite and bituminous coal and to develop new scientific chemical and other uses and new and extended markets for anthracite and bituminous coal and its products and granting the right to the Commonwealth to accept and receive gifts contributions bequests and devises of real or personal property for such purposes designated for the use of Pennsylvania State College.

Referred to the Committee on Appropriations.

SENATE BILL No. 433. (HOUSE BILL No. 1399)

An Act to amend section seven of the act approved the eleventh day of May, one thousand nine hundred and five (P. L. 442), entitled "An act for the appointment and maintenance of a board, to be known as the Armory Board of the State of Pennsylvania, and for the payment of its expenses, and for providing, managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same; authorizing the State Armory Board to receive from counties, cities, municipalities and other sources donations or contributions for the purpose of this act," authorizing the Armory Board to accept donations and contributions from boroughs and townships, and authorizing boroughs and townships to make such donations and contributions.

Referred to the Committee on Military Affairs.

SENATE BILL No. 138. (HOUSE BILL No. 1400)

An Act authorizing counties, cities, boroughs, townships of the first and second class, and school districts to issue and sell bonds for certain purposes and for a certain period of time; providing for a trust fund and a sinking fund for the payment thereof, and defining the duties of the officers and governing bodies of the said municipalities or quasi-municipalities in relation to said funds; and fixing a penalty for the violation thereof,

Referred to the Committee on Municipal Corporations.

RESOLUTION INTRODUCED AND REFERRED

By Mr. DENMAN. RESOLUTION No. 70.

In the House of Representatives, April 18, 1939.

Whereas, The Commonwealth of Pennsylvania cannot sell itself to manufacturers outside its borders or induce those who have left to return unless it offers some inducement; and

Whereas, The Government of the Commonwealth itself purchases many articles for use in its various activities and institutions, but in such purchases shows no preference for articles grown, mined or manufactured in Pennsylvania; and

Whereas, Many purchases are made by or through the Department of Property and Supplies of goods grown, mined or manufactured without the Commonwealth, and with no thought of the benefit that would accrue to Pennsylvania if some preference was given to the growers, miners and manufacturers of Pennsylvania; and

Whereas, Pennsylvania imposes upon and collects from its manufacturers taxes which help to keep its activities and its institutions functioning, and in fairness should assist in every way to promote business for them; therefore be it

Resolved, by the House of Representatives of the General Assembly of the Commonwealth, That the Secretary of the Department of Property and Supplies, in making purchases of goods and materials for use in the various departments and institutions of the Commonwealth, shall select and purchase, whenever possible, only such goods and materials as are grown, mined or manufactured within the Commonwealth or made from materials grown or mined within the Commonwealth; and be it further

Resolved, That a copy of this resolution shall be immediately transmitted to His Excellency, the Governor, and to the Secretary of the Department of Property and Supplies.

Referred to the Committee on Rules.

LEAVE OF ABSENCE

Mr. Allen asked and obtained leave of absence for Mr. REYNOLDS for today's session.

REPORTS FROM COMMITTEES

Mr. KLINE from the Committee on Ways and Means reported as committed, House Bill No. 1078, entitled:

An Act to further amend section twenty-four of the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by redefining deductions in case of reinsurance.

Mr. KLINE from the Committee on State Government reported as committed, House Bill No. 1094, entitled:

An Act authorizing the acceptance by the Commonwealth of a gift of land contiguous to lands now owned by the Commonwealth at the Ashland State Hospital.

Mr. BRUNNER from the Committee on Public Health and Sanitation reported as committed, House Bill No. 635, entitled:

An Act to further amend section two of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies," providing for the burial of such bodies unfit for anatomical purposes by the county commissioners in all counties.

Mr. McKINNEY from the Committee on State Government reported as committed, House Bill No. 1288, entitled:

An Act to amend the second paragraph of section eighteen of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 955), entitled "An act to promote public health, safety, morals, and welfare by declaring the necessity of creating public bodies, corporate and politic, to be known as housing authorities to engage in slum clearance, and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercise of such powers, including the acquisition of property by purchase, gift or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds, and other obligations, and giving security therefor; prescribing the remedies of obligees of housing authorities; authorizing housing authorities to enter into agreements, including agreements with the United States, the Commonwealth, and political subdivisions and municipalities thereof; defining the application of zoning, sanitary, and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation; and imposing duties and conferring powers upon the State Board of Housing, and certain other State officers and departments," providing for the payment of fees for certification to the Department of Internal Affairs in connection with the issue of bonds.

Mr. ECKELS from the Committee on State Government reported as committed, House Bill No. 1167, entitled:

An Act relating to the superannuated members of the State Employes' Retirement System and preserving retirement rights in case of sudden and unexpected death.

Mr. YEAKEL from the Committee on Ways and Means reported as committed, House Bill No. 701, entitled:

An Act to further amend clause (c) of section twenty-one of the act, approved the first day of June, one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," restoring, after a certain period, the exemption of that portion of the capital stock of certain corporations, joint-stock associations, limited partnerships, and companies which were formerly exempt.

Mr. HABBYSHAW from the Committee on Motor Vehhicles reported as committed, House Bill No. 1303, entitled:

An Act to amend the definition of "tractor" in Section 102, as amended, sub-section (a) of Section 404 and Section 605, and Section 607, as amended, of the act approved the first day of May, one thousand nine hundred and twenty-nine, (P. L. 1005), entitled "An act relating to and regulating tractors and trailers and their operation; providing for their registration, and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers,mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of tractors and trailers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, and townships, within the Commonwealth, liability for damages caused by the negligent operation of tractors and trailers; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation; and providing for refunds," further regulating the brakes, size and load of tractors and trailers, and prohibiting the issuance of an operator's license to persons under sixteen years of age.

Mr. HENRY from the Committee on Agriculture reported as amended, House Bill No. 771, entitled:

An Act to amend sections one and two of the act, approved the second day of March, one thousand nine hundred and thirty-three (P. L. 6), entitled "An act to enable persons, associations, partnerships and corporations engaged in farming, and raising, breeding, fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock, farm machinery, farm equipment, and crops; and designating the operation and effect of the lien of such mortgages." as amended; further changing fees and agencies from whom borrowings may be made.

Mr. STAMBAUGH from the Committee on State Government reported as committed, House Bill No. 222, entitled:

An Act to promote interstate cooperation for the conservation and protection of water resources in the Delaware River Basin.

Mr. ROBERTSON from the Committee on Motor Vehicles reported as committed, House Bill No. 1304, entitled:

An Act to amend Section 202, Clause (a) of Section 203, Clause (a) of Section 405, Clause (a) of Section 828, Clause (b) of Section 902, Clause (c) of Section 903, and Clause (c) of Section 1002, of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances and legal claims; registration of certain vehicles and licensing and operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Re-

venue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties, imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended; further regulating the certificates of title, registration and speed limits, and, in certain cases, the weight limits of motor buses.

Mr. FISS from the Committee on Ways and Means reported as committed, House Bill No. 322, entitled:

An Act to repeal the act, approved the second day of June, one thousand nine hundred and thirty-seven (P. L. 1193), entitled "An act to protect the public against fraud and deception; regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein; prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof; conferring powers and imposing duties on the Department of Revenue and prescribing penalties."

Mr. FISS from the Committee on State Government reported as committed, House Bill No. 1212, entitled:

An Act providing for the refund of certain moneys by the Pennsylvania Turnpike Commission to the Department of Internal Affairs for the payment of salaries of employes heretofore or hereafter loaned to the said commission.

Mr. FISS from the Committee on State Government reported as committed, House Bill No. 872, entitled:

An Act to amend section seven of the act, approved the twenty-fifth day of July, one thousand nine hundred and thirteen (P. L. 1319), entitled "An act to establish a State village for feeble-minded women; providing for the appointment of a board of managers to select a tract of land for that purpose in the State forest reserve, and to erect and furnish buildings on the same, and to manage said institution; and providing for the commitment thereto of feeble-minded females between the ages of sixteen and forty-five years; defining the powers and duties of the board of managers; and making an appropriation for the purposes aforesaid, also for the expenses of maintenance until June one, one thousand nine hundred and fifteen," changing the qualifications of the superintendent of said State village.

Mr. HALL from the Committee on Ways and Means reported as committed, House Bill No. 266, entitled:

An Act to further amend section two of the act, approved the fourth day of June, one thousand nine hundred and fifteen (P. L. 828), entitled "An act to provide revenue by imposing a State tax upon sales or agreements to sell or memoranda of sales of stock, and upon deliveries or transfers of shares or certificates of stock in domestic and foreign corporations, copartnership associations, and joint-stock associations; providing the manner of collecting such tax; and prescribing penalties," by further extending the exemptions from the tax imposed by the said act.

Mr. LEE from the Committee on State Government reported as committed, House Bill No. 968, entitled:

An Act to further amend section two hundred three, to repeal section four hundred seven, and to amend section one thousand two hundred and one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," to reorganize the Departments of Revenue and of the Auditor General in such manner as to vest in the Department of Revenue the appointment, the fixing of the compensation, and the approval of the expense accounts of clerks, investigators, appraisers, expert appraisers, permanent appraisers and other employees necessary to enable the registers of wills of the several counties to collect transfer inheritance taxes.

Mr. CLEARWATER from the Committee on State Government reported as committed, House Bill No. 780, entitled:

An Act authorizing the Secretary of Forests and Waters, with approval of the Governor, to accept and acquire by gift, grant or other lawful means, certain canal properties.

Mr. CLEARWATER from the Committee on State Government reported as committed, House Bill No. 781, entitled:

An Act authorizing the Secretary of Forests and Waters, with approval of the State Parks Commission, to transfer portions of canal properties acquired by the Department of Forests and Waters, to the Department of Highways for highway purposes.

Mr. MONTGOMERY from the Committee on Cities—Third Class reported as committed, House Bill No. 896, entitled:

An Act to amend section 2504 of the act approved June twenty-third one thousand nine hundred thirty-one (Pamphlet Laws 932) entitled, "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing a method for the valuation of real property for taxation purposes.

Mr. DICK from the Committee on Municipal Corporations reported as committed, House Bill No. 1287, entitled:

An Act to further amend sections one and two of the act, approved the eighteenth day of July, one thousand nine hundred and thirty-five (P. L. 1286), entitled as amended "An act empowering cities, boroughs, incorporated towns, and townships to charge and collect annual rentals for the use of certain sewers, sewage systems and treatment works, including charges for operation, inspection, maintenance, repair, depreciation, and the amortization of indebtedness and interest thereon;" authorizing the imposition and collection of ready to serve charges; and extending the purposes for which rentals and charges may be made.

Mr. GATES from the Committee on Printing reported as committed, House Bill No. 1064, entitled:

An Act to repeal section eight of the act, approved the twelfth day of July, one thousand nine hundred and nineteen (P. L. 941), entitled "An act providing for the preparation, contents, style, printing and binding of the Legislative Journal and its delivery and distribution; providing for the preparation, printing and binding of the Journals of the Senate and House of Representatives; authorizing the appointment of official reporters, expert typewriters, clerks and other employes, and providing for their compensation and mileage; providing for the making of an appendix and index, the printing of wrappers or envelopes for mailing the Legislative Journal; and repealing all acts or parts of acts inconsistent herewith" in so far as it relates to the preparation, printing, binding and distribution of the Separate Journal of the House of Representatives.

Mr. GATES from the Committee on Ways and Means reported as amended, House Bill No. 492, entitled:

An Act to amend Section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred seven), entitled "An Act to provide revenue for State and County purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," as amended, by excluding stages, omnibuses, hacks, cabs, and other vehicles used in transporting passengers for hire, owned, used, or possessed within this Commonwealth by any person or persons, or by any corporate body or bodies from the provisions thereof.

Mr. HOYT from the Committee on Railroads and Railways reported as amended, House Bill No. 518, entitled:

An Act making it unlawful to trespass on railroads and declaring the trespasser guilty of contributory negligence in actions against the railroad company for damages because of injuries sustained while so trespassing.

Mr. AUKER from the Committee on State Government reported as amended, House Bill No. 870, entitled:

An Act to further amend the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes; defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," further defining State employes and original members; and making further exception to compulsory membership in the system.

Mr. AUKER from the Committee on Dairy Industries reported as committed, House Bill No. 1202, entitled:

An Act to amend the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations;" by authorizing injunctions against persons operating without license; exempting certain dealers from the requirement to file bond; making certain reports mandatory; enlarging the powers and duties of the commission; encouraging and providing for certain contracts between producers and dealers under prescribed conditions and subject to the approval of the commission; eliminating the requirement for the approval by the Governor of certain orders; authorizing and providing for the equalization of the return or prices to be paid to producers in markets where producers' prices are based on utilization; and changing procedure and practice on, and the right of appeal.

Mr. AUKER from the Committee on State Government reported as committed, House Bill No. 1193, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor, to sell seven lots of ground with the messuages thereon, if any, and providing for the disposition of the proceeds derived as a result of sale of such lots.

Mr. JONES from the Committee on Judiciary Special reported as committed, House Bill No. 283, entitled:

An Act permitting inquiry as to good repute and consent on cross-examination of prosecutrix in cases of statutory rape.

Mr. JACOB L. MOSER from the Committee on State Government reported as amended, House Bill No. 197, entitled:

An Act providing that officers and employes of the Commonwealth who are members of the Officers' Reserve Corps of the United States Army, United States Navy or United States Marine Corps shall be entitled to leaves of absence without loss of pay time or rating while engaged in active service or in field training.

Mr. JACOB L. MOSER from the Committee on State Government reported as committed, House Bill No. 721, entitled:

An Act to amend the act, approved the eleventh day of October, one thousand nine hundred thirty-eight (Pamphlet Laws, sixty-two), entitled "An act to amend section two of the act, approved the eleventh day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, four hundred eighty-seven), entitled 'An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons, returned to this Commonwealth by the authorities of another State, or transferred from one poor district to another by the department, and requiring the proper district to pay the costs of the care and treatment

of such persons in accordance with the laws relating to indigent insane persons,' by relieving poor districts of certain costs and placing such costs on the Commonwealth," by deferring the operation of the act for a further period of time.

Mr. JACOB L. MOSER from the Committee on State Government reported as committed, House Bill No. 720, entitled:

An Act to amend section three of the act, approved the eleventh day of October, one thousand nine hundred thirty-eight (Pamphlet Laws, sixty-three), entitled "An act to amend the act, approved the eleventh day of July, one thousand nine hundred twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled 'An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties,' as amended, by further defining and limiting the institutions in which persons mentally ill may receive care and treatment; relieving counties and poor districts of the payment of the cost of the admission, care, and discharge of mental patients, with certain exceptions; imposing such costs on the Commonwealth; and repealing inconsistent laws," by deferring the operation of the act for a further period of time, and permitting the care of mental patients in certain county, city, or institution district institutions during such time.

Mr. JACOB L. MOSER from the Committee on State Government reported as committed, House Bill No. 718, entitled:

An Act to amend the act, approved the twenty-ninth day of September, one thousand nine hundred thirty-eight (Pamphlet Laws, fifty-three), entitled "An act relating to institutions of counties, cities and institution districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation or closing and abandonment thereof, and the maintenance of mental patients therein, including the collection of maintenance in certain cases; providing for the retransfer of certain property to institution districts under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws," by extending the time within which the Commonwealth shall take over all such institutions, and extending the time for the repeal of certain acts listed in section nine of said act.

Mr. SIMONS from the Committee on Railroads and Railways reported as committed, House Bill No. 962, entitled:

An Act permitting railroad corporations to fix in their by-laws the time for annual and other meetings and the election of directors.

Mr. ALSPACH from the Committee on Constitutional Amendments reported as committed, House Bill No. 333, entitled:

A Joint Resolution proposing an amendment to section eight, article five, of the Constitution of the Commonwealth of Pennsylvania.

Mr. TAHL from the Committee on Public Health and Sanitation reported as amended, House Bill No. 709, entitled:

An Act for the protection of the public health by prohibiting the adulteration, misbranding, false labeling and false advertising of drugs including cosmetics and of instruments, apparatus, contrivances, accessories and other devices used in the diagnosis, cure, mitigation, treatment and prevention of disease; providing for the detention, embargoing, seizure and destruction of unlawful drugs, cosmetics and devices; regulating dealing in new drugs; conferring powers and imposing duties on the State Board of Pharmacy; and providing penalties.

Mr. TAHL the Committee on Ways and Means reported as committed, House Bill No. 1114, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, by providing a special procedure for the payment of appropriations for public assistance; extending the time limit within which petitions for review of resettlements may be filed; making certain information pertaining to taxes and bonus confidential except for official purposes; modifying certain provisions relating to the remission of penalties imposed for failure to file tax and bonus reports; and further defining or regulating State depositories, the deposits of State moneys and the security required for such deposits.

Mr. McGARRITY from the Committee on Railroads and Railways reported as committed, House Bill No. 963, entitled:

An Act to amend section one of an act approved the twenty-fourth day of March, one thousand eight hundred and sixty-five (Pamphlet Laws 49) entitled "An act supplementary to an act, regulating railroad companies, approved the nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine," as amended by an act approved the 2nd day of July, one thousand nine hundred and thirty-seven (Pamphlet Laws 2852) entitled "An act to amend the act approved the twenty-fourth day of March, one thousand eight hundred and sixty-five (Pamphlet Laws 49) entitled 'An act supplementary to an act, regulating railroad companies, approved the nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine,' so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases, and modifying limitations, restrictions and conditions under which such consolidation or merger may be made, the effect thereof, and the rights of dissenting stockholders," so as to provide for consolidation or merger of corporations authorized to do business in this State.

Mr. VOORHEES from the Committee on Military Affairs reported as committed, House Bill No. 1324, entitled:

An Act providing for, and requiring in certain cases, preference in appointments to public position for honorably discharged persons who served in the military or naval service during any war in which the United States was engaged.

Mr. CALVIN from the Committee on State Government reported as committed, House Bill No. 1253, entitled:

A Supplement to the act, approved the eighth day of June, one thousand nine hundred twenty-three (Pamphlet Laws, six hundred eighty-five) entitled, "An act prescribing the fees for the office of the Secretary of the Commonwealth," as amended, providing for additional fees to be charged and collected by the Department of State.

Mr. RUSSELL E. REESE from the Committee on Professional Licensure reported as committed, House Bill No. 804, entitled:

A Supplement to the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesmen and their business," by excluding certain persons from the provisions of said act and exempting certain persons from taking an examination.

Mr. CORRIGAN from the Committee on Motor Vehicles reported as committed, House Bill No. 1305, entitled:

An Act to amend sections eight, eleven and twenty-five of the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 553), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles, and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, as herein defined; providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revenue, the State Treasurer, and prothonotaries, and prescribing penalties," as amended, providing certain exemptions and changing the provisions of said act relating to the suspension of operators and registration privileges for the non-payment of judgments.

Mr. TROUT from the Committee on State Government reported as committed, House Bill No. 1074, entitled:

An Act to amend sections one and two of the act approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2460), entitled "An act creating a joint legislative commission, to be known as the Joint State Government Commission; providing for the appointment of its members; and defining its powers and duties," by changing the number and term of members; further defining their powers and duties; and terminating the terms of members now in office.

Mr. ACHTERMAN from the Committee on State Government reported as committed, House Bill No. 1131, entitled:

An Act to amend the act, approved the twentieth day of May, one thousand nine hundred and thirty-seven, (Pamphlet Laws 728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the board; and fixing the compensation of members and employes thereof; providing that the awards of such board shall be final; providing for the payment of awards; and authorizing an appropriation" by constituting said board a departmental administrative board in the Department of the Auditor General, by increasing the compensation of the members of said board, by making further provision with regard to the procedure of said board and the disposition by it, and payment, of costs of proceedings before it.

Mr. McVAY from the Committee on Judiciary Special reported as amended, House Bill No. 389, entitled:

An Act to consolidate, amend and revise the penal laws of the Commnowealth.

Mr. McKINNEY from the Committee on State Government reported as committed, House Bill No. 1182 (Senate Bill No. 83), entitled:

An Act to amend section one of the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 694) entitled "An act providing for the payment monthly by the counties to the Department of Revenue of the expenses of keeping convicts in State penitentiaries" by imposing upon the State the keeping of certain convicts.

Mr. ROSENFELD from the Committee on Judiciary Special reported as committed, House Bill No. 1391 (Senate Bill No. 320), entitled:

An Act to amend section seven of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending powers and duties of boards of prison inspectors of penitentiaries" by changing the provisions thereof as to the contents of record to be furnished wardens by clerks of the courts of quarter sessions.

Mr. McVAY from the Committee on State Government re-reported as amended, House Bill No. 484, entitled:

An Act requiring the Department of Revenue to examine and audit the dockets and accounts of justices of the peace aldermen and magistrates and prohibiting any other department officer or agency of the State Government from so doing.

BILLS RE-REFERRED

Mr. STAMBAUGH returned from the Committee on State Government with the recommendation that it be re-referred to the Committee on Forestry, House Bill No. 796, entitled:

An Act to amend sections three and four of the act, approved the eighth day of April, one thousand nine hundred and thirty-seven (P. L. 258), entitled "An act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof; declaring void certain condemnations and appropriations of waters by municipalities, corporations copartnerships or persons; providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities, corporations, copartnerships or persons, and appeals therefrom; conferring jurisdiction on the court of common pleas of Dauphin County in relation thereto; providing for future condemnations and appropriations of waters by and allocation of waters to municipalities, corporations, copartnerships or persons, and for compensation for waters hereafter to be taken for public water supply purposes; and conferring powers and imposing duties upon the Water and Power Resources Board," by more clearly limiting the

purposes of the act to the appropriation of water for use in providing a supply thereof to the public.

The SPEAKER. The bill is now re-referred to the Committee on Forestry.

Mr. STAMBAUGH returned from the Committee on State Govertment with the recommendation that it be re-referred to the Committee on Forestry, House Bill No. 795, entitled:

An Act to amend section nine of the act, approved the fourteenth day of April, one thousand nine hundred and thirty-seven (P. L. 297), entitled "An act to provide for the leasing of land within the beds of streams, lakes, and other bodies of water, wholly or partly within, or forming part of, the boundary of this Commonwealth, when such land is owned by the Commonwealth; conferring powers and imposing duties upon the Water and Power Resources Board; requiring lessees to establish an amortization fund for improvements placed or erected upon such land; granting certain preference and exemption rights to municipalities of the Commonwealth; and prescribing penalties," by preventing the Commonwealth from charging rent or leasing that portion of the bed of a stream lying outside the low water mark when such land has heretofore been granted or patented and the Commonwealth has not since acquired title.

The SPEAKER. The bill is now re-referred to the Committee on Forestry.

Mr. STAMBAUGH returned from the Committee on State Government with the recommendation that it be re-referred to the Committee on Forestry, House Bill No. 1075, entitled:

An Act to repeal the act, approved the fourteenth day of April, one thousand nine hundred and thirty-seven (P. L. 297), entitled "An act to provide for the leasing of land within the beds of streams, lakes, and other bodies of water, wholly or partly within, or forming part of, the boundary of this Commonwealth, when such land is owned by the Commonwealth; conferring powers and imposing duties upon the Water and Power Resources Board; requiring lessees to establish an amortization fund for improvements placed or erected upon such land; granting certain preference and exemption rights to municipalities of the Commonwealth; and prescribing penalties," saving existing leases until terminated or revoked in accordance with their terms.

The SPEAKER. The bill is now re-referred to the Committee on Forestry.

Mr. STAMBAUGH returned from the Committee on State Government with the recommendaion that it be re-referred to the Committee on Forestry, House Bill No. 1158, entitled:

An Act to repeal section five and to amend section six of the act, approved the fourteenth day of April, one thousand nine hundred and thirty-seven, (P. L. 297), entitled "An act to provide for the leasing of land within the beds of streams, lakes and other bodies of water, wholly or partly within, or forming part of, the boundary of this Commonwealth, when such land is owned by the Commonwealth; conferring powers and imposing duties upon the Water and Power Resources Board; requiring lessees to establish an amortization fund for improvements placed or erected upon such land; granting certain preference and exemption rights to municipalities of the Commonwealth; and prescribing penalties," removing the provisions of said act requiring lessees to establish an amortization fund, and granting preference to former lessees upon the expiration of their lease, and further regulating the making of new leases.

The SPEAKER. The bill is now re-referred to the Committee on Forestry.

Mr. STAMBAUGH returned from the Committee on State Government with the recommendation that it be re-referred to the Committee on Forestry, House Bill No. 273, entitled:

An Act to repeal the act approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2116) entitled "An act declaring certain rights grants and privileges in the beds of navigable waters within and on the boundaries of this Commonwealth void vesting power in the Department of Forests and Waters the Water and Power Resources Board and the Pennsylvania State Park and Harbor Commission to revoke and declare void such rights grants and privileges and providing the procedure in such cases."

The SPEAKER. The bill is now re-referred to the Committee on Forestry.

Mr. AUKER returned from the Committee on State Government with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 923, entitled:

A Supplement to the act, approved the twenty-sixth day of June, one thousand nine hundred thirty-one (P. L. 1386), entitled "An act providing for the care, protection, and maintenance of the brig Niagara, Commodore Perry's Flagship at the Battle of Lake Erie, and now the property of the State of Pennsylvania; creating a commission to be The Flagship Niagara Commission, and making an appropriation for such care, protection and maintenance," transferring the custody and control, restoration and rehabilitaton, care, protection and maintenance of the Flagship Niagara from the Flagship Niagara Commission to the Pennsylvania Historical Commission; providing for the continuance of the present Flagship Niagara Commission as an advisory committee; and for its discharge from certain duties and powers; and making an appropriation to complete the restoration and rehabilitation of the Flagship Niagara and the maintenance of the same.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

Mr. BRETHERICK returned from the Committee on State Government with the recommendation that it be re-referred to the Committee on Judiciary General, House Bill No. 891, entitled:

An Act providing for the reimbursement by the Commonwealth to counties for costs and the maintenance of prisoners incurred as the result of prosecutions under laws providing that fines and penalties imposed under such laws or forfeited bail recovered as the result of such prosecutions shall be payable into the State Treasury or any fund thereof; providing for the audit of the accounts of counties by the Auditor General, and for the collection of amounts due from counties and for appeals by counties to the Board of Finance and Revenue; and imposing powers and duties on the Auditor General and the Department of Revenue and certain duties upon counties; and repealing inconsistent acts.

The SPEAKER. The bill is now re-referred to the Committee on Judiciary General.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 856.

An Act making a deficiency and emergency appropriation to aid certain school districts

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 7, by inserting a light-faced bracket before the word "the"; also at the end of the same line by inserting a light-faced bracket after the word "for"; also line 9, by inserting a light-faced bracket before the word "further"; also at the beginning of line 10, by inserting a light-faced bracket after the syllable "ing".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Downey,	Levy,	Sarge,
Ackermann,	Eckels,	Leydic,	Sarraf,
Allen,	Ely,	Lichtenwalter,	Scanlon,
Allmond,	Ewing,	Long,	Schrock,
Alspach,	Falkenstein,	Lovett,	Schrope,
Andrews,	Fauset,	Lyons,	Schwab,
Atkins,	Fisher,	Madden,	Seif,
Auker,	Fiss,	Malloy,	Serrill,
Baker,	Flanagan,	Malone,	Shaw,
Balliet,	Fleming,	Marr,	Shearer,
Balthaser	Foor,	Matthews,	Simons,
Bardes,	Freed,	McClester,	Skale,
Bennett,	Fullerton,	McGarrity,	Sloan,
Bohn,	Furman,	McKinney,	Snyder,
Boies,	Gates,	McLane,	Sollenberger,
Boney,	Gillan,	McNally,	Stambaugh,
Boorse,	Gillette,	McVay,	Stank,
Boose,	Goll,	Melchiorre.	Stewart,
Bower,	Gorski,	Mihm,	Stockham,
Boyd,	Habbyshaw,	Montgomery,	Sweeney,
Brancato.	Haines,	Mooney,	Tahl,
Bretherick,	Hall,	Moran,	Tarr,
Broad,	Hamilton,	Moser, F. S.,	Taylor,
Bronson,	Harbeson,	Moser, J. L.,	Terry,
Brown, H. S.,	Harkins,	Muir,	Thistle,
Brown, S. W.,	Haudenshield,	Munley,	Thompson, G.R.,
Brunner,	Henry,	O'Brien,	Tiemann,
Burns,	Hess,	O'Connor,	Tronzo,
Burris,	Hewitt,	O'Dare,	Trout,
Cadwalader,	Hindman,	O'Keefe,	VanAllsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Watkins,
Christler,	Hoyt,	Preston,	Webster,
Clark,	Huntley,	Readinger,	Weiss,
Clearwater,	Imbrie,	Reagan,	Welsh, E. B.,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, M. J.,
Cook,	Jirolanio,	Reese, R. E.	Westrick,
Cooper,	Johnston,	Regan,	Wilkinson,
Cordier,	Jones,	Rhodes,	Williams,
Corrigan,	Keenan,	Rider,	Wilson,
Cortese,	Kenehan,	Riley.	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 574.

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine and providing for the payment of certain of the deficiency appropriations out of revenues of the fiscal biennial period beginning June first one thousand nine hundred thirty-nine

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 4, line 13, by inserting a heavy-faced bracket before the word "To"; also in line 22, by inserting a heavy-faced bracket after the figures "($275,000)"; also page 5, at the beginning of line 6, by inserting a heavy-faced bracket before the word "For"; also at the end of line 23, by inserting a heavy-faced bracket after the figures "($550,000)".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Downey,	Levy,	Sarge,
Ackermann,	Eckels,	Leydic,	Sarraf,
Allen,	Ely,	Lichtenwalter,	Scanlon,
Allmond,	Ewing,	Long,	Schrock,
Alspach,	Falkenstein,	Lovett,	Schrope,
Andrews,	Fauset,	Lyons,	Schwab,
Atkins,	Fisher,	Madden,	Seif,
Auker,	Fiss,	Malloy,	Serrill,
Baker,	Flanagan,	Malone,	Shaw,
Balliet,	Fleming,	Marr,	Shearer,
Balthaser,	Foor,	Matthews,	Simons,
Bardes,	Freed,	McClester,	Skale,
Bennett,	Fullerton,	McGarrity,	Sloan,
Bohn,	Furman,	McKinney,	Snyder,
Boies,	Gates,	McLane,	Sollenberger,
Boney,	Gillan,	McNally,	Stambaugh,
Boorse,	Gillette,	McVay,	Stank,
Boose,	Goll,	Melchiorre,	Stewart,
Bower,	Gorski,	Mihm,	Stockham,
Boyd,	Habbyshaw,	Montgomery,	Sweeney,
Brancato.	Haines,	Mooney,	Tahl,
Bretherick,	Hall,	Moran,	Tarr,
Broad,	Hamilton,	Moser, F. S.,	Taylor,
Bronson,	Harbeson,	Moser, J. L.,	Terry,
Brown, H. S.,	Harkins,	Muir,	Thistle,
Brown, S. W.,	Haudenshield,	Munley,	Thompson, G.R.,
Brunner,	Henry,	O'Brien,	Tiemann,
Burns,	Hess,	O'Connor,	Tronzo,
Burris,	Hewitt,	O'Dare,	Trout,
Cadwalader,	Hindman,	O'Keefe,	Van Allsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,

Chervenak,	Holland,	Powers,	Watkins,
Christler,	Hoyt,	Preston,	Webster,
Clark,	Huntley,	Readinger,	Weiss,
Clearwater,	Imbrie,	Reagan,	Welsh, E. B.,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, M. J.,
Cook,	Jirolanio,	Reese, R. E.,	Westrick,
Cooper,	Johnston,	Regan,	Wilkinson,
Cordier,	Jones,	Rhodes,	Williams,
Corrigan,	Kane,	Rider,	Wilson,
Cortese,	Keenan,	Riley	Winner,
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rooney,	Wood, L. H.,
Denman,	Knoble,	Rose,	Wood, N.,
DeNote,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Leisey,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 28.

An Act to regulate the sale of sulfanilamide and its derivatives in the interest of public health

HOUSE BILL No. 365.

An Act for the judicial notice of the laws of other jurisdictions and for proof thereof and to make uniform the law with reference thereto

HOUSE BILL No. 364.

An Act making business records competent legal evidence under certain conditions and making uniform the law with reference thereto

HOUSE BILL No. 444.

An Act to amend section nine of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" by changing the amount and method of contributions for and payment of death benefits

HOUSE BILL No. 186.

An Act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

HOUSE BILL No. 885.

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

HOUSE BILL No. 886.

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been preprared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 28.

An Act to regulate the sale of sulfanilamide and its derivatives in the interest of public health

HOUSE BILL No. 364.

An Act making business records competent legal evidence under certain conditions and making uniform the law with reference thereto

HOUSE BILL No. 365.

An Act for the judicial notice of the laws of other jurisdictions and for proof thereof and to make uniform the law with reference thereto

HOUSE BILL No. 444.

An Act to amend section nine of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" by changing the amount and method of contributions for and payment of death benefits

HOUSE BILL No. 186.

An Act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

HOUSE BILL No. 885.

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

HOUSE BILL No. 886.

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine

HOUSE BILL No. 574.

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine and providing for the payment of certain of the deficiency appropriations out of revenues of the fiscal biennial period beginning June first one thousand nine hundred thirty-nine

HOUSE BILL No. 856.

An Act making a deficiency and emergency appropriation to aid certain school districts

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

ANNOUNCEMENT BY SPEAKER

The Chair desires to call the attention of the members of the House to the Legislative Correspondents' biennial dinner on Wednesday evening next. There will be sessions of the Legislature through Thursday of next week, and the members' attention is called to the dinner on Wednesday. Those of you who have never attended one will have a treat in store for you. That is the time to see yourself "as ithers see" you. If you have any grudge against the Speaker or the Floor Leaders and others come down because they generally get some panning from the newspaper correspondents.

The SPEAKER. The Chair requests the gentleman from Somerset, Mr. Schrock, to preside.

MR. SCHROCK IN THE CHAIR.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 979, entitled:

An Act defining the rights powers and duties of collectors of county taxes except in counties of the second class and counties having local or special laws relating thereto and of collectors of borough town township school district and institution district taxes prescribing the liability of taxables and others for the payment of such taxes and the right of the collectors and taxing authorities to institute suit therefor and imposing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 596, entitled:

An Act authorizing the annexation to an adjacent borough of a part of a township of the first class situate in the same county not exceeding one hundred (100) acres in area which is situate within the watershed of and drains into the borough and regulating the procedure pertaining thereto and providing for the adjustment and apportionment of the assets and liabilities of said townships.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 519, entitled:

An Act to amend paragraph six of section two of the act of June first one thousand nine hundred one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended and extended to cities of the third class boroughs incorporated towns and townships of the first class by eliminating the prohibition against connections to water-pipes by persons other than plumbers

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1373, entitled:

An Act to further amend section one of the act approved the first day of June one thousand nine hundred and seven (P. L. 364) entitled "An act to increase the pay of jurors and witnesses in this Commonwealth" by increasing the pay of jurors in counties of the first class

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1258, entitled:

An Act to repeal section ten of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 480) entitled "An act relating to tax assessments in counties of the first class conferring powers and imposing duties on the board of revision of taxes and its agents and employes and repealing general local and special laws"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 782, entitled:

An Act requiring cities of the first class to pay portions of their compensation heretofore withheld to officers and men employed in the police department fire department and park guards

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 843, entitled:

An Act to amend section two thousand twenty-two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by changing provisions regulating dedicated roads streets lanes alleys and drainage facilities

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 584, entitled:

An Act to establish a separate orphans' court in and for the county of Northampton

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 585, entitled:

An Act abolishing the office of one of the judges learned in the law in the third judicial district of this Commonwealth and repealing inconsistent legislation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 860, entitled:

An Act to amend sections nine and fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled 'An act providing when, how, upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended further regulating the filing of claims for taxes water rents or rates lighting rates power rates and sewer rates removing the right to revive extend or continue the lien of such claims prescribing the time for selling properties for the non-payment of such claims and in certain cases extending existing liens

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1138, entitled:

An Act requiring weighers and samplers of cargo of ships at ports in cities of the first class to be residents of such cities and to be licensed and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 741, entitled:

An Act relating to the administration of oaths by notaries public magistrates aldermen and justices of the peace and validating certain oaths heretofore taken

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 731, entitled:

An Act to amend the Act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "An Act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by adding Section 1035.1, limiting budget and report forms

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 899, entitled:

An Act to amend section 571 of the act approved May first one thousand nine hundred thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended by changing the conditions of the tax collectors bond fixing the time when the same shall be entered into and providing that the bond shall cover the collection of township county and school institution and poor district taxes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1259, entitled:

An Act requiring certain taxes of the political subdivisions in counties of the first class to be stricken from the records and prohibiting such taxes from being included in the computation of the solvent debts of such political subdivisions

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 732, entitled:

An Act to repeal the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 492), entitled "An act providing for the examination, licensure and registration of persons, firms or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations and requirements for the construction of plumbing, house drainage and cesspools, in cities of the second class, and imposing fines, penalties and forfeitures for violation thereof" as amended and extended to certain boroughs incorporated towns and townships of the first class by the act approved the thirty-first day of March one thousand nine hundred thirty-seven (Pamphlet Laws 168) in so far as the same relates and applies to boroughs incorporated towns and townships of the first class

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1300, entitled:

An Act to amend sections 3 13 18 19 and 20 to repeal sections 21 to 30 both inclusive including both sections numbered 24 and to amend sections 33 and 34 of the act approved the fifteenth day of June one thousand nine hundred thirty-seven (P. L. 1743) entitled "An act relating to magistrates and magistrates' courts in the city of Philadelphia imposing certain duties upon and prohibiting certain practices by magistrates imposing certain duties on the city controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in magistrates' courts the entering of bail and the issuance of discharge in criminal cases in the county of Philadelphia conferring certain powers over magistrates and magistrates' courts and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the county of Philadelphia providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts" changing the qualification of magistrates removing certain powers and duties of the city controller and conferring them upon the clerk of the court of quarter sessions authorizing said clerk to employ additional clerk and fixing their salaries further restricting the power to release persons without bail eliminating the provisions of said act which established a civil division of said courts and clarifying the duties of the court of common pleas relative to magistrates' courts

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1297, entitled:

An Act to further amend section five and to amend section six of the act approved the third day of May one thousand nine hundred and nine (P. L. 395) entitled "An act regulating the sale of concentrated commercial feeding stuffs also of condimental stock and poultry-food and patented proprietary or trade-mark stock and poultry-food possessing nutritive value combined with medicinal properties defining concentrated commercial feeding-stuffs prohibiting the adulteration of any feeding-stuff sold offered or exposed for sale in this State with oat hulls ground corn cobs flax plat refuse elevator chaff cotton-seed hulls ground corn stalks rice hulls peanut hulls weed seeds or other similar adulterants providing for the collection of samples and analysis thereof by the Department of Agriculture and the publication of information concerning the same providing also for the expenses of the enforcement of the law fixing penalties for its violation and repealing act number two hundred and eleven (Pamphlet Laws one thousand nine hundred and seven page two hundred and seventy-three) entitled 'An act regulating the sale of wheat-, rye-, corn- and buckwheat-bran and middlings of any admixture thereof' et cetera approved the twenty-eighth day of May one thousand nine hundred and seven authorizing the Secretary of Agriculture to make rules and regulations and establish standards further regulating the taking of samples and changing and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1054, entitled:

An Act providing a method of annexation of parts of townships of the first class to contiguous cities of the second class boroughs or other contiguous townships of the first class and regulating the proceedings pertaining thereto

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 841, entitled:

An Act to amend by adding Clause XLVI to section one thousand and five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by authorizing the designation of certain highways upon which motor vehicle traffic may be regulated

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 248, entitled:

An Act to protect the public against fraud requiring all real estate brokers and salesmen soliciting accepting or receiving payments of principal or interest on mortgages or judgments as agent employe or attorney-in-fact or another to file a bond with the Department of Public Instruction for the protection of the payers and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1234, entitled:

An Act authorizing counties of the second class to acquire property and erect thereon maintenance warehouses for roads highways bridges and tunnels by purchase or the exercise of the right of eminent domain providing for the acquiring of fee simple title thereto and the issuance of bonds therefor

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration House Bill No. 563, entitled:

An Act to further amend sections eight ten and clause (a) of section fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizens of the Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by providing additional grounds for refusing suspending or revoking licenses further regulating the procedure of the board giving associations of funeral directors the right of appeal in certain cases and extending the power of the board to make rules and regulations

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1361, entitled:

An Act to amend clause (10) of section 3 sections 5 and 6 paragraphs (2) (3) (4) (6) and (11) of section 8 sections 9 and 11 paragraph C of section 12 and section 15 of the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2724) entitled "An act relating to soil conservation and soil erosion and regulating land use practices contributing to soil wastage and soil erosion providing for the organization of soil conservation districts as governmental subdivisions of the Commonwealth with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources prescribing the officers and employes thereof and defining their powers and duties creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act providing financial assistance to such soil conservation districts prescribing penalties and making an appropriation" by changing the vote necessary for the establishment of districts the making of regulations and the dissolution of districts and requiring voters to be land owners

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 844, entitled:

An Act to amend the first paragraph of section one thousand seven hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by changing the power of commissioners to levy tax

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 820, entitled:

An Act to amend section three of the act approved the tenth day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" providing for the qualifications of additional persons as undertakers

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1189, entitled:

An Act to amend section six hundred and ten of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing the board of supervisors to pay dues assessed by the State association of township supervisors

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 565, entitled:

An Act to regulate the practice of the Natural Healing Arts in the State of Pennsylvania to provide for the establishment of a State Board of Natural Healing Arts Examiners to define the powers and duties of said Board of Natural Healing Arts Examiners to provide for the examining and licensing of Natural Healing Arts Practitioners in this State and to provide penalties for the violation of this Act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 786, entitled:

An Act relating to and regulating the practice of the healing profession of chiropractic and the licensure and registration of practitioners therein creating a Chiropractic Board of Examination and Licensure in the Department of Public Instruction defining its powers and duties and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 812, (Senate Bill No. 186), entitled:

An Act to amend subsection twelve of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by empowering townships of the second class to prohibit the storage of abandoned and junked automobiles

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 666, (Senate Bill No. 39), entitled:

An Act validating county treasurers sales for delinquent taxes when the reports and returns of such sales were made to the court of common pleas and the deeds thereto were executed and acknowledged by an attache of the office of the county treasurer and not by the county treasurer as required by law

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1184, (Senate Bill No. 147), entitled:

An Act to further amend an act approved the twenty-first day of July one thousand nine hundred and thirteen (P. L. 863) entitled "A supplement to an act approved the eleventh day of June one thousand eight hundred seventy-nine entitled 'An act to authorize Cities of the first class to levy and fix a tax rate to fix the time of opening and closing the tax duplicates to regulate the appropriations and expenditures of said cities and prescribing penalties for the violation of the provisions of this act" by providing that the same shall not apply to the books of personal property taxes and to extend the time for the opening of the books and the payment of personal property taxes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 722, entitled:

An Act to amend section four sections nine ten and fifteen as amended and sections seventeen twenty-one twenty-eight of an act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property there from for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior Acts of Assembly" making additional provisions for the filing and consolidation of tax claims in counties of the first class providing further procedure for preserving such liens and enforcing payment of such claims

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1161, entitled:

An Act establishing in each borough township and ward of counties of the second class a separate justice of the peace or alderman district providing for the election of such justices of the peace and aldermen prescribing their powers and duties imposing upon such counties the cost of establishment and maintenance of justices' of the peace and aldermen's courts including the payment of all salaries fixing salaries and restricting justices of the peace and aldermen to duties of office and repealing inconsistent acts

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1156, entitled:

An Act relating to the grading and sale of certain farm products providing penalties for violations and imposing duties upon the Department of Agriculture

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 674, entitled:

An Act requiring justices of the peace and aldermen to use only the forms of warrants notices writs and processes as furnished by the county commissioners through the county controllers requiring that records of the issuance thereof be kept and returns be made quarterly thereon to the county controllers and providing penalties

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 649, entitled:

An Act to add clause twenty-one to section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the laws relating thereto" by authorizing appropriations for the support maintenance discipline and training of units of the National Guard and regulating the expenditure and accounting of such moneys

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Somerset, Mr. Schrock.

BILLS ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 506, entitled:

An Act to further amend section six hundred and nineteen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley amnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by making political subdivisons of the State liable for the negligence of their employes

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six hundred and nineteen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as last amended by section one of the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2329) is hereby further amended to read as follows

Section 619 Counties and Municipalities Liable for Negligence of Their Employes Every [county city borough incorporated town or township] political subdivision within this Commonwealth employing any person shall be [jointly and severally] liable [with such person] for any damages caused by the negligence of such person while operating a motor vehicle of fire department equipment upon a highway in the [course of their employment and every city borough incorporated town and township shall also be jointly and severally liable with any member of a volunteer fire company of any such city borough incorporated town or township for any damage caused by the negligence of such member while operating a motor vehicle or fire department equipment used by or belonging to such volunteer fire company while going to attending or returning from a fire or while engaged in any other proper use of such motor vehicle or fire department equipment for such volunteer fire company] discharge of his duties and within the scope of his employment

On the question,
Will the House agree to the section?

Mr. BOWER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 619), page 3, line 15, by striking out with dark-faced brackets: the light-faced bracket before the word "county"

Amend Sec. 1 (Sec. 619), page 3, line 16, by striking out with dark-faced brackets the following: "] political subdivision"

On the question,
Will the House agree to the amendments?
They were agreed to.
On the question,
Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to further amend section six hundred and nineteen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulatign the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by making political subdivisions of the State liable for the negligence of their employes

On the question,

Will the House agree to the title?

Mr. BOWER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 2, lines 10, 11 and 12 of title, by striking out the words: "by making" in line 10, and all of lines 11 and 12, and inserting in lieu thereof: "removing joint liability in cases of negligence of employes of counties and municipalities or of members of volunteer fire companies."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1057, as follows:

An Act to repeal the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2688) entitled "An act to provide for the conservation protection improvement and profitable use of agricultural land resources in the State of Pennsylvania and for cooperation with the governments and agencies of other states and of the United States pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act to assent to and accept the provisions of said act to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee and in conformity with the provisions of said act to designate and authorize said committee as the State agency of this State in conformity with such provisions to formulate submit to the Secretary of Agriculture of the United States and administer State plans to carry out the provisions of this act to define the powers and duties of said committee as such State agency to provide for the selection of its members and otherwise to provide for the administration of this act and making an appropriation"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2688) entitled "An act to provide for the conservation protection improvement and profitable use of agricultural land resources in the State of Pennsylvania and for cooperation with the governments and agencies of other states and of the United States pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act to assent to and accept the provisions of said act to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee and in conformity with the provisions of said act to designate and authorize said committee as the State agency of this State in conformity with such provisions to formulate submit to the Secretary of Agriculture of the United States and administer State plans to carry out the provisions of this act to define the powers and duties of said commitee as such State agency to provide for the selection of its members and otherwise to provide for the administration of this act and making an appropriation" is hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 475, as follows:

An Act defining and regulating the practice of photography providing for the licensing of individuals copartnerships associations and corporations operating photographic studios and of individuals engaging in the practice of photography creating a Board of Photographic Examiners in the Department of Public Instruction defining its powers and duties and providing penalties

The General Assembly of The Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Purpose This act is enacted under the police power of the Commonwealth to protect the public from fraud practiced by persons who without maintaining any fixed establishment in this Commonwealth through misrepresentations false pretenses and other artifices take orders and obtain money [property] without returning commensurate value therefor

Section 2 Definitions The following words and phrases as used in this act shall be construed to mean

(a) "Photography" means the process of recording or reproducing images upon chemically sensitized material by the action of light and with the use of a camera and lens and by development and fixation of such images upon sensitized materials to render the same visible or permanent and subsequently to reproduce or transfer such image either negative or positive upon sensitized material by the aid of light and chemical action

(b) The "Practice of Photography" means engaging for profit in the profession occupation or business of photography in any or all of its branches

The "Practice of Photography" shall not be construed to include

(1) Photo-finishing motion picture photography air photography and air mapping the intaglio printing processes blue printing brown printing photo-engraving photostat and equivalent processes

(2) Photography by individuals copartnerships associations engaged therein solely for their own use and their employe's use if photographic reproductions are not sold or otherwise disposed of in this state

(3) Photography by individuals regularly in the employ of newspapers periodicals and news and picture syndicates or the sale of reproductions thereof or the sale or furnishing by any person to and the purchase acceptance

and publishing by newspapers periodicals and other publications of any photographs and pictures by whomever taken or produced

(4) Photography by individuals regularly employed by agency of the Federal or State government or any political subdivision thereof if photographic reproductions are not sold or otherwise disposed of except in publications issued by such agencies or in newspapers or periodicals

(5) Photography by authors to be used as illustrations in their manuscripts and literature

(6) Photography used solely for educational and scientific purposes

(7) Photography by bonafide amateurs for their own use and for gift to their friends including occasional sales of photographs and pictures if not in a course of business

(8) Photography by physicians and dentists used solely for clinical or educational purpose or as illustrations in manuscripts for publication

(c) "Studios" means an established place of business or a traveling unit in which the business of photography is carried on and the practice of photography engaged in

(d) "Owner" means the individual copartnership association or corporation owning and operating a studio

(e) "Photographer" means an individual qualified to engage in the practice of photography in all its branches

(f) "Operator" means an individual who makes the sittings and the negatives in connection with photography

(g) "Retoucher" means an individual who removes the blemishes from and builds up the negative and improves images appearing thereon and makes the negative ready for the printer

(h) "Printer" means an individual who makes the prints from the finished negative

(i) "Portrait Photography" means the production of portraits by means of photography

(j) "Commercial photography" means any photography other than portrait photography

(k) "Board" means the State Board of Photographic Examiners created by this act

Section 3 State Board of Photographic Examiners A State Board of Photographic Examiners is hereby created as a departmental administrative board in the Department of Public Instruction The board shall have all the powers conferred and perform all the duties imposed upon departmental administrative boards and commissions by the administrative code of 1929 and its amendments

The board shall consist of the Superintendent of Public Instruction and [five] five members who shall be appointed by the Governor by and with the advice and consent of [two-thirds] the Senate for terms of four years each and until their successors have been appointed and have qualified

Any vacancy happening in the membership of the board shall be filled for a full term of four years

The appointed members of the board shall at all times be persons who have actively engaged in the practice of photography in this Commonwealth for at least ten consecutive years

Three members of the board shall constitute a quorum and the board shall select from its members a chairman and elect a secretary who need not be a member of the board

The members of the board other than the Superintendent of Public Instruction shall receive fifteen dollars per diem when actually engaged in the transaction of official business and the secretary shall receive such reasonable compensation as shall be determined by the board with the approval of the Superintendent of Public Instruction

Section 4 Rules and Regulations The board shall have power to adopt and promulgate rules and regulations for the government of the board and for the purpose of enforcing and carrying into effect the provisions of this act but such rules and regulations shall not be inconsistent with this act

Section 5 Engaging in Practice of Photography The practice of photography shall be engaged in in this Commonwealth only in or in connection with a studio licensed in accordance with this act

Section 6 Who May Engage in Practice of Photography No copartnership association or corporation shall engage in the practice of photography unless it is the owner of a studio licensed in accordance with the provisions of this act

No individual shall engage in the practice of photography unless he is the owner of a studio or is licensed as a photographer operator retoucher or printer in accordance with the provisions of this act and is employed in or in connection with a licensed studio

Section 7 Restrictions on Licensing of Studios No studio shall be licensed under the provisions of this act unless the owner thereof is licensed as a photographer or employs in the studio a person licensed as a photographer in accordance with the provisions of this act

Section 8 Studio Owners' Licenses The board shall upon application made in writing upon forms prepared and furnished by the board accompanied by a fee of five dollars ($5.00) and such proof of qualifications of the applicant as the board may require issue to the applicant a studio owners' license certificate to any individual copartnership association or corporation engaged in or desiring to engage in the practice of photography in this Commonwealth A separate license shall be required for each separate established place of business and for each separate traveling unit

All existing studios shall be required to be licensed within ninety days after this act becomes effective and all such studios and those hereafter established shall be required to be licensed annually thereafter on or before October first of each year The fee for each such annual license certificate shall be five dollars ($5.00) payable to the board

Section 9 Photographers' Operators' Retouchers' and Printers' Licenses The board shall upon application made in writing upon forms prepared and furnished by the board and accompanied by a fee of three dollars ($3.00) and proof of such qualifications of the applicant as the board may require issue without examination to such applicant who has been continuously engaged in the practice of photography in this Commonwealth for a period of at least one year prior to the effective date of this act a photographers' operators' retouchers' printers' license certificate and an identification card without the examination required by this act

Where a photographer is also a studio owner a studio license certificate and a photographers license certificate and identification card shall be issued for one fee of five dollars ($5.00)

All photographers operators retouchers and printers shall be required to be licensed within [ninety days] ninety days after this act takes effect and all such photographers operators retouchers and printers and those thereafter qualified by examination in accordance with this act shall be required to be licensed annually thereafter on or before October first of each year The fee for each such annual license certificate and identification card shall be three dollars ($3.00) payable to the board

Section 10 Penalty for Failure to Renew License in Time The failure of a licensee to renew his or its license certificate on or before October first of any year shall not estop the renewal of such license certificate thereafter if a penalty of five dollars ($5.00) shall be paid in addition to the license fee fixed by this act

Section 11 Licenses and Indentification Cards Not Transferable License certificates and identification cards issued in accordance with this act shall not be transferable and the sale or transfer shall be deemed prohibited and a violation of this act But a studio license certificate issued for an established place of business shall be valid if such place of business is removed to another location and is conducted by the same owner or operator and if the board shall be notified of such removal within ten days after such removal is effected

Section 12 Display of Licenses Studio license certificates shall be conspicuously displayed at all times at the place of business or in the traveling unit for which issued Holders of photographer's operator's retoucher's and printer's license certificates shall be conspicuously dispayed at all times at their place of employment and identification cards shall be carried on the person at all times when engaged in the practice of photography Identifica-

tion cards shall be displayed by the owner thereof upon request

Section 13 Examinations The board shall provide for the examination of applicants who desire to engage in the practice of photography either as photographers operators retouchers or printers Any individual who desires to secure a license as a photographer operator retoucher or printer shall make application to the board on a form prescribed and furnished by the board Such application shall be accompanied by a fee of [twenty-five $25.00] twenty-five ($25.00) dollars The board shall acknowledge the receipt of the application and shall notify the applicant of the time and place of examination at least ten days prior thereto If the applicant fails to pass the examination no part of the fee shall be refunded but the applicant may appear for the next scheduled examination of which he shall be notified at least ten days prior thereto if he shall pay an additional fee of [ten dollars ($10.00)] $5.00 if the applicant again fails to pass the examination he may again come before the board for further examination upon the payment of a fee of [twenty-five dollars ($25.00)] $15.00

The board shall provide for the holding of an examination within sixty days after this act becomes effective in order that those now engaged in the practice of photography for less than one year and not entitled to licensure under section eight of this act may become qualified by examination as provided in this act

The board shall hold examinations at least twice each year

Section 14 Character of Examinations Examinations shall cover the kinds of photography (a) portrait photography (b) commercial photography The examinations shall be both oral and written and in each case the questions shall concern the general practice of photography or the particular branch in which the applicant seeks licensure

Oral examinations shall at all times be conducted in the presence of at least three members of the board one of whom shall be eligible to engage in the branch of photography for which the applicant is seeking licensure Oral examinations shall include actual practical demonstration by the applicant and testimony as to the education previous experience business record and general qualifications of the applicant

The board shall provide and the secretary shall maintain confidential until the time of examination two forms of written questions suitable for each class of applicants one on the subject of portrait photography and the other on the subject of commercial photography All applicants for licensure shall take written examinations simultaneously

Any applicant may be privileged to take a limited examination as it relates to either portrait or commercial photography or may take a general examination as to both subjects Where a limited examination is taken the license certificate if any granted shall designate the subject in which the applicant is licensed and in either event every license shall indicate the branch of photography in which the applicant seeks licensure i e as a photographer operator retoucher or printer

When an applicant for licensure successfully passes an examination a license certificate and identification card shall be issued to him for the remainder of the license year without the payment of the annual license fee of three dollars ($3.00) for that year

Section 15 The board shall keep a register showing the date and number of license issued for each studio and to each photographer operator retoucher and printer and the address of each such studio and licensed person together with the place of employment of licensed individuals

Section 16 Assumed or Fictitious Names No person copartnership association or corporation shall practice photography under an assumed or fictitious name unless such name together with the names of each person working under such name or who shall be in any way associated therewith shall be conspicuously printed on a card not less than twelve by fourteen inches in plain type in the English language and such card is framed under glass and prominently and continually displayed in the studio conducted under such assumed or fictitious name

Section 17 Disposition of Moneys Received All moneys received by the board under the provisions of this act shall be paid into the General Fund in the State Treasury through the Department of Revenue

Section 18 Revocation of Licenses Appeals The board shall have the power to revoke any license issued by it to any licensee who or which has been guilty of (a) fraud or misrepresentation in connection with the practice of photography or (b) any crime involving moral turpitude or (c) advertising broadcasting or distributing untrue false deceptive or misleading statements representations illustrations or coupons or (d) resorting to the use of any lottery or drawing to sell its products or (e) violating any of the provisions of this act or (f) furnishing free work except for bona fide charitable or religious organizations or employing for compensation any person to solicit business unless such person is employed by a studio or photographer licensed under this act The board shall not revoke any license without due notice in writing to the licensee by registered mail addressed to his or its last known post office address and setting forth the charges in detail At the time and place specified in such notice which time shall be at least ten days (10) after the service of the notice the licensee shall be given a public hearing at which he or it may be represented by counsel and shall have full opportunity to enter a defense and present testimony The board at such hearings shall be governed by legal rules of evidence and a complete record of the testimony shall be taken and filed Any individual copartnership association or corporation whose license is revoked as the result of such hearing or to whom a license shall be refused at the time of making original application may appeal to the Court of Common Pleas of Dauphin County which after argument and reviewing the record and testimony taken before the board shall make such order affirming the action of the board or reversing the same as to it appears just and proper

Section 19 Penalties Any individual copartnership association or corporation who or which shall engage or attempt to engage in the practice of photography or operate a studio or act in the capacity of a photographer operator retoucher or printer in this Commonwealth without first having complied with the provisions of this act or shall engage in the practice of a branch of photography in which he is not licensed or who shall violate any provisions of this act or who shall obtain or attempt to obtain a license certificate or identification card for money other than the required fee or any other thing of value or by fraudulent misrepresentations is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine for each such offense of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00) or any individual so convicted may be sentenced to imprisonment for not less than thirty days (30) nor more than one year (1) or by both fine and imprisonment Each day such violation continues shall be considered a separate offense

Section 20 Reciprocity The board shall have power to accept and endorse as valid in this Commonwealth licenses to practice photography issued by other states upon the payment of the fee prescribed for examination by this act if the standards of such other state are in the opinion of the board equal to the standards of this Commonwealth and if such other state shall recognize and endorse as valid license certificates issued by this Commonwealth

Section 21 Exemption From Act Nothing contained in this act shall be construed to prohibit a portrait or commercial photographer or studio whose principal place of business is located in another state from coming into this state and engaging in the practice of photography on the express order or request of a client or customer provided said employment is not solicited and said practice of photography is not done in the course of repeated and successive transactions of a similar nature or for the purpose of avoiding the provisions of this act

Section 22 Effective Date This act shall take effect

on the first day of July one thousand nine hundred and thirty-nine

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 194, as follows:

An Act providing for the validation and amendment of defective tax liens and municipal claims heretofore or hereafter entered of record and repealing inconsistent legislation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Whenever heretofore or hereafter any tax lien or municipal claim is or shall be defective by reason of error in the name or names of the registered owner or owners thereof or by reason of the fact that the description of the property and the street address set forth in the claim as filed do not conform with each other the claimant entering or filing such tax lien or municipal claim shall have the right at any stage in the proceedings to file an amended tax or municipal claim so that the correct name or names of the registered owner or owners and the correct description of the property shall appear therein and upon the filing of the amended tax or municipal claim such lien or claim is hereby declared to be valid to all intents and purposes and such liens or claims may be enforced as in the case of liens or claims entered or filed in the name or names of the proper registered owner or owners and with a correct description of the property Provided however that no further proceedings shall be had upon such tax lien or municipal claim whether or not judgment has theretofore been entered upon any writ of scire facias theretofore issued until after a visit of scire facias has been issued upon the lien or claim as amended and has been served in the manner provided for the service of such writs in the Acts of Assembly relating to tax liens and municipal claims and has been duly reduced to judgment Provided further however That this act shall not apply to any property where change of ownership has occurred previous to the filing of the amended tax or municipal lien and such amended tax or lien shall not take priority over any mortgage or judgment recorded or entered subsequent to the filing of the original tax or municipal lien but previous to the filing of the amended tax or municipal lien

Section 2 The act approved the twentieth day of April one thousand nine hundred and twenty-seven (P. L. 320) entitled 'An act providing for the validation and amendment of defective tax liens and municipal claims heretofore or hereafter entered of record" and all other acts and parts of acts general local or special inconsistent with this act are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 555, as follows:

An Act abating certain tax penalties interest and costs on county city (except city of the first class) borough town township school district (except school district of the first class) poor district and institution district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All unpaid penalties and interest imposed on paid or unpaid delinquent county city (except city of the first class) borough town township school district (except school district of the first class) poor district and institution district taxes for the tax year one thousand nine hundred and thirty-four and all previous years and all penalties imposed on such taxes for the tax year one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight assessed and levied against any parcel or parcels of real estate and in counties of the second class on paid or unpaid delinquent poll taxes levied for any of such years are hereby abated without the necessity of any further action unless the authority levying the tax shall notify the county treasurer within thirty days after this act becomes effective that the taxing authority has rejected by a majority vote the provisions of this act if the unpaid delinquent taxes are paid as hereinafter provided This section shall not be construed to abate the interest accrued on the taxes for the years of one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight but no further interest shall be imposed on such taxes after the payment of the first installment as hereafter provided so long as the taxpayer complies with the provisions of this act

Unless the county treasurer shall so determine and publicly announce an extension to a date not later than November first one thousand nine hundred and thirty-nine of the last day which under this act a taxpayer may make his first installment payment and be entitled to the benefits of the act in order to receive the benefits of the installment system of payment provided by this act twenty per centum of the delinquent taxes due for the delinquent taxes due for the tax year one thousand nine hundred and thirty-eight and all previous years and of of the accured interest due on the one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred thirty-seven and one thousand nine hundred and thirty-eight taxes shall be paid on or before the first day of August one thousand nine hundred and thirty-nine twenty per centum on or before the first day of August one thousand nine hundred and forty twenty per centum on or before the first day of August one thousand nine hundred and forty-one twenty per centum on or before the first day of August one thousand nine hundred and forty-two and the final twenty per centum on or before the first day of August one thousand nine hundred and forty-three and all such taxes for the years subsequent to the year one thousand nine hundred and thirty-nine during such installment periods assessed and levied by such taxing authority shall be paid before they become delinquent For the purposes of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax If and whenever any of the said current taxes or any of the said installments are not paid when due and payable as herein provided then and in that event there shall become due and payable for such year a sum equal to one-fifth of the total amount of the abated penalties and interest in addition to the other payments required to be paid under this act during that year which said additional sum shall be payable and must be paid at the time the next succeeding installment payment becomes due under this act If such additional sum is not so paid then the total amount of the abated penalties and interest less the aggregate of any such additional sum theretofore paid shall be revived and added to the unpaid taxes with the same force and effect as if such abated penalties and interest or portion thereof had never been abated and the taxpayer shall not thereafter be entitled to any further benefits or privileges under this act If the county treasurer announces a date later than August first one thousand nine hundred and thirty-nine for receiving the first installment payment in such case each annual installment shall be due on or before that day and month of each following year

Section 2 Any taxpayer or owner having the right of redemption may anticipate the payment of the unpaid delinquent taxes for the tax year one thousand nine hun-

dred and thirty-eight and previous years at any time on or before August first one thousand nine hundred and thirty-nine by paying the entire amount of such unpaid delinquent taxes and interest due on the one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight taxes and receive the benefit of this act

Section 3 This act shall be construed to apply to all such taxes penalties and interest whether or not such taxes have been returned or liens therefor have been filed in the office of the prothonotary of the county or proceedings for the collection thereof have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or poor district at a tax sale or on a tax lien and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or poor district at a tax sale or on a tax lien and where the period of redemption has not expired The taxpayer shall be liable for the payment of all costs incurred except the solicitor's fees where liens for such taxes have been returned for nonpayment or have been filed in the office of the prothonotary or proceedings for the collection thereof have been instituted in any court

Section 4 The benefits of this act shall extend to and accrue to any successful bidder or purchaser at sheriff's or other judicial sale grantee transferee mortgagee or owner having the right of redemption under a tax sale or other party in interest in the parcel or parcels of real estate against which the above mentioned taxes have been assessed and levied whether separated or not

Section 5 Any taxpayer or owner having the right of redemption shall have the right to pay the unpaid delinquent taxes assessed and levied against any parcel or parcels of real estate without being required to pay the unpaid delinquent taxes assesed and levied against any other parcel or parcels of real estate in the same ward district or other municipal subdivision

The county commissioners of any county may at their discretion and at the cost of the county cause to be published two times in not more than two newspapers of general circulation throughout the county a notice to the taxpayers giving a synopsis of the terms of this act setting forth the benefits provided by the act and the necessary conditions required by the taxpayers in order to receive the same Upon application either in person or in writing by any taxpayer or owner the tax levying authorities the tax collector the receiver or receivers of taxes or the person or persons charged with the collection of such unpaid delinquent taxes or the person or persons in whose custody the records of such unpaid delinquent taxes are kept shall furnish to such delinquent taxpayer or owner a statement of the unpaid delinquent taxes owned by him to such municipal subdivision showing the face amount the penalty if any the interest if any and any costs or other charges in detail against such real property as shown by the records in his custody

Every collector of taxes whose duty it is to send to the respective taxpayers any notice or statement of their annual taxes shall include in each such notice or statement an additional notice of the date when the next installment payment is due under the provisions of this act

Section 6 In order to enable the taxpayer or owner having the right of redemption under a tax sale to receive the full benefits of this act no real property shall be sold for nonpayment of taxes before August first one thousand nine hundred and thirty-nine and any tax sale shall be adjourned or readjourned or right of redemption extended as often as may be necessary for this purpose If a county treasurer extends the date on which taxpayers may make their first installment payment and receive the benefits of the act in such case no sale shall be held by such treasurer before the date of extension fixed by him but all properties upon which such delinquent taxes are due and owing and which are not being paid under the installment plan herein provided shall be sold by such treasurer within three months after such extended date If any tax sale is adjourned or readjourned or right of redemption extended after advertisement or sale no additional advertisement or notice shall be necessary for the adjourned or readjourned sale or right of redemption No such adjournment or readjournment or redemption failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid or sale had subject to redemption but the lien of all such taxes shall be fully preserved during the entire installment period herein provided for if the taxpayer avails himself of the privileges or benefits of this act Provided however That in every case where a taxpayer avails himself of the privileges or benefits of this act the period during which payment of said unpaid delinquent taxes is postponed or continued under this act shall not be included in computing and determining whether or not any right of the tax assessing and levying authority has been barred or lost by reason of the provisions of any statute now existing or hereafter enacted limiting the right of the said tax levying and assessing authorities to file preserve or maintain the lien of the said taxes

Section 7 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 8 Except as qualified by section nine of this act the act approved the first day of May one thousand nine hundred and thirty-five (Pamphlet Laws 129) as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-five (Pamphlet Laws 444) the act approved the fourth day of June one thousand nine hundred and thirty-six (Pamphlet Laws 10) the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 302) and the act approved the twenty-fifth day of October one thousand nine hundred and thirty-eight (Pamphlet Laws 84) shall continue in full force and effect as to any and all taxpayers who have taken advantage of and are not in default in the provisions thereof All other acts and parts of acts general local or special inconsistent herewith be and the same are hereby suspended during the time this act shall be in effect

Section 9 Any taxpayer who on the effective date of this act is making payments on delinquent taxes under any of the acts referred to in section eight and any taxpayer who has made any payment or payments under any of the said acts but who defaulted in any payment required by such act may secure the benefits of this act by making payments on the balance due on all taxes covered by this act whether or not covered by the abatement act under which he was previously making payments

Section 10 Any taxpayer who on the effective date of this act is making payments on delinquent taxes under any of the acts referred to in section eight and any taxpayer who has made any payment or payments under any of the said acts or any taxpayer who avails himpay to the county treasurer and the county treasurer shall receive at any time during the year amounts less than twenty per centum of the total amount due and payable under this act or any act referred to under section eight Provided however that the total payments made in any one year shall be equal to or in excess of the total amount due on any one contract or agreement to the county treasurer under the terms and provisions of this act

Section 11This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 698, as follows:

An Act to amend the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled "An act providing when

how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" limiting the said act so that it shall not be effective in any city or in counties other than counties of the first second and third classes as to the future filing of tax claims removing the right to revive extend or continue existing liens of tax claims in cities and in counties other than counties of the first second and third classes prescribing the time for selling properties for the nonpayment of such claims and in certain cases extending existing liens

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" is hereby amended by adding thereto after section one a new section to read as follows

Section 1.1 (a) The provisions of this act in so far as they relate to tax claims and tax liens hereafter entered or filed or revived or extended shall be effective only as to cities and as to counties of the first second and third classes and the various political subdivisions therein or coextensive therewith

(b) The provisions of this act in so far as they relate to municipal claims and municipal liens other than tax claims and liens shall continue to be in full force and effect as to all municipalities

Section 2 The said act is hereby further amended by adding after section fifteen a new section to read as follows

Section 15.1 Every such claim for taxes which has heretofore been filed in any county other than a county of the first second or third class or by any city or any political subdvision therein or coextensive therewith shall remain a lien upon said property for a period of five years from the date it was entered as a lien or from the date such lien was last revived extended or continued unless fully paid and satisfied or compromised and satisfied as provided by law or the property on which such tax was assessed is sold as herein provided within said period and such liens shall not be revived extended or continued beyond such period and all property subject to any such lien shall be sold within the period of five years from the date such lien was entered or was last revived or extended except in cases where such sale has been or shall hereafter be adjourned or readjourned beyond such period of time under the authority of any other act of Assembly Provided however That in all cases when a lien of any such claim would under the provisions of this amendment expire or be lost before the first Monday or August one thousand nine hundred and thirty-nine such lien is hereby revived and extended and shall remain a valid lien upon said property until sold on the first Monday in August one thousand nine hundred and thirty-nine or as adjourned from day to day thereafter until all such sales shall be completed at which time all property subject to such lien shall be sold or the lien of such tax shall be wholly lost

The provisions of this section shall not apply to tax claims where there has been or shall hereafter be an appeal taken as provided by this act but in all such cases the lien of such tax claim is hereby revived and extended in full force and effect for a period of six months following the final judgment upon such appeal during which period the property subject to such lien shall be sold.

Section 3 The provisions of the act to which this is an amendment are hereby repealed as to all political subdivisions other than counties of the first second and third classes and cities and the political subdivisions within or coextensive with cities and such counties in so far as such provisions relate to tax claims and tax liens to be hereafter entered or filed or revived or extended in accordance therewith

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 439, as follows:

An Act to amend sections one and two of the act approved the fourth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 127) entitled "An act relating to adoption" as amended by authorizing nonresidents to adopt person within the Commonwealth and validating certain adoption proceedings heretofore decreed

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and two of the act approved the fourth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 127) entitled "An act relating to adoption" as amended by section one of the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 822) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be lawful for any adult citizen of this Commonwealth [residing therein] or of any other state regardless of where such person shall reside desirous of adopting any person either a minor or an adult as his or her heir or as one of his or her heirs to present his or her petition to the orphans' court or to a law judge thereof of the county where he or she may be resident or of the county in which the person to be adopted is a resident declaring such desire and that he or she will perform all the duties of a parent to such person Such petition shall also set forth the name age date and place of birth of the person proposed to be adopted the name residence and marital status of the adopting parent or parents the name and place of residence of each of the natural parents or the surviving parent or of any other person whose consent to the proposed adoption is necessary as hereinafter provided and shall embody or have attached thereto the consents in writing of the person or persons whose consent to the proposed adoption is necessary as hereinafter provided

Section 2 Consents Necessary to Adoption Consent to the adoption is necessary as follows

(a) Of the persons proposed to be adopted if over twelve years of age and of said person's husband or wife if any

(b) Of the adopting parent's husband or wife unless they jointly adopt such person

(c) Of the parents or surviving parent of the person proposed to be adopted except that in the case of an illegitimate child the consent of the mother only is necessary

unless the father has acknowledged such child but the consent of a parent who has been adjudged a lunatic or habitual drunkard or who has abandoned the child is unnecessary provided such fact is proven to the satisfaction of the court or judge hearing the petition in which case such court or judge shall so find as a fact

(d) If the person proposed to be adopted has no father or mother living or whose consent is necessary hereunder then of the legal guardian if any there be and of the person or persons having the legal custody of such child if any such person can be found but if such child has no father or mother living or whose consent is necessary hereunder and no legal guardian and no person can be found who has the legal custody of such child and the same be proven to the satisfaction of the court or judge hearing the petition the said court or judge shall so find as a fact

(e) If the person proposed to be adopted has theretofore been adopted then of such adopting parents or surself of the privilege of this act shall be permitted to viving adopting parent subject to the same exception provided in clause (c) of this section in the case of natural parents

(f) If the adopting parent or parents are not residents of the Commonwealth then the consent of the Department of Welfare of the Commonwealth unless the court shall be satisfied after a thorough investigation that the adopting parent or parents are proper persons and financially able to provide a suitable home for the person proposed to be adopted

Section 2 Any adoption heretofore granted or decreed by any court of record of this Commonwealth in which either the person or persons adopting or the person or persons adopted was a nonresident or were nonresidents of this Commonwealth at the time such adoption was granted or decreed and any adoption which was granted prior to the expiration of the full ten days required by the act of Assembly to intervene between the filing of the petition for the adoption and the hearing of such petition by the court and any adoption which was granted without the formal entry of findings of fact is hereby declared valid and lawful as though made with full observance of all the requirements of the said act of Assembly mentioned Provided That the petition and decree or such adoption was otherwise in accordance with the act of Assembly pertaining thereto

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190.

Achterman,	Dix,	Lichtenwalter,	Sarraf,
Ackermann,	Donahue,	Long,	Scanlon,
Allen,	Downey,	Lovett,	Schrock,
Alspach,	Eckels,	Lyons,	Schrope,
Andrews,	Ely,	Madden,	Schwab,
Atkins,	Ewing,	Malloy,	Seif,
Auker,	Falkenstein,	Marr,	Serrill,
Baker,	Fauset,	Matthews,	Shaw,
Balliet,	Fisher,	McClester,	Shearer,
Balthaser,	Fiss,	McGarrity,	Simons,
Bardes,	Flanagan,	McKinney,	Sloan,
Bennett,	Fleming,	McLane,	Snyder,
Bohn,	Foor,	McNally,	Sollenberger,
Bois,	Freed,	McVay,	Stambaugh,
Boney,	Fullerton,	Melchiorre,	Stank,
Boorse,	Furman,	Montgomery,	Stewart,
Boose,	Gates,	Mooney,	Stockham,
Bower,	Gillan,	Moran,	Sweeney,
Boyd,	Gillette,	Moser, F. S.,	Tahl,
Brancato,	Goll,	Moser, J. L.,	Tarr,
Bretherick,	Gorski,	Muir,	Taylor,
Broad,	Habbyshaw,	Munley,	Terry,
Bronson,	Hall,	O'Brien,	Thistle,
Brown, H. S.,	Hamilton,	O'Connor,	Thompson, G. R.,
Brown, S. W.,	Harbeson,	O'Dare,	Tiemann,
Brunner,	Harkins,	O'Keefe,	Tronzo,
Burns,	Haudenshield,	O'Neill,	Trout,
Burris,	Henry,	Peacock,	VanAllsburg,
Cadwalader,	Hess,	Peale,	Van Belle,
Calvin,	Hocke,	Powers,	Voorhees.
Carpenter,	Hoffman, J. N.,	Preston,	Wagner,
Check,	Hoffman, S. K.,	Readinger,	Watkins,
Chervenak,	Holland,	Reagan,	Webster,
Christler,	Hoyt,	Reese, D. P.,	Weiss,
Clark,	Huntley,	Reese, R. E.,	Welsh, E. B.,
Clearwater,	Imbrie,	Regan,	Welsh, M. J.,
Cohen, H. B.,	James,	Rhodes,	Westrick.
Cohen, R. E.,	Johnston,	Rider,	Wilkinson,
Cook,	Jones,	Riley,	Williams,
Cooper,	Keenan,	Robertson,	Wilson,
Cordier,	Kilroy,	Rooney,	Winner,
Corrigan,	Kline,	Rose,	Wood, H. M.,
Cortese,	Knoble,	Roseberry,	Wood, L. E.,
Curran,	Kowalski,	Rosenfeld,	Wood, N.,
Dalrymple,	Krise,	Rothenberger,	Woodside,
Denman,	Lee,	Royer,	Yeakel,
DeNote,	Leisey,	Sarge,	Turner.
Dick,	Leydic,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 305, entitled:

An Act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania Motor Police sheriffs police officers and constables and providing penalties

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TROUT. Mr. Speaker and members of the House, I wish to call to the attention of the members of the House on page four, line ten, "This act shall become effective immediately upon final enactment."

My reason for voting against this bill at this time in its present form is because of its effective date. The manufacturers, and I speak particularly for the manufacturers of Lancaster county, have invested many thousands of dollars in merchandise to be sold between now and the Fourth of July. If this bill passes finally and becomes effective immediately upon its enactment it will mean a loss of a great many thousand of dollars to our people, which cannot under any circumstances be recovered. I question the advisability and the justice of legislation of this character which stops in the middle of the season, just a few months before the merchandising season, the business which to all purposes has been thoroughly legal up to now.

I just want to make that statement, Mr. Speaker and members of the House, that the Lancaster county delegation will be compelled to vote "No" on the bill because of that fact.

Mr. TAHL. Mr. Speaker and members of the House, I do not intend to take much time in the discussion of this bill. I think the members are well acquainted with it, but I want to call the attention of the members of the House to the fact that when it was on second reading yesterday the gentleman was given an opportunity to

offer amendments. The question as to the effective date was not raised by him. He never said that his objection was because it was going into effect immediately.

Furthermore, for several sessions the fire works manufacturers had notice that the people of the state were endeavoring to pass such a law. This bill and other bills have been in Committees since the early part of the year, and it was notice to them that there was a possibility that such a bill would pass. Therefore it is not an objection at this time to say that the reason they are against the bill is because they did not know such a bill would pass. They had ample notice that such a bill would pass and they certainly can not now complain about it.

I want to say further members of the House, this bill provides for public displays and I believe that the possible loss that the manufacturers might sustain because the children are prevented from buying fire crackers will more than be over-balanced by the fact that there will be a number of public displays which I feel certain will absorb the possible loss because the children won't be able to buy. So far as that is concerned, I don't think that objection is valid.

I also want to call attention to the fact that last year there were eight persons who died as the result of fire works, twice as many as in any other state. There were sixteen blinded for life, hundreds were injured, many of them were children who were maimed and scarred for life. The purpose of the bill on the coming Fourth of July is to prevent such tragedies if possible and prevent shattered limbs and the loss of eyes and possibly death. I say that we ought to pass this bill. The people of Pennsylvania have demanded that this bill be passed. We never know whose children may be affected, maybe yours or mine. God forbid that any such thing will happen! If it does, we will feel morally guilty for having failed to pass this bill. The people of Pennsylvania are pleading with you to pass this bill, and the kiddies of Pennsylvania are pleading with you. I am sure you are not going to fail them. I ask you to vote for this bill.

Mr. TERRY. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Tahl.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Tahl, permit himself to be interrogated?

Mr. TAHL. I will, Mr. Speaker.

Mr. TERRY. Mr. Speaker, can the gentleman from Philadelphia tell us how many people are killed by the use of automobiles in the State of Pennsylvania?

Mr. TAHL. No, Mr. Speaker, I cannot tell that, but frankly, there is no comparison. That is not analogous to this at all. Children don't drive automobiles, Mr. Terry.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—169

Ackermann,	Falkenstein,	Madden,	Scanlon,
Alspach,	Fauset,	Malloy,	Schrock,
Atkins,	Fisher,	Marr,	Schrope,
Auker,	Fiss,	Matthews,	Schwab,
Baker,	Flanagan,	McClester,	Seif,
Balthaser,	Fleming,	McGarrity,	Serrill,
Bardes,	Foor,	McKinney,	Shaw,
Bennett,	Freed,	McLane,	Shearer,
Boney,	Fullerton,	McNally,	Simons,
Boorse,	Furman,	McVay,	Sloan,
Boose,	Gillan,	Melchiorre,	Snyder,
Bower,	Gillette,	Mihm,	Sollenberger,
Boyd,	Habbyshaw,	Montgomery,	Stambaugh,
Brancato,	Haines,	Mooney,	Stank,
Bretherick,	Hall,	Moran,	Stewart,
Bronson,	Hamilton,	Moser, F. S.,	Stockham,
Brown, H. S.,	Harbeson,	Moser, J. L.,	Sweeney,
Brown, S. W.,	Harkins,	Muir,	Tahl,
Brunner,	Haudenshield,	Munley,	Tarr,
Burns,	Henry,	O'Brien,	Taylor,
Burris,	Hess,	O'Connor,	Terry,
Cadwalader,	Hewitt,	O'Dare,	Thistle,
Calvin,	Hocke,	O'Keefe,	Thompson, G. R.,
Carpenter,	Hoffman, J. N.,	O'Neill,	Tiemann,
Check,	Holland,	Peacock,	Tronzo,
Chervenak,	Hoyt,	Peale,	VanAllsburg,
Christler,	Huntley,	Powers,	Van Belle,
Clark,	Imbrie,	Preston,	Voorhees,
Clearwater,	James,	Readinger,	Wagner,
Cohen, R. E.,	Johnston,	Reagan,	Watkins,
Cook,	Jones,	Reese, D. P.,	Webster,
Cooper,	Keenan,	Reese, R. E.,	Weiss,
Cordier,	Kenehan,	Regan,	Welsh, E. B.,
Cortese,	Kilroy,	Rhodes,	Welsh, M. J.,
Curran,	Kline,	Rider,	Westrick,
Dalrymple,	Knoble,	Riley,	Wilkinson,
Denman,	Kowalski,	Robertson,	Williams,
Dick,	Krise,	Rooney,	Winner,
Dix,	Lee,	Rose,	Wood, H. M.,
Donahue,	Leisey,	Roseberry,	Wood, L. H.,
Downey,	Leydic,	Rosenfeld,	Woodside,
Eckels,	Lichtenwalter,	Sarge,	Yeakel,
Ely,	Long,	Sarraf,	Turner,
Ewing,	Lyons,		Speaker.

NAYS—8

Achterman,	Bohn,	Royer,	Wilson,
Andrews,	Rothenberger,	Trout,	Wood, N.,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

The SPEAKER. The Chair requests the gentleman from Greene, Mr. Furman to preside.

MR. FURMAN IN THE CHAIR

BILL PASSED OVER

There being no objection House Bill No. 726, Printer's No. 252 was passed over at the request of Mr. WOODSIDE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bil' No. 710, as follows:

An Act relating to unlawful practices in the procurement of retainers for attorneys

The General Assembly of the Commonwealth of Pennsylsylvania hereby enacts as follows

Section 1 Any person not a member of the bar of a court of record of this Commonwealth who shall solicit or procure through solicitation a retainer power of attorney or any agreement written or oral authorizing an attorney to perform or render legal services or who shall solicit any person in this State to institute any suit for damages in which the compensation of any attorney for instituting or prosecuting such suit shall directly or indirectly depend upon the amount of the recovery therein shall be guilty of a misdemeanor and upon the conviction thereof shall be punished by a fine of not more than two hundred dollars ($200) or imprisonment for not more than two (2) years

Section 2 This act shall become effectively immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—192

Achterman,	Donahue,	Leydic,	Sarraf,
Ackermann,	Downey,	Lichtenwalter,	Scanlon,
Allen,	Eckels,	Long,	Schrock,
Alspach,	Ely,	Lovett,	Schrope,
Andrews,	Ewing,	Lyons,	Schwab,
Atkins,	Falkenstein,	Madden,	Seif,
Auker,	Fauset,	Malloy,	Serrill,
Baker,	Fisher,	Marr,	Shaw,
Balliet,	Fiss,	Matthews,	Shearer,
Balthaser,	Flanagan,	McClester,	Simons,
Bardes,	Fleming,	McGarrity,	Sloan,
Bennett,	Foor,	McKinney,	Snyder,
Bohn,	Freed,	McLane,	Sollenberger,
Boles,	Fullerton,	McNally,	Stambaugh,
Boney,	Furman,	McVay,	Stank,
Boorse,	Gates,	Melchiorre,	Stewart,
Boose,	Gillan,	Montgomery,	Stockham,
Bower,	Gillette,	Mooney,	Sweeney,
Boyd,	Goll,	Moran,	Tahl,
Brancato,	Gorski,	Moser, F. S.,	Tarr,
Bretherick,	Habbyshaw,	Moser, J. L.,	Taylor,
Broad,	Haines,	Muir,	Terry,
Bronson,	Hall,	Munley	Thistle,
Brown, H. S.,	Hamilton,	O'Brien,	Thompson, G.R.,
Brown, S. W.,	Harbeson,	O'Connor,	Tiemann,
Brunner,	Harkins,	O'Dare,	Tronzo,
Burns,	Haudenshield,	O'Keefe,	Trout,
Burris,	Henry,	O'Neill,	VanAllsburg,
Cadwalader,	Hess,	Peacock,	Van Belle,
Calvin,	Hocke,	Peale,	Voorhees,
Carpenter,	Hoffman, J. N.,	Powers,	Wagner,
Check,	Hoffman, S. K.,	Preston,	Watkins,
Chervenak,	Holland,	Readinger,	Webster,
Christler,	Hoyt,	Reagan,	Weiss,
Clark,	Huntley,	Reese, D. P.,	Welsh, E. B.,
Clearwater,	Imbrie,	Reese, R. E.	Welsh, M. J.,
Cohen, H. B.,	James,	Regan,	Westrick,
Cohen, R. E.,	Johnston,	Rhodes,	Wilkinson,
Cook,	Jones,	Rider,	Williams,
Cooper,	Keenan,	Riley,	Wilson,
Cordier,	Kenehan,	Robertson,	Winner,
Corrigan,	Kilroy,	Rooney,	Wood, H. M.,
Cortese,	Kline,	Rose,	Wood, L. H.,
Curran,	Knoble,	Roseberry,	Wood, N.,
Dalrymple,	Kowalski,	Rosenfeld,	Woodside,
Denman,	Krise,	Rothenberger,	Yeakel,
DeNote,	Lee,	Royer,	Turner,
Dick,	Leisey,	Sarge,	Speaker.
Dix,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 193, as follows:

An Act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class providing for the appointment of members of the board of revision of taxes by the Governor providing for the appointment by the board of personal property assessors real estate assessors and assistant real estate assessors clerks and other employes fixing the salaries of members of the board assessors and assistant assessors and providing for the payment of salaries and expenses from the county treasury prescribing the powers and duties of the board and of the assessors the time and manner of making assessments of the revision and notice of assessments and of appeals therefrom prescribing the records of assessments and repealing existing laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That the Board of Revision of Taxes in counties of the first class shall consist of seven competent and qualified citizens who shall be appointed for terms of six years The salary of each member of the Board shall be Ten thousand dollars per annum except in the case of the chairman of the Board whose salary shall be Ten thousand five hundred dollars per annum

Section 2 The members of the Board of Revision of Taxes in counties of the first class holding office on the effective date of this act shall continue to hold office until the expiration of the terms for which they have been appointed After the effective date of this act all appointments of members of the Board in counties of the first class shall be made by the Governor who shall appoint a member of the Board for the full term of six years whenever after the effective date of this act any vacancy shall occur whether by reason of the termination of an incumbent's term his death resignation or removal

Section 3 The Board shall organize each year by selecting a chairman vice chairman and secretary from among its members Each member of the Board shall give bond in such amount and with surety or sureties as the tax-levying body of the county shall approve conditioned for the faithful performance of his duties as a member of the Board

Section 4 The Board shall appoint for terms of six years each a chief personal property assessor whose salary shall be Seven thousand five hundred dollars per annum eight personal property assessors each of whose salaries shall be Five thousand dollars per annum thirty-six real estate assessors each of whose salaries shall be Five thousand dollars per annum and thirty-six assistant real estate assessors each of whose salaries shall be Two thousand five hundred dollars per annum Upon the occurrence of any vacancy in any of said offices the Board shall appoint a successor for the full term of six years The Board may from time to time increase the number of personal property assessors real estate assessors and assistant real estate assessors appointed by it as it shall find necessary subject however to the approval of the tax-levying body of the county The Board shall also appoint such number of clerks stenographers and other office employes as the Board shall find necessary to serve at the pleasure of the Board whose compensation shall be fixed by the tax-levying body of the county

Section 5 The Board shall divide the county into personal property assessment districts and real estate assessment districts and may from time to time increase or diminish the number of such districts and change and alter the boundaries thereof and the Board shall make assignments of assessors to such districts which assignments may be changed in the discretion of the Board

Section 6 The Board shall establish records of real property assessments which shall include a complete survey of each parcel of ground and of each building and other improvement in the county and a record thereof showing in detail the description character and size of the land and buildings and other improvements together with the name and address of the owner or owners thereof and the amounts for which such land buildings and improvements respectively stand assessed and the basis upon which such assessments were made Such records shall be set up as soon as conveniently may be after the effective date of this act and subject to the provisions of this act shall be in such form as the Board shall determine After the completion of such records any change in the physical condition of the land buildings or improvements of any parcel any division thereof and any change in the ownership thereof and any change in the assessed valuation thereof shall be noted on the records Any taxable inhabitant of the county shall have the right at any time during office hours to examine such records The Board shall prescribe the duties of the assessors in connection with the establishment and maintenance of such records

Section 7 The Board shall issue annually at such time as the Board shall determine its precepts to the real estate assessors assigned to the various real estate assessment districts and the assessors shall upon the receipt of such precepts assess and value each parcel of real property located within the districts to which they are assigned and shall return such assessments to the Board upon such

date as the Board shall provide Such return shall be in such form as the Board shall prescribe but shall require the assessors to assess separately the land and the improvements thereon in the case of each parcel of real property The assessors shall also ascertain and shall note in their returns any division of any parcel any change in the physical condition of the land or of the improvements located thereon including the destruction or demolition of improvements and the erection of new improvements and any change in the ownership thereof occurring after the last preceding return was filed for such parcel and such changes shall be noted on the records to be maintained by the Board as provided in Section 6 of this act

Section 8 Upon the date fixed for receiving the returns of the assessors the Board shall proceed to examine the returns and inquire whether the same have been made in conformity with the laws of this Commonwealth and whether all property has been valued as provided in this Act and may revise alter and amend the valuation by raising or lowering the valuations either in individual cases or by districts shall rectify all errors and make valuations where they have been omitted The Board shall complete its revision of the assessments on or before the third Monday of September of each year The assessments made by the assessors as revised and supplemented by the Board subject to appeal therefrom as hereinafter in this act provided shall constitute the assessed value for tax purposes of real property located in the county for the next ensuing calendar year

Section 9 As soon as the real property assessments shall have been completed as above provided the Board shall prepare a statement in such form as will show the assessed values of all real property within the county Such statement may be in book form and shall be posted or made available for public inspection at such places throughout the county as the Board shall deem necessary Copies of such statements may also be sold in such manner and at such price as the Board shall determine The proceeds of such sales shall be paid into the county treasury

Section 10 At least ten days prior to the first Monday in October of each year the Board shal give printed or written notice to the registered owners of all real property situated within the county the assessment upon which has been increased or decreased specifying the change made from the last preceding assessment and setting forth that an appeal may be filed from such assessment on or before the first Monday of October and stating as definitely as possible the time or times at which appeals will be heard by the Board Every such notice shall be given either by mailing or delivering the same to the address of the owner as shown upon the records of the Board or by posting upon the assessed property

Section 11 With regard to the assessment of personal property the Board and the personal property assessors shal have as heretofore all the duties provided in the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred and seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and the amendments and supplements thereto

Section 12 It shall be the further duty of the Board when necessary to provide for the valuation and assessment of all subjects of taxation which may hereafter be made taxable by the county or any city or other municipal subdivision of the Commonwealth located in or coterminous in its boundaries with the county to prescribe the duties of the assessors appointed by it in connection with such valuation and assessment to supervise and revise such assessments and to give such notice as the Board shall consider reasonable of such assessments and of the time for appeal therefrom

Section 13 All property within the county now or hereafter made taxable by law shall be valued and assessed by the assessors and by the Board at the actual value thereof In determining the actual value of property the price at which the same would separately bona fide sell shall be considered but shall not be controlling

Section 14 Any person aggrieved by any assessment as the same shall be fixed following revision of assessments by the Board may file an appeal therefrom with the Board Appeals from real estate assessments shall be filed on or before the first Monday of October Other appeals shall be filed within the time fixed by law or in cases in which no time is provided by law within such time as the Board shall prescribe. The Board shall set a time or times at which it shall hear all appeals which have been properly filed The Board shall either affirm the assessment or shall make such revision thereof as shall appear to the Board to be just and reasonable The Board shall complete its hearings of appeals and shall dispose of all appeals before it as promptly as possible

Section 15 Any person aggrieved by the disposition made by the Board of any appeal may file a petition for review of the assessment in the court of common pleas of the county and may appeal from the decision made thereon by the court of common pleas to the Supreme or Superior courts as is now provided by law

Section 16 The Board shall on or before the first day of October of each year report to the tax-levying body of the county its estimate of the aggregate of the assessments of all subjects of taxation within the county and as promptly as possible after all appeals have been heard it shall certify to the tax-levying body the aggregate of all such assessments as they appear upon the records of the Board

Section 17 The Board shall have exclusive custody and control of all books and records relating to the assessment of subjects of taxation within the county In addition to the records prescribed in Section 6 of this act the Board shall prepare and maintain books or other suitable records of the assessments made upon all subjects of taxation within the county which records shall include a description of the property or other subject of taxation the amount of the assessment thereof and the name and address of the person or persons taxable In the case of real property assessments such book or records shall be in conformity with the book of plans furnished by the Chief Engineer and Surveyor or similar officer of the county and shall be arranged according to wards and dates Upon completion of the annual assessment the Board shall prepare copies of such books or records and shall transmit copies thereof to the officer or officers charged with the duty of collecting taxes in the county and to the county controller

Section 18 The Board shall receive and have custody of duplicate copies of all official surveys made within the county

Section 19 The Board may prescribe such duties of assessors and others appointed by it in addition to the duties prescribed in this act as the Board shall find necessary in order to carry out the provisions of this act The Board may prescribe such qualifications for assessors and other appointees of the Board as it shall find desirable So far as possible the Board shall in making appointments advance existing appointees or employes of the Board

Section 20 For the purpose of performing the duties prescribed by this act or otherwise prescribed by law each member of the Board each assessor and such other employes of the Board as the Board shall designate shall have authority to administer oaths and affirmations

Section 21 All salaries provided for in this act and the proper expenses of the Board shall be paid out of the treasury of the county

Section 22 The following acts or portions of acts and the amendments thereto are hereby repealed

Section seventeen of the act approved the second day of February one thousand eight hundred fifty-four (Pamphlet Laws 21) entitled "A further supplement to an act entitled 'An act to incorporate the City of Philadelphia'"

Sections six and seven of the act approved the thirteenth day of May one thousand eight hundred fifty-six (Pamphlet Laws 567) entitled "A further supplement to the act consolidating the city of Philadelphia"

The act approved the sixteenth day of April one thousand eight hundred fifty-eight (Pamphlet Laws 318) en-

titled "Supplement to the act Consolidating the city of Philadelphia"

The act approved the eighth day of April one thousand eight hundred fifty-nine (Pamphlet Laws 410) entitled "An act relative to Taxes on Meadow Lands in the First Ward of the City of Philadelphia"

Sections one and eight of the act approved the fourteenth day of March one thousand eight hundred sixty-five (Pamphlet Laws 320) entitled "An act to promote the more certain and equal assessment of taxes in Philadelphia"

The act approved the second day of February one thousand eight hundred sixty-seven (Pamphlet Laws one hundred thirty-seven) entitled "A further supplement to an act entitled 'An act to promote the more certain and equal assessment of taxes in Philadelphia' approved March fourteenth one thousand eight hundred sixty-five"

The act approved the twenty-fourth day of March one thousand eight hundred sixty-eight (Pamphlet Laws four hundred forty-three) entitled "A further supplement to an act entitled 'An act to promote the more certain and equal assessments of taxes in Philadelphia' approved the fourteenth day of March Anno Domini one thousand eight hundred and sixty-five relative to assessments on agricultural and farm land and the suburban portions of said city"

The act approved the twelfth day of April one thousand eight hundred seventy-three (Pamphlet Laws seven hundred fifteen) entitled "A further supplement to an act to promote the more certain and equal assessment of taxes in Philadelphia approved the fourteenth day of March one thousand eight hundred and sixty-five relating to the assessors and assessment in said city"

Section two of the act approved the twenty-fourth day of May one thousand eight hundred seventy-eight (Pamphlet Laws one hundred thirty-three) entitled "A supplement to an act approved April twentieth one thousand eight hundred and seventy-six entitled 'An act authorizing appeals from assessments in this Commonwealth to the courts of common pleas' and limiting taxation without the approval of the court of quarter sessions until the next triennial assessment where the county valuation has been raised to exceed three hundred and fifty per cent"

Section thirteen of the act approved the eleventh day of May one thousand nine hundred and one (Pamphlet Laws one hundred eighty-eight) entitled "An act amending the thirteenth section of the act entitled 'A supplement to the act consolidating the city of Philadelphia' approved the twenty-first day of April one thousand eight hundred fifty-five regulating public advertisements"

The act approved the fifth day of May one thousand nine hundred twenty-one (Pamphlet Laws three hundred forty-six) entitled "An act to amend section one of the act approved the twenty-fourth day of March one thousand nine hundred and three (Pamphlet Laws fifty-one) entitled 'An act providing for the manner of appointment of assessors for the purpose of valuation of property in counties containing a population of one million two hundred and fifty thousand or over' applying said act to counties of the first class and providing for the appointment of assessors without regard to party affiliation"

The act approved the seventh day of May one thousand nine hundred and twenty-seven (Pamphlet Laws eight hundred fifty-seven number four hundred fifty-three) entitled 'An act fixing the salaries of real estate assessors in counties of the first class"

The act approved the seventh day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand six hundred thirty-one) entitled "An act to amend section three of the act approved the seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws one hundred forty-nine) entitled 'An act providing for the appointment of assessors of personal property in counties of the first class defining their duties and fixing their salaries'"

The act approved the twenty-eighth day of April one thousand nine hundred thirty-seven (Pamphlet Laws four hundred seventy-two) entitled "An act providing for the appointment and filling of vacancies in the office of the members of the board of revision of taxes in counties of the first class"

The act approved the twenty-eighth day of April one thousand nine hundred thirty-seven (Pamphlet Laws four hundred seventy-six) entitled "An act fixing the number qualifications terms manners of appointment organization and salaries of members of the board of revision of taxes in counties of the first class providing for the appointment and compensation of a chief appraiser assistant appraisers and other employes of the board terminating the terms of the present members of the board of revision of taxes abolishing the present assessors and repealing general local and special laws"

The act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred eighty) entitled "An act relating to tax assessments in counties of the first class conferring powers and imposing duties on the board of revision of taxes and its agents and employes and repealing general local and special laws"

The act approved the twenty-fifth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand sixty) entitled "An act to amend section one thousand nine hundred thirty-seven (Act Number one hundred eight entitled 'An act providing for the appointment and filling of vacancies in the office of the members of the board of revision of taxes in counties of the first class' by making further provisions relative to the appointment of members of the said board"

Section 23 All other acts and parts of acts general local or special inconsistent with this act are repealed

Section 24 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. REUBEN E. COHEN. Mr. Speaker and members of the House, since this bill was debated on second reading yesterday, when numerous proposals from the minority were defeated by the majority, proposals which we thought might make a more workable and better bill out of this enactment, I don't suppose what I may have to say at this time will sway sufficient votes of the majority to defeat this legislation, despite the fact that the former Speaker is on the rostrum, which makes it look like old times.

However, I do want to say, Mr. Speaker and members of the House, that there has been some comment on this legislation, not by any political group particularly, but by independent non-partisan agencies in the city of Philadelphia, and I refer to the Committee of Seventy, which has for many years adopted a non-partisan viewpoint on city administration, and to the Bureau of Municipal Research. They have for many years given valuable service to the citizenry of Philadelphia. They have pointed out such things as were not good for the city, and have always fought for the elimination of waste and extravagance in the operation of the city.

I would like to read what appeared in the columns of a Philadelphia newspaper recently, which tells of the viewpoint of both the Committee of Seventy and the Bureau of Municipal Research.

"The Republican proposal to add to Philadelphia's already overburdened budget by increasing the assessment staff of the Board of Revision of Taxes was assailed yesterday.

"Joining in condemnation of the bill, which passed first reading in the House at Harrisburg yesterday, was the Committee of 70.

"The bill, it was pointed out, not only opens the way

to a possible increase of more than $250,000 a year for jobs—in violation of Republican economy pledges during the recent campaign—but it flouts the principal of home rule.

"During its sojourn in the House Committee on Cities First-Class, the measure, which originally provided for appointment of Revision Board members by the Board of Common Pleas Judges here, was amended to shift appointments to the Governor.

"The new bill, sponsored by the Republican delegation from Philadelphia, calls for 36 real estate assessors at $5000, 36 assistants at $2500, a chief personal property assessor at $7500, and eight deputies at $5000—total, $317,500. Others may be added with approval of City Council."

Both of these independent agencies have on occasion, as I stated before, pointed out not only to City Council but to the House and Senate various economies which could have been effected either by City Council in its own management of cities' affairs, or in its appeal to Harrisburg to allow Philadelphia the full measure of home rule. They have fought against these extravagances and today protest against such a measure, which was pointed out yesterday so clearly by my colleague from Philadelphia, would certainly add to the troubled financial waters of the city of Philadelphia.

With this statement, members of the House, I ask you seriously to consider your vote for this proposal, and ask that you vote against the bill.

Mr. TAHL. Mr. Speaker and members of the House, I won't take up much time answering the gentleman from Philadelphia, but I want to say this: That this bill will not add one dollar to the expense of the Board of Revision of Taxes.

As I stated yesterday, and which I repeat now, at the present time the budget is $498,000 and because the act of 1937 hampered the Board of Revision of Taxes in discharging its duties, it was obliged at the end of the year to hire additional help and additional assistance because it could not do the work during the year, and as a result of that, it cost them additional money. If this bill is passed, they will be able to work within the budget of $498,000. They will have employees during the entire year and those employees will do the work without additional cost to the city, and they will not be obliged to hire extra help. As a matter of fact, this bill will save money to the citizens of Philadelphia.

I want to say further that the members on the majority side are just as anxious, if not more so, as our friends on the other side to save money for the taxpayers of Philadelphia. This bill has the support of the entire Board, including Democrats and Republicans, and they feel that it will prove very economical and very efficient.

Mr. ANDREWS. Mr. Speaker and members of the House, I am glad that for once I find myself in agreement with the gentleman from Philadelphia, the gentleman upon my right, who voices so eloquently and forcibly the views of the majority.

This bill is part of a legislative program in force during the last twenty years, gradually transferring the actions of local government in Philadelphia to the State Capitol. Under this bill the Governor appoints the members of the Board of Revision of Taxes. The citizens know that as the years go by the members of the majority group from Philadelphia are becoming more and more distrustful of their own ability to govern their own affairs. They are gradually presenting legislation which in effect creates the Governor of Pennsylvania as sort of a city manager for Philadelphia. In view of the history, financial, political and otherwise, I cannot imagine a governor who would not make a better city manager for Philadelphia than anyone that Philadelphia has yet produced, and so Mr. Speaker, I say in this gradual transfer, if we want to buy uniforms for Philadelphia policemen, we introduce a bill, if we want to raise the salary of some obscure employee in Philadelphia five hundred dollars, we introduce a bill, and if want to get good members of the Board of Revision of Taxes, we shun the courts of Philadelphia, we shun all the regular legislative agencies in Philadelphia and we name the Governor.

Now, I must support this bill, hoping that there will appear a series of other measures which will completely divest the local authorities of Philadelphia of control over their local government, and end once and for all this campaign, this series of unending bills from Philadelphia which frankly, Mr. Speaker, have been enough to make anybody tired.

Mr. LONG. Mr. Speaker, I desire to interrogate the sponsor of this measure.

The SPEAKER. Will the gentleman from Philadelphia Mr. Hamilton, permit himself to be interrogated?

Mr. HAMILTON. Mr. Speaker, I yield to the gentleman from Philadelphia, Mr. Tahl.

Mr. LONG. Mr. Speaker, I have noticed in reading the bill that some ten Acts of Assembly and some ten or twelve sections of other Acts of Assembly, dating from 1854 to 1937, have been repealed. I would like to know from the gentleman from Philadelphia if he could enlighten me as to just what has been repealed, and just what regulations of the Board of Revision of Taxes are being repealed by this bill?

Mr. TAHL. Mr. Speaker, a number of them are old obsolete Acts, that really date back to 1874, and the repeal of these acts is for the purpose of making sure that this bill, if passed, will be the only bill that will govern the conduct of the business of the Board of Revision of Taxes.

Mr. LONG. Mr. Speaker, if it is possible for the gentleman from Philadelphia to answer me, I would like him to be a little specific. For instance, the first repealer is of section 17 of the Act of February 2nd, 1854 P. L. 21, "An Act to consolidate the City of Philadelphia," and if the gentleman has information available I would like to know just what is provided for in that Act and therefore, what has been repealed.

Mr. TAHL. Mr. Speaker, I am glad to give the information. Under the Act of 1854 the Assessors were elected by the voters in the different precincts of the City, and this bill repeals that.

Mr. LONG. Mr. Speaker, sections 4, 6 and 7 of the Act of May 13th, 1856, P. L. 567—

Mr. TAHL. Mr. Speaker, does the gentleman want to know what that does? In answer to that, I will say that that section provides that the Assessors shall receive their assessment books on May 15th and that is repealed because that is done in September.

Mr. LONG. Does the gentleman from Philadelphia have the information in regard to the repeal of previous acts up to 1937?

Mr. TAHL. I have, Mr. Speaker.

Mr. LONG. Mr. Speaker, in regard to the Act of April 28, 1937, P. L. 473, I would like to know just what qualifications were provided for under that Act for members

of the Board of Revision of Taxes in the city of Philadelphia.

Mr. TAHL. Mr. Speaker, in answer to that: That Act provided off hand that some of the members of the board were to be real estate men, some brokers and some—I think one of them was to be a lawyer and I think one an engineer.

Mr. LONG. Mr. Speaker, what does the present bill which is now before the House provide in regard to the qualification of members of the Board of Revision of Taxes of the city of Philadelphia?

Mr. TAHL. Mr. Speaker, this Act provides that the Governor shall appoint the members of the board, and I am sure that the Governor will appoint men capable and competent to discharge their duties.

Mr. LONG. Mr. Speaker, the Acts of 1937 also provided, I believe, that members of the Board of Revision of Taxes of Philadelphia should be one-job men. I would like to know if there is any provision in the present act to prevent them from holding two or three jobs, as they have done in the past?

Mr. TAHL. Mr. Speaker, there is no provision, any more than there is a provision that none of the other officers are to hold two offices at the same time, and I feel satisfied that when the Governor appoints these men, they will give their full time and attention to the duties of the Department.

Mr. LONG. Mr. Speaker and members of the House, I desire to call the attention of the members of the House to several facts in regard to the repeal of the act of 1937, concerning the Board of Revision of Taxes in the city of Philadelphia. The qualifications of the members of the Board, are as follows:

> "Two of such members shall be attorneys-at-law and members of the bar of the Supreme Court of Pennsylvania and of the county."
>
> "One of such members shall be a construction engineer, licensed as a professional engineer under the laws of this Commonwealth.
>
> "One of such members shall be a civil engineer, licensed as a professional engineer under the laws of this Commonwealth."
>
> "One of such members shall be a real estate appraiser and shall have had at least five years practical experience."
>
> "One of such members shall be a real estate broker, licensed as such under the laws of this Commonwealth and shall have had at least five years of practical experience."
>
> "One of such members shall be a business man or an accountant with at least five years of practical experience."

I call the attention of the members of the House to the provisions of that act which provided that the members of the Board of Revision of Taxes of the city of Philadelphia must be competent and qualified men, capable of handling the job and experienced in such work. That act is to be repealed by the bill now before us today.

Let us see what is provided by this bill in regard to the qualifications of the members of the Board of Revision of Taxes.

Section 1 page 2 of the act, line 1, provides that "the Board of Revision of Taxes in counties of the first class shall consist of seven competent and qualified citizens."

There is no provision in this act for any qualifications of members of the Board, which would qualify them to perform duties they are called upon to perform. The qualifications which were provided by the act of 1937 are to be repealed, and in their place there is to be no provision for any qualifications in relation to the work to be done by the Board.

I would also like to call the attention of the members of the House to the provision of the act of 1937 which is to be repealed by this bill before us today. That act provides that members of the Board shall not during their terms of office engage in any other employment or hold any other public office or other public employment. It seems to me, Mr. Speaker, that when we set up a Board of Revision of Taxes for the greatest city of the Commonwealth, with a population of over two million, with a diversity of assets, both real and personal, property of all types to be appraised, the act that sets up a Board should provide that those men be qualified and competent both by experience and training to do the work for which they are being paid. It also seems only reasonable to me, and I believe it would also be reasonable to the rest of the members of the House, regardless of political affiliation, that a job that pays ten thousand dollars a year should have the full time and the full efforts of the men that hold the jobs. This is no place for a two-job man or a three-job man, as we have had in the past in the city of Philadelphia. It is a highly technical work, it is a work which should be performed by trained and experienced men, devoting all their time and effort to the job at hand.

I direct the attention of the members of the House to these one or two provisions which are to be repealed to show you the very loose and very poor piece of legislation which is before you at the present time. I do not think that any member of this House would care to assume the attitude that we should not provide that these men be trained and experienced men. I do not think there is any member of this House who would assume the attitude publicly that these men should hold more than one job while being members of the Board of Revision of Taxes in the city of Philadelphia.

This bill increases the number of statutory employees of the Board of Revision of Taxes in the city of Philadelphia from thirty-one to eighty. It is needless for me to say that at the present time Philadelphia is in dire financial condition. Every effort is being made by the city council of Philadelphia to try to balance the budget, which is practically impossible to balance. The future assets of the city of Philadelphia have been mortgaged; proposals for the mortgage of the future assets of Philadelphia have been taken up time and again. The floating debt of the city of Philadelphia, in addition to its funded indebtedness, is over thirty-nine million dollars. The current deficit for the year is in excess of nine million dollars. With all the financial straits that the city finds itself in, we have here a bill increasing the number of statutory employees with statutory salaries. One difficulty that confronts council in trying to arrive at a balanced budget, in an effort to economize, is the number of statutory jobs and statutory salaries imposed upon the city of Philadelphia with which the tax-levying body has no right or power to deal.

We have here an organization which controls city council and which complains of such statutory enactments and statutory salaries, planning to increase them and further hampering their efforts to balance the budget. We find that same organization in the same breath delaying, obstructing and sidetracking in every possible manner a real, constructive, well-planned and thought-out method of revising the government of the city of Philadelphia. We

find that same organization trying to prevent the people of Philadelphia from voicing their own opinion as to the type of government they should have. We find that organization doing everything within its power to block the passage of the city charter proposals in the Senate.

It seems rather inconsistent that this one method which has been proposed and which might really help the city of Philadelphia to reorganize its government and to really economize is being obstructed. We find proposals such as this, upon which we are going to go on record today, a direct denial of the city charter support, which is presumed to come from the majority party of this House. We find here today, if you vote for this bill, a refusal to take the recommendation and the studied report of the City Charter Committee in regard to revision of taxes. The city charter proposal is diametrically opposed and the exact opposite of the provisions of this bill. If we put ourselves on record for this bill today, we put ourselves on record against the provisions of the charter recommendations which are contrary to this.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—126

Ackermann,	Fisher,	Lee,	Serrill,
Alspach,	Fiss,	Leisey,	Shearer,
Andrews,	Fleming,	Leydic,	Simons,
Atkins,	Foor,	Lichtenwalter,	Sloan,
Auker,	Freed,	Lyons,	Snyder,
Bardes,	Fullerton,	Madden,	Sollenberger,
Boorse,	Gates,	Marr,	Stambaugh,
Boose,	Gillan,	Matthews,	Stewart,
Bower,	Gillette,	McClester,	Stockham,
Boyd,	Goll,	McGarrity,	Sweeney,
Bretherick,	Habbyshaw,	McKinney,	Tahl,
Bronson,	Haines,	McNally,	Taylor,
Brown, S. W.,	Hall,	McVay,	Thistle,
Brunner,	Hamilton,	Montgomery,	Thompson, G. R.,
Cadwalader,	Harbeson,	Moser, F. S.,	Tiemann,
Calvin,	Haudenshield,	Moser, J. L.,	Trout,
Carpenter,	Henry,	Muir,	VanAllsburg,
Check,	Hess,	O'Dare,	Van Belle,
Christler,	Hewitt,	O'Neill,	Voorhees,
Clark,	Hocke,	Peacock,	Wagner,
Clearwater,	Hoffman, J. N.,	Peale,	Watkins,
Corrigan,	Hoyt,	Reagan,	Webster,
Cooper,	Huntley,	Reese, D. P.,	Wilkinson,
Cordier,	Imbrie,	Rhodes,	Wilson,
Cortese,	James,	Riley,	Winner,
Curran,	Johnston,	Robertson,	Wood, H. M.,
Dalrymple	Jones,	Rose,	Wood, L. H.,
Denman,	Kane,	Roseberry,	Wood, N.,
Dick,	Kline,	Royer,	Woodside,
Donahue,	Knoble,	Sarge,	Yeakel,
Eckels,	Kowalski,	Schrock,	Turner,
Ely,	Krise,	Seif,	Speaker.
Ewing,			

NAYS—44

Achterman,	Cohen, R. E.,	Melchiorre,	Sarraf,
Allen,	Corrigan,	Moran,	Schrope,
Baker,	DeNote,	Munley,	Schwab,
Balthaser,	Dix,	O'Brien,	Shaw,
Bohn,	Fauset,	O'Connor,	Stank,
Boney,	Furman,	Powers,	Tarr,
Broad,	Keenan,	Preston,	Tronzo,
Brown, H. S.,	Kenehan,	Reese, R. E.	Welsh, E. B.,
Burns,	Kilroy,	Rooney,	Welsh, M. J.,
Chervenak,	Long,	Rosenfeld,	Westrick,
Cohen, H. B.,	Lovett,	Rothenberger,	Williams,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Greene, Mr. Furman.

BILL RECOMMITTED

Mr. EWING. Mr. Speaker, I move that House Bill No. 475, Printer's No. 334, entitled:

An Act defining and regulating the practice of photography providing for the licensing of individuals copartnerships associations and corporations operating photographic studios and of individuals engaging in the practice of photography creating a Board of Photographic Examiners in the Department of Public Instruction defining its powers and duties and providing penalties

on page 15 of today's calendar be recommitted to the Committee on Professional Licensure for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 640, entitled:

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 844) entitled "An act authorizing the Commonwealth of Pennsylvania or any department or division thereof and counties cities boroughs incorporated towns townships school districts and poor districts to make contracts of life health and accident policies for the benefit of employes thereof and contracts for pensions for such employes and providing for the payment of the cost thereof" by further authorizing the making of such contracts and authorizing deductions from pay of employes

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193.

Achterman,	Donahue,	Lichtenwalter,	Sarraf,
Ackermann,	Downey,	Long,	Scanlon,
Allen,	Eckels,	Lovett,	Schrock,
Alspach,	Ely	Lyons,	Schrope,
Andrews,	Ewing,	Madden,	Schwab,
Atkins,	Falkenstein,	Malloy,	Seif,
Auker,	Fauset,	Marr,	Serrill,
Baker,	Fisher,	Matthews,	Shaw,
Balliet,	Fiss,	McClester,	Shearer,
Balthaser,	Flanagan,	McGarrity,	Simons,
Bardes,	Fleming,	McKinney,	Sloan,
Bennett,	Foor,	McLane,	Snyder,
Bohn,	Freed,	McNally,	Sollenberger,
Boles,	Fullerton,	McVay,	Stambaugh,
Boney,	Furman,	Melchiorre,	Stank,
Boorse,	Gates,	Mihm,	Stewart,
Boose,	Gillan,	Montgomery,	Stockham,
Bower,	Gillette,	Mooney,	Sweeney,
Boyd,	Goll,	Moran,	Tahl,
Brancato,	Gorski,	Moser, F. S.,	Tarr,
Bretherick,	Habbyshaw,	Moser, J. L.,	Taylor,
Broad,	Haines,	Muir,	Terry,
Bronson,	Hall,	Munley,	Thistle,
Brown, H. S.,	Hamilton,	O'Brien,	Thompson, G. R.,
Brown, S. W.,	Harbeson,	O'Connor,	Tiemann,
Brunner,	Harkins,	O'Dare,	Tronzo,
Burns,	Haudenshield	O'Keefe,	Trout,
Burris,	Henry,	O'Neill,	VanAllsburg,
Cadwalader,	Hess,	Peacock,	Van Belle,
Calvin,	Hocke,	Peale,	Voorhees,
Carpenter,	Hoffman, J. N.,	Powers,	Wagner,

Check,	Hoffman, S. K.,	Preston,	Watkins,
Chervenak,	Holland,	Readinger,	Webster,
Christler	Hoyt,	Reagan,	Weiss,
Clark	Huntley,	Reese, D. P.,	Welsh, E. B.,
Clearwater,	Imbrie,	Reese, R. E.,	Welsh, M. J.,
Cohen, H. B.,	James,	Regan,	Westrick,
Cohen, R. E.,	Johnston,	Rhodes,	Wilkinson,
Cook,	Jones,	Rider,	Williams,
Cooper,	Keenan,	Riley,	Wilson,
Cordier,	Kenehan,	Robertson,	Winner,
Corrigan,	Kilroy,	Rooney,	Wood, H. M.,
Cortese,	Kline,	Rose,	Wood, L. H.,
Curran,	Knoble,	Roseberry,	Wood, N.,
Dalrymple,	Kowalski,	Rosenfeld,	Woodside,
Denman,	Krise,	Rothenberger,	Yeakel,
DeNote,	Lee,	Royer,	Turner,
Dick,	Leisey,	Sarge,	Speaker.
Dix,	Leydic,		

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 929, entitled:

An Act to amend section four hundred thirteen section five hundred ten as amended and sections six hundred and thirteen and seven hundred ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" changing motor vehicles registration years fractions of registration years and operators license years

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193.

Achterman,	Donahue,	Lichtenwalter,	Sarraf,
Ackermann,	Downey,	Long,	Scanlon,
Allen,	Eckels,	Lovett,	Schrock,
Alspach,	Ely,	Lyons,	Schrope,
Andrews,	Ewing,	Madden,	Schwab,
Atkins,	Falkenstein,	Malloy,	Seif,
Auker,	Fauset,	Marr,	Serrill,
Baker,	Fisher,	Matthews,	Shaw,
Balliet,	Fiss,	McClester,	Shearer,
Balthaser,	Flanagan,	McGarrity,	Simons,
Bardes,	Fleming,	McKinney,	Sloan,
Bennett,	Foor,	McLane,	Snyder,
Bohn,	Freed,	McNally,	Sollenberger,
Boles,	Fullerton,	McVay,	Stambaugh,
Boney,	Furman,	Melchiorre,	Stank,
Boorse,	Gates,	Mihm,	Stewart,
Boose,	Gillan,	Montgomery,	Stockham,
Bower,	Gillette,	Mooney,	Sweeney,
Boyd,	Goll,	Moran,	Tahl,
Brancato,	Gorski,	Moser, F. S.,	Tarr,
Bretherick,	Habbyshaw,	Moser, J. L.,	Taylor,
Broad,	Haines,	Muir,	Terry,
Bronson,	Hall,	Munley,	Thistle,
Brown, H. S.,	Hamilton,	O'Brien,	Thompson, G. R.,
Brown, S. W.,	Harbeson,	O'Connor,	Tiemann,
Brunner,	Harkins,	O'Dare,	Tronzo,
Burns,	Haudenshield,	O'Keefe,	Trout,
Burris,	Henry,	O'Neill,	Van Allsburg,
Cadwalader,	Hess,	Peacock,	Van Belle,
Calvin,	Hocke,	Peale,	Voorhees,
Carpenter,	Hoffman, J. N.,	Powers,	Wagner,
Check,	Hoffman, S. K.,	Preston,	Watkins,
Chervenak,	Holland,	Readinger,	Webster,
Christler,	Hoyt,	Reagan,	Weiss,
Clark,	Huntley,	Reese, D. P.,	Welsh, E. B.,
Clearwater,	Imbrie,	Reese, R. E.	Welsh, M. J.,
Cohen, H. B.,	James,	Regan,	Westrick,
Cohen, R. E.,	Johnston,	Rhodes,	Wilkinson,
Cook,	Jones,	Rider,	Williams,
Cooper,	Keenan,	Riley,	Wilson,
Cordier,	Kenehan,	Robertson,	Winner,
Corrigan,	Kilroy,	Rooney,	Wood, H. M.,
Cortese,	Kline,	Rose,	Wood, L. H.,
Curran,	Knoble,	Roseberry,	Wood, N.,
Dalrymple,	Kowalski,	Rosenfeld,	Woodside,
Denman,	Krise,	Rothenberger,	Yeakel,
DeNote,	Lee	Royer,	Turner,
Dick,	Leisey,	Sarge,	Speaker.
Dix,	Leydic,		

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1166, entitled:

An Act to amend section four hundred and twelve of the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violaton of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by vesting power in the commissioners of certain counties to fix the compensation of Judges of election clerks and inspectors conducting primaries and elections

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193

Achterman,	Donahue,	Lichtenwalter,	Sarraf,
Ackermann,	Downey,	Long,	Scanlon,
Allen,	Eckels	Lovett,	Schrock,
Alspach,	Ely,	Lyons,	Schrope,
Andrews,	Ewing,	Madden,	Schwab,
Atkins,	Falkenstein,	Malloy,	Seif,
Auker,	Fauset,	Marr,	Serrill,
Baker,	Fisher,	Matthews,	Shaw,
Balliet,	Fiss,	McClester,	Shearer,

Balthaser,	Flanagan,	McGarrity,	Simons,
Bardes,	Fleming,	McKinney,	Sloan,
Bennett,	Foor,	McLane,	Snyder,
Bohn,	Freed,	McNally,	Sollenberger,
Boles,	Fullerton,	McVay,	Stambaugh,
Boney,	Furman,	Melchiorre,	Stank,
Boorse,	Gates,	Mihm,	Stewart,
Boose,	Gillan,	Montgomery,	Stockham,
Bower,	Gilette,	Mooney,	Sweeney,
Boyd,	Goll,	Moran,	Tahl,
Brancato,	Gorski,	Moser, F. S.,	Tarr,
Bretherick,	Habbyshaw,	Moser, J. L.,	Taylor,
Broad,	Haines	Muir,	Terry,
Bronson,	Hall,	Munley,	Thistle,
Brown, H. S.,	Hamilton,	O'Brien,	Thompson, G.R.,
Brown, S. W.,	Harbeson,	O'Connor,	Tiemann,
Brunner,	Haudenshield,	O'Dare,	Tronzo,
Burns,	Henry,	O'Keefe,	Trout,
Burris,	Hess,	O'Neill,	Van Allsburg,
Cadwalader,	Hocke,	Peacock,	Van Belle,
Calvin,	Hoffman, J. N.,	Peale,	Voorhees,
Carpenter,	Hoffman, S. K.,	Powers,	Wagner,
Check,	Holland,	Preston,	Watkins,
Chervenak,	Hoyt,	Readinger,	Webster,
Christler,	Huntley,	Reagan,	Weiss,
Clark,	Imbrie,	Reese, D. P.,	Welsh, E. B.,
Clearwater,	James,	Reese, R. E.,	Welsh, M. J.,
Cohen, H. B.,	Johnston,	Regan,	Westrick,
Cohen, R. E.,	Jones,	Rhodes,	Wilkinson,
Cook,	Keenan,	Rider,	Williams,
Cooper,	Kenehan	Riley,	Wilson,
Cordier,	Kilroy,	Robertson,	Winner,
Corrigan,	Kline,	Rooney,	Wood, H. M.,
Cortese,	Knoble,	Rose,	Wood, L. H.,
Curran,	Kowalski,	Roseberry,	Wood, N.,
Dalrymple,	Krise,	Rosenfeld,	Woodside,
Denman,	Lee,	Rothenberger,	Yeakel,
DeNote,	Leisey,	Royer,	Turner,
Dick,	Leydic,	Sarge,	Speaker.
Dix,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 772, as follows:

An Act to protect public health safety and morals and to promote the common welfare by regulating the use and occupancy reuse and re-occupancy and the renting and re-renting for use and occupancy of all buildings in cities of the first class planned in whole or in part for residential purposes and any living quarters connected with a business or commercial establishment by requiring the issuance of certificates of occupancy and by requiring owners agents and tenants to obtain such certificates of occupancy conferring powers and imposing duties upon the Department of Public Health and upon the Department of Public Safety of cities of the first class providing for inspections and inspection fees and the institution of prosecutions for failure to obtain certificates of occupancy imposing penalties and repealing inconsistent acts or parts of acts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 This act may be referred to as the "Occupancy Permit Law"

Section 2 It has been found and it is declared by the General Assembly of this Commonwealth as a matter of legislative finding that

(a) There exists in cities of the first class in this Commonwealth an acute shortage of decent safe and sanitary dwelling accommodations for a large number of inhabitants of the Commonwealth which shortage has resulted from and been aggravated by the substantial cessation of new dwelling construction and the continuance of an excessive demolition program of unsafe residential structures necessitated by the numerous slums and insanitary areas located in the cities of the first class in the Commonwealth

(b) The existence of the above stated conditions has fostered the leasing of many thousands of dwelling accommodations to families of small incomes which dwellings are in violation of the health safety and sanitary laws and ordinances and have jeopardized the health safety and comfort of the families who compelled by necessity to have shelter have been forced to occupy them

(c) Present legal means of control over such conditions have proved insufficient to assure healthful safe and sanitary occupancy so that the danger to public health safety comfort and welfare is immediate and pending

Section 3 The following words and phrases when used in this act shall have the meanings respectively ascribed to them in this section

1 "Building" shall mean any structure used or designed to be used in whole or in part for residential purposes as a dwelling two-family dwelling rooming house tenement house lodging house apartment apartment unit or any living quarters connected with a business or commercial establishment

2 "Certificate" shall mean a certificate of occupancy to be issued as hereinafter provided

3 "Department of Public Health" shall mean the Departments of Public Health of cities of the first class

4 "Department of Public Safety" shall mean the Departments of Public Safety of cities of the first class

5 "Board" shall mean the Boards of Health of cities of the first class

6 "Division" shall mean the Divisions of Housing and Sanitation in the Departments of Public Health of cities of the first class

7 "Bureau of Police" shall mean the Bureaus of Police in the Departments of Public Safety of cities of the first class

8 "Person" shall mean a natural person co-partnership unincorporated association or company limited partnership or corporation

9 "Owner" shall mean the holder of the legal title to a building whether as absolute owner trustee or otherwise

10 "Shall" is to be construed as mandatory and not discretionary

11 The singular shall include the plural and the masculine shall include the feminine and the neuter

Section 4 It shall be unlawful in any city of the first class for any person to newly use and occupy or re-use and re-occupy cause or permit to be newly used and occupied or re-used and re-occupied any building until a certificate therefore shall have been issued by the division provided that nothing in this act shall be construed to apply to the first occupancy of any newly consructed building

Section 5 Application for such certificate shall be made in writing by the owner of the building or his duly authorized agent and the division shall grant or reject such application within forty-eight hours from the filing thereof except as hereinafter provided

Section 6 No certificate shall be issued for any building until it shall appear that the condition of such building is in complete conformity with the provisions of all acts of Assembly ordinances of council rules regulations and resolutions of all governmental agencies pertaining thereto

Certificates shall be issued in triplicate The original thereof shall remain on file in the office of the division and shall be open to public inspection during regular business hours One copy thereof shall be handed to and kept by the tenant upon the premises for which the same was issued and shall be subject to inspection during regular business hours by any authorized representative of the Department of Public Health The second copy thereof shall be given to and kept by the owner of the premises or his duly authorized agent

Section 7 It shall be the duty of the division to cause an inspection to be made of each building for which a certificate is sought within twenty-four hours after application for such certificate has been made It shall issue a certificate forthwith if the building shall be found to comply with the provisions of all acts of Assembly ordinances of council rules regulations and resolutions of all governmental agencies pertaining thereto If inspection shall disclose that such building is defective in or contrary to any

particular as to the aforesaid provisions over which the division has jurisdiction it shall forthwith notify the person making application for such certificate of the nature of such defect or defects or contrary conditions

If there is any other defect or condition constituting a violation of building requirements of cities of the first class or constituting a fire hazard it shall notify the Department of Public Safety which department shall forthwith inspect such aforesaid violations and shall issue orders to correct or abate the same forthwith

The division shall withhold the issuance of said certificate until a re-inspection shall show that the defect or defects or other violations have been corrected

City council of cities of the first class shall make necessary appropriations to employ a sufficient number of special inspectors to carry out expeditiously and continuously the purposes of this act

Section 8 Each applicant upon the filing of the application for said certificate shall pay an inspection fee in the amount as fixed by ordinance of council of said cities said fee shall be paid into the City Treasury Certificates shall be valid for and during the period in which the building shall be continuously occupied by the same lessee and in no case for a period less than one year unless sooner revoked for cause by the division or other legally constituted authority having jurisdiction in such cases In cases where a certificate is denied and the conditions which cause the rejection are subsequently corrected by the owner or occupant the original fee shall prevail No additional fee shall be paid where a re-application is made within six months from the original date of application

Section 9 The bureau of police and the owner of the dwelling unit shall make a report in writing to the division of all vacated buildings which are the subject of this act within twenty-four hours after vacating the bureau of police may require each party or person when taking possession of any of said buildings to exhibit a certificate therefor

Section 10 Any person causing or allowing any building to be occupied without having obtained a certificate shall upon summary conviction before a magistrate or court having jurisdiction be subject to a fine of not less than five dollars ($5.00) nor more than twenty-five dollars ($25.00) for the first offense and of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) for any subsequent offense said fines being recoverable with costs together with judgment imprisonment not exceeding thirty (30) days if the amount of said fines and costs shall not be paid into the court imposing the fines within ten (10) days from the date of imposition thereof All fees and fines shall be payable into the office of the treasury of such cities Neither the lessor nor the lessee of such building shall have the right to enforce the provisions of the lease nor resort to any legal process or distraint for the collection of rent until the terms of this act are complied with

Section 11 Should any part of this act be construed as invalid or unenforceable the remaining parts of the act so far as they are valid or capable of enforcement shall stand with the same force and effect as if the parts found to be invalid or unenforceable had been omitted

Section 12 This act shall become effective ninety (90) days after its final enactment

Section 13 All acts or parts of acts inconsistent with this act be and the same are hereby repealed but no such acts or parts of acts shall be considered as inconsistent with this act merely because its provisions or any of them cover or relate to the subject or subjects of this act if it does not conflict with or interfere with the enforcement of any of the provisions of this act

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mrs. FAUSET. Mr. Speaker and members of the House, I desire to state briefly some of the implications of this bill and to give a few of the reasons why its passage at this time is so important to the people of Philadelphia.

This bill applies only to cities of the first class. It requires an inspection of a dwelling house, once vacated, before it may be re-occupied. If the dwelling house is found to comply with the building, housing, sanitation and fire safety laws relating to dwellings, the owner or his agent is given a certificate stating the house is fit for occupancy. If however, it is found upon inspection to be in violation of such laws, the issuance of the certificate is withheld until repairs have been completed and the structure made fit for family life.

It is understood in House Bill 772 that the power to charge an inspection fee will be used by City Council and the fees thus obtained will approximate between twenty-five and thirty thousand dollars per year, which is sufficient to employ the needed inspection and clerical help. In the Real Property Inventory of 1934 about thirty thousand family accommodations were found in Philadelphia to have less than one-half of the sanitary conveniences required by law. These were all in properties renting for less than twenty-five dollars a month. There were another fifty-thousand houses that lacked one or more of the sanitary requirements.

This same survey showed that there were 20,768 accommodations needing structural repairs and 21,379 houses unsafe for use, besides thousand of other houses structurally sound but needing minor repairs, or lacking adequate sanitation, lighting or heating equipment. Included in these were over seven thousand cases of obstructed plumbing, about six thousand cases of flooded cellars, almost 15,000 cases of accumulations of rubbish.

There has been a demand for this type of legislation for a number of years. It has been advocated by Mr. Packer, Chief of the Division of Housing and Sanitation and by the Philadelphia Housing Association. Imperative need of such legislation was brought sharply to the attention of the citizens of Philadelphia in December, 1936, when several houses on South 15th Street collapsed, killing seven persons and injuring thirteen others. A representative committee of city officials, heads of the Building Bureau, the Department of Health, the Department of Safety, prominent realtors, builders, architects and housing specialists was appointed to investigate the cause of the accident, and to plan for the prevention of similar accidents in the future.

This Committee unanimously recommended the prior inspection of all houses vacated and for rent, to make certain they comply with the building, housing and fire safety laws of the city.

In their arguments for the support of this legislation the members of the Committee called attention to the large number of unsafe houses in Philadelphia, to the lack of repairs in older structures, to the prevalence of insanitary conditions. They pointed out that a grave housing shortage existed in the city, making it impossible for famlies, particularly in the lower income groups, to choose suitable houses for rent, because the number of suitable houses was too small to supply their needs, thereby compelling them from sheer necessity, to accept houses maintained in violation of the law.

Members of the Committee further pointed out that the law as it stands on the statute books does not permit the Division of Housing and Sanitation to issue orders to correct unsafe conditions while a house is vacant, except

where the whole building is unsafe and may collapse.

The existing laws for fire safety, sanitation and housing apply only to occupied structures. Families wishing homes are therefore forced to rent these poor structures, trusting that the city will issue repair orders after they have moved in. This does no always follow because the city does not make original inspections. If, therefore, a complaint is not filed against an unsafe house, the city has no knowledge of its unsafe or insanitary condition.

In the case of the South Fifteenth Street houses which collapsed, the agent was arrested, tried and convicted. The public hearing in this case brought out the fact that none of the various city bureaus had any record of the occupancy of the buildings. The conviction of the guilty party renting the houses did not save the lives of those who were the victims of the collapse.

This bill does not require an inspection of all the houses in the city, but only those houses that are offered for rent after having been vacated. While there are approximately five hundred thousand homes in Philadelphia, only about two hundred sixty thousand are rented. Studies of lower-rental houses, made annually over a long period of years by the Philadelphia Housing Association, show that in normal times about thirty-five percent of the families in industrial areas move at least once during each year. At the present time this moving rate has dropped to about fifteen percent. By means of this legislation we have a reasonable expectation that the worst houses—those in the poorest structural condition, or most insanitary—will be brought up to the standard set by laws enacted by previous sessions of the Legislature, for decent housing in Philadelphia.

Mr. Speaker, it is my earnest hope that the members of the House will vote for the passage of this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	Donahue,	Leydic,	Sarraf,
Ackermann,	Downey,	Lichtenwalter,	Scanlon,
Allen,	Eckels,	Long,	Schrock,
Alspach,	Ely,	Lovett,	Schrope,
Andrews,	Ewing,	Lyons,	Schwab,
Atkins,	Falkenstein,	Madden,	Seif,
Auker,	Fauset,	Malloy,	Serrill,
Baker,	Fisher,	Marr,	Shaw,
Balliet,	Fiss,	Matthews,	Shearer,
Balthaser,	Flanagan,	McClester,	Simon,
Bardes,	Fleming	McGarrity,	Sloan,
Bennett,	Foor,	McKinney,	Snyder,
Bohn,	Freed,	McLane,	Sollenberger,
Boies,	Fullerton,	McNally,	Stambaugh,
Boney,	Furman,	McVay,	Stank,
Boorse,	Gates,	Melchiorre,	Stewart,
Boose,	Gillan,	Mihm,	Stockham,
Bower,	Gillette,	Montgomery,	Sweeney,
Boyd,	Goll,	Mooney,	Tahl,
Brancato,	Gorski,	Moran,	Tarr,
Bretherick,	Habbyshaw,	Moser, F. S.,	Taylor,
Broad,	Haines,	Moser, J. L.,	Terry,
Bronson,	Hall,	Muir,	Thistle,
Brown, H. S.,	Hamilton,	Munley,	Thompson, G. R.,
Brown, S. W.,	Harbeson,	O'Brien,	Tiemann,
Brunner,	Harkins,	O'Connor,	Tronzo,
Burns,	Haudenshield,	O'Dare,	Trout,
Burris,	Henry,	O'Keefe,	VanAllsburg,
Cadwalader,	Hess,	O'Neill,	Van Belle,
Calvin,	Hocke,	Peacock,	Voorhees,
Carpenter	Hoffman, J. N.,	Peale,	Wagner,
Check,	Hoffman, S. K.,	Powers,	Watkins,
Chervenak,	Holland,	Preston,	Webster,
Christler,	Hoyt,	Readinger,	Weiss,
Clark,	Huntley,	Reagan,	Welsh, E. B.,
Clearwater,	Imbrie,	Reese, D. P.,	Welsh, M. J.,
Cohen, H. B.,	James,	Reese, R. E.	Westrick,
Cohen, R. E.,	Johnston,	Regan,	Wilkinson,
Cook,	Jones,	Rhodes,	Williams,
Cooper,	Kane,	Rider,	Wilson,
Cordier,	Keenan,	Riley,	Winner,
Corrigan,	Kenehan,	Robertson,	Wood, H. M.,
Cortese,	Kilroy,	Rooney,	Wood, L. H.,
Curran,	Kline,	Rose,	Wood, N.,
Dalrymple,	Knoble,	Roseberry,	Woodside,
Denman,	Kowalski,	Rosenfeld,	Yeakel,
DeNote,	Krise,	Rothenberger,	Turner,
Dick,	Lee,	Royer,	Speaker.
Dix,	Leisey,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 972, entitled:

An Act providing that uniformed officers and men employed by cities of the first class as park guards shall be entitled to twenty-four consecutive hours of rest each week except in emergency cases

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	Donahue,	Leydic,	Sarge,
Ackermann,	Downey,	Lichtenwalter,	Sarraf,
Allen,	Eckels,	Long,	Scanlon,
Alspach,	Ely,	Lovett,	Schrock,
Andrews,	Ewing,	Lyons,	Schrope,
Atkins,	Falkenstein,	Madden,	Schwab,
Auker,	Fauset,	Malloy,	Seif,
Baker,	Fisher,	Marr,	Serrill,
Balliet,	Fiss,	Matthews,	Shaw,
Balthaser,	Flanagan,	McClester,	Shearer,
Bardes,	Fleming,	McGarrity,	Simons,
Bennett,	Foor,	McKinney,	Sloan,
Bohn,	Freed,	McLane,	Snyder,
Boies,	Fullerton,	McNally,	Sollenberger,
Boney,	Furman,	McVay,	Stambaugh,
Boorse,	Gates,	Melchiorre,	Stank,
Boose,	Gillan,	Mihm,	Stewart,
Bower,	Gillette,	Montgomery,	Stockham,
Boyd,	Goll,	Mooney,	Sweeney,
Brancato,	Gorski,	Moran,	Tahl,
Bretherick,	Habbyshaw,	Moser, F. S.,	Tarr,
Broad,	Haines,	Moser, J. L.,	Taylor,
Bronson,	Hall,	Muir,	Terry,
Brown, H. S.,	Hamilton,	Munley,	Thistle,
Brown, S. W.,	Harbeson,	O'Brien,	Thompson, G. R.,
Brunner,	Harkins,	O'Connor,	Tiemann,
Burns,	Haudenshield,	O'Dare,	Tronzo,
Burris,	Henry,	O'Keefe,	Trout,
Cadwalader,	Hess,	O'Neill,	Van Allsburg,
Calvin,	Hocke,	Peacock,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peale,	Voorhees,
Check,	Hoffman, S. K.,	Powers,	Wagner,
Chervenak,	Holland,	Preston,	Watkins,
Christler,	Hoyt,	Readinger,	Webster,
Clark,	Huntley,	Reagan,	Weiss,
Clearwater,	Imbrie,	Reese, D. P.,	Welsh, E. B.,
Cohen, H. B.,	James,	Reese, R. E.,	Welsh, M. J.,
Cohen, R. E.,	Johnston,	Regan,	Westrick,
Cook,	Jones,	Rhodes,	Wilkinson,
Cooper,	Kane,	Rider,	Williams,
Cordier,	Keenan,	Riley,	Wilson,
Corrigan,	Kenehan,	Robertson,	Winner,
Cortese,	Kilroy,	Rooney,	Wood, H. M.,
Curran,	Kline,	Rose,	Wood, L. H.,
Dalrymple,	Knoble,	Roseberry,	Wood, N.,

Denman,	Kowalski,	Rosenfeld,	Woodside,
DeNote,	Krise,	Rothenberger,	Yeakel,
Dick,	Lee,	Royer,	Turner,
Dix,	Leisey,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 967, entitled:

An Act fixing leaves of absence for uniformed officers and men employed by cities of the first class as park guards

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	Donahue,	Leydic,	Sarraf,
Ackermann,	Downey,	Lichtenwalter,	Scanlon,
Allen,	Eckels,	Long,	Schrock,
Alspach,	Ely,	Lovett,	Schrope,
Andrews,	Ewing,	Lyons,	Schwab,
Atkins,	Falkenstein,	Madden,	Seif,
Auker,	Fauset,	Malloy,	Serrill,
Baker,	Fisher,	Marr,	Shaw,
Balliet,	Fiss,	Matthews,	Shearer,
Balthaser,	Flanagan,	McClester,	Simons,
Bardes,	Fleming,	McGarrity,	Sloan,
Bennett,	Foor,	McKinney,	Snyder,
Bohn,	Freed,	McLane,	Sollenberger,
Boles,	Fullerton,	McNally,	Stambaugh,
Boney,	Furman,	McVay,	Stank,
Boorse,	Gates,	Melchiorre,	Stewart,
Boose,	Gillan,	Mihm,	Stockham,
Bower,	Gillette,	Montgomery,	Sweeney,
Boyd,	Goll,	Mooney,	Tahl,
Brancato,	Gorski,	Moran,	Tarr,
Bretherick,	Habbyshaw,	Moser, F. S.,	Taylor,
Broad,	Haines,	Moser, J. L.,	Terry,
Bronson,	Hall,	Muir,	Thistle,
Brown, H. S.,	Hamilton,	Munley,	Thompson, G.R.
Brown, S. W.,	Harbeson,	O'Brien,	Tiemann,
Brunner,	Harkins,	O'Connor,	Tronzo,
Burns,	Haudenshield,	O'Dare,	Trout,
Burris,	Henry,	O'Keefe,	Van Allsburg,
Cadwalader,	Hess,	O'Neill,	Van Belle,
Calvin,	Hocke,	Peacock,	Voorhees,
Carpenter,	Hoffman, J. N.,	Peale,	Wagner,
Check,	Hoffman, S. K.,	Powers,	Watkins,
Chervenak,	Holland,	Preston,	Webster,
Christler,	Hoyt,	Readinger,	Weiss,
Clark,	Huntley,	Reagan,	Welsh, E. B.,
Clearwater,	Imbrie,	Reese, D. P.,	Welsh, M. J.,
Cohen, H. B.,	James,	Reese, R. E.,	Westrick,
Cohen, R. E.,	Johnston,	Regan,	Wilkinson,
Cook,	Jones,	Rhodes	Williams,
Cooper,	Kane,	Rider	Wilson,
Cordier,	Keenan,	Riley	Winner,
Corrigan,	Kenehan	Robertson,	Wood, H. M.,
Cortese,	Kilroy,	Rooney,	Wood, L. H.,
Curran,	Kline,	Rose,	Wood, N.,
Dalrymple,	Knoble,	Roseberry,	Woodside,
Denman,	Kowalski,	Rosenfeld,	Yeakel,
DeNote,	Krise,	Rothenberger,	Turner,
Dick,	Lee,	Royer,	Speaker.
Dix,	Leisey,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 553, entitled:

An Act to amend sections twenty-six and twenty-seven of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by providing for the transfer of the registration of electors without personal appearance upon change of residence from a city of the third class to a borough town or township in the same county and authorizing the registration commission to amend the registers for such city accordingly

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	Donahue,	Leydic,	Sarraf,
Ackermann,	Downey,	Lichtenwalter,	Scanlon,
Allen,	Eckels,	Long,	Schrock,
Alspach,	Ely,	Lovett,	Schrope,
Andrews,	Ewing,	Lyons,	Schwab,
Atkins,	Falkenstein,	Madden,	Seif,
Auker,	Fauset,	Malloy,	Serrill,
Baker,	Fisher,	Marr,	Shaw,
Balliet,	Fiss,	Matthews,	Shearer,
Balthaser,	Flanagan,	McClester,	Simons,
Bardes,	Fleming	McGarrity,	Sloan,
Bennett,	Foor,	McKinney,	Snyder,
Bohn,	Freed,	McLane,	Sollenberger,
Boles,	Fullerton,	McNally,	Stambaugh,
Boney,	Furman,	McVay,	Stank,
Boorse,	Gates,	Melchiorre,	Stewart,
Boose,	Gillan,	Mihm,	Stockham,
Bower,	Gillette,	Montgomery,	Sweeney,
Boyd,	Goll,	Mooney,	Tahl,
Brancato,	Gorski,	Moran,	Tarr,
Bretherick,	Habbyshaw,	Moser, F. S.,	Taylor,
Broad,	Haines,	Moser, J. L.,	Terry,
Bronson,	Hall,	Muir,	Thistle,
Brown, H. S.,	Hamilton,	Munley,	Thompson, G.R.,
Brown, S. W.,	Harbeson,	O'Brien,	Tiemann,
Brunner,	Harkins,	O'Connor,	Tronzo,
Burns,	Haudenshield,	O'Dare,	Trout,
Burris,	Henry,	O'Keefe,	VanAllsburg,
Cadwalader,	Hess,	O'Neill,	Van Belle,
Calvin,	Hocke,	Peacock,	Voorhees,
Carpenter,	Hoffman, J. N.,	Peale,	Wagner,
Check,	Hoffman, S. K.,	Powers,	Watkins,
Chervenak,	Holland,	Preston,	Webster,
Christler,	Hoyt,	Readinger,	Weiss,
Clark,	Huntley,	Reagan,	Welsh, E. B.,
Clearwater,	Imbrie,	Reese, D. P.,	Welsh, M. J.,
Cohen, H. B.,	James,	Reese, R. E.,	Westrick,
Cohen, R. E.,	Johnston,	Regan,	Wilkinson,

Cook,	Jones,	Rhodes,	Williams,
Cooper,	Kane,	Rider,	Wilson,
Cordier,	Keenan,	Riley,	Winner,
Corrigan,	Kenehan,	Robertson,	Wood, H. M.,
Cortese,	Kilroy,	Rooney,	Wood, L. H.,
Curran,	Kline,	Rose,	Wood, N.,
Dalrymple,	Knoble,	Roseberry,	Woodside,
Denman,	Kowalski,	Rosenfeld,	Yeakel,
DeNote,	Krise,	Rothenberger,	Turner,
Dick,	Lee,	Royer,	Speaker.
Dix,	Leisey,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 851, entitled:

An Act to amend clause (c) of section twenty-nine of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 487) entitled "An act to provide for the permanent personal registration of electors in boroughs town and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by eliminating the provisions requiring certain municipal officers departments bureaus and public utility corporations to make certain reports to the registration commission

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Ackermann,	Dix,	Krise,	Rothenberger,
Allen,	Donahue,	Lee,	Royer,
Alspach,	Downey,	Leisey,	Sarge,
Andrews,	Eckels,	Leydic,	Sarraf,
Atkins,	Ely,	Lichtenwalter,	Scanlon,
Auker,	Ewing,	Lovett,	Schrock,
Balliet,	Falkenstein,	Lyons,	Schrope,
Balthaser,	Fauset,	Madden,	Schwab,
Bardes,	Fisher,	Malloy,	Seif,
Bennett,	Fiss,	Marr,	Serrill,
Bohn,	Flanagan,	Matthews,	Shearer,
Boles,	Fleming,	McClester,	Simons,
Boney,	Foor,	McGarrity,	Sloan,
Boorse,	Freed,	McKinney,	Snyder,
Boose,	Fullerton,	McLane,	Sollenberger,
Bower,	Furman,	McNally,	Stambaugh,
Boyd,	Gates,	McVay,	Stank,
Brancato,	Gillan,	Melchiorre,	Stewart,
Bretherick,	Gillette,	Mihm,	Stockham,
Broad,	Goll,	Montgomery,	Sweeney,
Bronson,	Gorski,	Mooney,	Tahl,
Brown, H. S.,	Habbyshaw,	Moser, F. S.,	Taylor,
Brown, S. W.,	Haines,	Moser, J. L.,	Terry,
Brunner,	Hall,	Muir,	Thistle,
Burns,	Hamilton,	Munley,	Thompson, G. R.,
Burris,	Harbeson,	O'Brien,	Tiemann,
Cadwalader,	Haudenshield,	O'Connor,	Trout,
Calvin,	Henry,	O'Dare,	VanAllsburg,
Carpenter,	Hess,	O'Neill,	Van Belle,
Check,	Hocke,	Peacock,	Voorhees,
Chervenak,	Hoffman, J. N.,	Peale,	Wagner,
Christler,	Hoffman, S. K.,	Powers,	Watkins,
Clark,	Holland,	Preston,	Webster,
Clearwater,	Hoyt,	Readinger,	Weiss,
Cohen, H. B.,	Huntley,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	Imbrie,	Reese, D. P.,	Welsh, M. J.,
Cook,	James,	Reese, R. E.,	Westrick,
Cooper,	Johnston,	Regan,	Wilkinson,
Cordier,	Jones,	Rhodes,	Wilson,
Corrigan,	Kane,	Rider,	Winner,
Cortese,	Keenan,	Riley,	Wood, H. M.,
Curran,	Kenehan,	Robertson,	Wood, L. H.,
Dalrymple,	Kilroy,	Rooney,	Wood, N.,
Denman,	Kline,	Rose,	Woodside,
DeNote,	Knoble,	Roseberry,	Yeakel,
Dick,	Kowalski,	Rosenfeld,	Turner,
			Speaker.

NAYS—9

Achterman,	Long,	Shaw,	Tronzo,
Baker,	Moran,	Tarr,	Williams,
Harkins,	O'Keefe,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 853, entitled:

An Act to amend clause (c) of section thirty of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by eliminating certain provisions requiring municipal officers departments bureaus and certain public utility corporations to make certain reports to the registration commission

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. O'KEEFE. Mr. Speaker, I would like to interrogate the gentleman from Somerset, Mr. Boose.

The SPEAKER. Will the gentleman from Somerset permit himself to be interrogated?

Mr. BOOSE. I will, Mr. Speaker.

Mr. O'KEEFE. Mr. Speaker, I would like to ask the gentleman from Somerset the reason for this amendment.

Mr. BOOSE. Mr. Speaker, Section C of the act pro-

vides, or sets up, two provisions in reporting removal of tenants. One is mandatory and the other optional with the Registration Commission. This removes the mandatory provision.

Mr. O'KEEFE. Mr. Speaker, is the gentleman familiar with the workings of this act in cities of the second class?

Mr. BOOSE. Mr. Speaker, I cannot say that I am.

Mr. O'KEEFE. Does the gentleman know that this amendment will tend to weaken the present election law?

Mr. BOOSE. Mr. Speaker, I do not think so.

Mr. O'KEEFE. Mr. Speaker and members of the House, in the city of Pittsburgh we have found that this provision has been very effective in keeping down the so-called phantom voters. This amendment would tend to weaken the present election law, and I think therefore it should be defeated.

Mr. LONG. Mr. Speaker and members of the House, I would like to direct the attention of the members of the House to the provisions in the permanent registration acts adopted during the last session of the Legislature. Most of the acts provided that the public utility companies and other municipal officers and departments may periodically report to the Registration Commissions the removals or renewals of service or stopping of service. That was made mandatory on the part of the utilities and government agencies. In regard to real estate operators, moving companies and others, it was made optional on the part of the Registration Commissions. In other words, the Registration Commissions did not receive reports from real estate brokers, moving van men and others unless they requested them and needed them. On the other hand, the reports of public utilities and of governmental agencies were mandatory. Those reports had to be made by the utilities and by the governmental agencies at different periods.

It is my contention that if the reports are not used by the Registration Commissions, it is unfair to ask the utilities or governmental agencies to go to the expense and trouble of preparing reports which are never used. However, the bills which are before us today strike out entirely the provisions in regard to reports of utility companies and governmental agencies. In other words, they take away from he Commissioners not only the regular reports which were mandatory, but on the other hand they do not even give the Commission a chance to ask for reports and get them if they want them. It seems to me only sensible that if we are going to keep in our Registration Act throughout the state the provision for real estate brokers, moving van men and others to make optional reports at the request of the Registration Commissions, it seems only logical, reasonable and fair that the Registration Commissions throughout the State of Pennsylvania, should have the power to request the same reports of the utilities or from the governmental agencies and the Bureau of Vital Statistics, if they need them in order to purge the list.

I believe that the intent of the gentleman introducing this series of bills was to do away with the unnecessary reports which were never used by the Commissions, but in doing that he has taken away from the Commissions, the power to get reports which they actually need and use.

I therefore think that in order to do this job properly this bill should be held up or sent back to committee, where provision can be made giving Registration Commissions the right to ask for these reports when they deem it necessary in order to purge the voting lists of phantom voters.

BILL PASSED OVER

There being no objection House Bill No. 853, Printer's No. 284 was passed over at the request of Mr. FLEMING.

MOTION TO RECONSIDER VOTE ON HOUSE BILL NO. 851.

Mr. HERBERT B. COHEN. Mr. Speaker, in view of the fact that it appears to be the unanimous opinion of all the members of the House that these election laws should be enacted after due consideration and study, I feel in view of the possibility of objections being raised to this series of bills and the desire for further opportunity to consider them, that the bill that we just passed should be re-considered.

Mr. Speaker, I move that the vote by which House Bill No. 851, Printer's No. 282, entitled:

An Act to amend clause (c) of section twenty-nine of the Act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" by eliminating the provisions requiring certain municipal officers departments bureaus and public utility corporations to make certain reports to the registration commission

on page 22 of today's calendar, passed finally be reconsidered.

Mr. FURMAN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from York, Mr. Cohen vote on the final passage of this bill?

Mr. HERBERT B. COHEN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Greene, Mr. Furman vote on the final passage of this bill?

Mr. FURMAN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

POINT OF INFORMATION

Mr. WOODSIDE. Mr. Speaker, I rise to a point of information

The SPEAKER. The gentleman from Dauphin will state his point of information.

Mr. WOODSIDE. Mr. Speaker, in the first place is the motion in order inasmuch as there has been no business

transacted between the vote on the bill and the motion to reconsider.

The SPEAKER. The Chair would inform the gentleman that there has been business transacted. House Bill No. 853 having been discussed and passed over.

Mr. WOODSIDE. Mr. Speaker, I will withdraw my objection.

Mr. Speaker, I ask the members of this House to vote down the motion to reconsider. The situation with reference to boroughs and townships, so far as members who have resided in them is concerned, they are well aware that this act has not worked out well and is not effective in carrying out what was intended to be carried out. It is a burden which is not helpful in any way and I see no reason why this bill should be held up.

Mr. LONG. Mr. Speaker and members of the House, the question of whether or not these reports are of any use to the Registration Commission in boroughs or townships is not really the point at issue. If any reports at all are of use to the boroughs and townships Registration Commissions then surely the reports which come from reliable sources, such as utilities, and the Bureau of Vital Statistics and other governmental offices are the reports which would be of some value. Therefore, in order to pass good legislation we should not provide that the Commission have the power to request reports from real estate brokers, moving-van men and others, which reports are of practically no value, or of very little value, and on the other hand and at the same time strike out the provisions giving to the Registration Commissions the power to request from time to time real reports which might be of some value, if they desire them and if they think they might be useful.

I therefore think that in order to frame a real act we should vote for the motion to reconsider so that we may get the bill in proper shape before its passage through the House.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, the issue is a very simple one. I quite agree with the sponsor of the bill that the mandatory provision in the law requiring the forwarding once a month of removals and the addresses of new customers and users of appliances, is a burden upon the utilities and means the correlation of a mass of information that possibly the Registration Commissions would not require on a month to month basis.

However, I do feel, as the gentleman from Philadelphia has said, that the Registration Commissions in the various boroughs and townships and cities of the various classes should have the opportunity, once a year or once every six months, or whenever they wish to rectify the lists by calling upon the utilities for the changes of addresses and removals of users of appliances. That would not be too great a burden to impose upon the utilities and I feel that they would be glad to comply with it in an effort to get an honest registration list.

I am asking for reconsideration of the vote by which this bill passed so that the power may be given Regsitration Commissions, when it deems fit to call upon utilities for this particular information, and for the further reason that if the House decides that the particular amendment making it available when called for is a proper amendment to be placed in the other two bills introduced by the same sponsor, it would tend to give uniformity to Registration Acts, and apparently would impose upon the utilities no greater burden in making these reports for cities of the second and third class and for the boroughs and townships. I feel in order to rectify this bill and to keep the registration lists as accurate as possible, the membership of the House should support my motion to reconsider the vote by which we passed House Bill No. 851, printers No. 282.

On the question recurring.

Will the House agree to the motion?

It was not agreed to.

BILLS PASSED OVER

There being no objection House Bill No. 854 Printer's No. 285 was passed over at the request of Mr. LONG.

There being no objection House Bill No. 855 Printer's No. 286 was passed over at the request of Mr. LONG.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 927, entitled:

An Act to amend section three hundred and eight of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" providing for the issuance of bonds to fund notes or other floating debt or evidences of indebtedness of the institution district

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HOLLAND. Mr. Speaker, I would like to interrogate the gentleman from Northumberland, Mr. Moser.

The SPEAKER. Will the gentleman from Northumberland permit himself to be interrogated?

Mr. FRANK S. MOSER. I shall, Mr. Speaker.

Mr. HOLLAND. Mr. Speaker, will the gentleman from Northumberland explain to the House whether this bill has anything to do with the return of institutions back to the local authorities?

Mr. FRANK S. MOSER. Mr. Speaker, it has not.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Donahue,	Leisey,	Sarge,
Ackermann,	Downey,	Leydic,	Sarraf,
Allen,	Eckels,	Lichtenwalter,	Scanlon,
Alspach,	Ely,	Long,	Schrock,
Andrews,	Ewing,	Lovett,	Schrope,
Atkins,	Falkenstein,	Lyons,	Schwab,
Auker,	Fauset,	Madden,	Seif,
Baker,	Fisher,	Malloy,	Serrill,
Balliet,	Fiss,	Marr,	Shaw,
Balthaser,	Flanagan,	Matthews,	Shearer,
Bardes,	Fleming,	McClester,	Simons,
Bennett,	Foor,	McGarrity,	Sloan,
Bohn,	Freed,	McKinney,	Snyder,
Boles,	Fullerton,	McLane,	Sollenberger,
Boney,	Furman,	McNally,	Stambaugh,
Boorse,	Gates,	McVay,	Stank,
Boose,	Gillan,	Melchiorre,	Stewart,
Bower,	Gillette,	Mihm,	Stockham,
Boyd,	Goll,	Montgomery,	Sweeney,
Brancato,	Gorski,	Mooney,	Tahl,
Bretherick,	Habbyshaw,	Moran,	Tarr,
Broad,	Haines,	Moser, F. S.,	Taylor,
Bronson,	Hall,	Moser, J. L.,	Terry,
Brown, H. S.,	Hamilton,	Muir,	Thistle,
Brown, S. W.,	Harbeson,	Munley,	Thompson, G. R.,
Brunner,	Harkins,	O'Brien,	Tiemann,
Burns,	Haudenshield,	O'Connor,	Tronzo,
Burris,	Henry,	O'Dare,	Trout,
Cadwalader,	Hess,	O'Keefe,	VanAllsburg,
Calvin,	Hindman,	O'Neill,	Van Belle,
Carpenter,	Hocke,	Peacock,	Voorhees,
Check,	Hoffman, J. N.,	Peale,	Wagner,
Chervenak,	Hoffman, S. K.,	Powers,	Watkins,
Christler,	Holland,	Preston,	Webster,
Clark,	Hoyt,	Readinger,	Weiss,
Clearwater,	Huntley,	Reagan,	Welsh, E. B.,
Cohen, H. B.,	Imbrie,	Reese, D. P.,	Welsh, M. J.,
Cohen, R. E.,	James,	Reese, R. E.,	Westrick,
Cook,	Johnston,	Regan,	Wilkinson,
Cooper,	Jones,	Rhodes,	Williams,
Cordier,	Kane,	Rider,	Wilson,
Corrigan,	Keenan,	Riley,	Winner,
Cortese,	Kenehan,	Robertson,	Wood, H. M.,
Curran,	Kilroy,	Rooney,	Wood, L. H.,
Dalrymple,	Kline,	Rose,	Wood, N.,
Denman,	Knoble,	Roseberry,	Woodside,
DeNote,	Kowalski,	Rosenfeld,	Yeakel,
Dick,	Krise,	Rothenberger,	Turner,
Dix,	Lee,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 527, entitled:

An Act to amend clause (g) as added to section one thousand one hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" removing the time limit within which all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Donahue,	Leisey,	Sarge,
Ackermann,	Downey,	Leydic,	Sarraf,
Allen,	Eckels,	Lichtenwalter,	Scanlon,
Alspach,	Ely,	Long,	Schrock,
Andrews,	Ewing,	Lovett,	Schrope,
Atkins,	Falkenstein,	Lyons,	Schwab,
Auker,	Fauset,	Madden,	Seif,
Baker,	Fisher,	Malloy,	Serrill,
Balliet,	Fiss,	Marr,	Shaw,
Balthaser	Flanagan,	Matthews,	Shearer,
Bardes,	Fleming,	McClester,	Simons,
Bennett,	Foor,	McGarrity,	Sloan,
Bohn,	Freed,	McKinney,	Snyder,
Boles,	Fullerton,	McLane,	Sollenberger,
Boney,	Furman,	McNally,	Stambaugh,
Boorse,	Gates,	McVay,	Stank,
Boose,	Gillan,	Melchiorre,	Stewart,
Bower,	Gillette,	Mihm,	Stockham,
Boyd,	Goll,	Montgomery,	Sweeney,
Brancato,	Gorski,	Mooney,	Tahl,
Bretherick,	Habbyshaw,	Moran,	Tarr,
Broad,	Haines,	Moser, F. S.,	Taylor,
Bronson,	Hall,	Moser, J. L.,	Terry,
Brown, H. S.,	Hamilton,	Muir,	Thistle,
Brown, S. W.,	Harbeson,	Munley,	Thompson, G. R.,
Brunner,	Harkins,	O'Brien,	Tiemann,
Burns,	Haudenshield,	O'Connor,	Tronzo,
Burris,	Henry,	O'Dare,	Trout,
Cadwalader,	Hess,	O'Keefe,	VanAllsburg,
Calvin,	Hindman,	O'Neill,	Van Belle,
Carpenter,	Hocke,	Peacock,	Voorhees,
Check,	Hoffman, J. N.,	Peale,	Wagner,
Chervenak,	Hoffman, S. K.,	Powers,	Watkins,
Christler,	Holland,	Preston,	Webster,
Clark,	Hoyt,	Readinger,	Weiss,
Clearwater,	Huntley,	Reagan,	Welsh, E. B.,
Cohen, H. B.,	Imbrie,	Reese, D. P.,	Welsh, M. J.,
Cohen, R. E.,	James,	Reese, R. E.,	Westrick,
Cook,	Johnston,	Regan,	Wilkinson,
Cooper,	Jones,	Rhodes,	Williams,
Cordier,	Kane,	Rider,	Wilson,
Corrigan,	Keenan,	Riley,	Winner,
Cortese,	Kenehan,	Robertson,	Wood, H. M.,
Curran,	Kilroy,	Rooney,	Wood, L. H.,
Dalrymple,	Kline,	Rose,	Wood, N.,
Denman,	Knoble,	Roseberry,	Woodside,
DeNote,	Kowalski,	Rosenfeld,	Yeakel,
Dick	Krise,	Rothenberger,	Turner,
Dix,	Lee,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 680, as follows:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be

administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the provisions for compulsory attendance and for enumeration of illiterate children and alien residents changing provisions relating to employment of children providing for the education of physically and mentally handicapped children and for the care of uneducable children and changing the provisions for the required number of days schools shall be kept open

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph one three and four of section one thousand four hundred and thirteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by section three of the act approved the first day of July one thousand nine hundred thirty-seven (Pamphlet Laws 2560) is hereby further amended to read as follows

Section 1413 It shall be the duty of the secretary of the school board teachers school enumerators home and school visitors and attendance officers in every school district in this Commonwealth in accordance with rules of procedure prescribed by the Superintendent of Public Instruction to secure information and report to the district or county superintendent of schools on or before the fifteenth day of October of each year and thereafter as cases arise every child within said district between the ages of eight (8) and sixteen (16) years who is gravely retarded in his or her school work or any child between the ages of six (6) and sixteen (16) who because of apparent exceptional physical or mental condition is not being properly educated and trained and as soon thereafter as possible the child shall be examined by a mental clinic approved by the State Council of Education or by a person certified by the Department of Public Instruction as a public school psychologist or psychologist examiner and also by any other expert which the type of class and the child's condition may necessitate and a report shall be made concerning his fitness for special education In school districts of the first second and third class having a district superintendent of schools said report shall be made to the superintendent of the district In all other districts the report shall be made to the superintendent of schools of the county

* * * * *

Any child who is reported by an approved mental clinic or by a person who is certified as a public school psychologist or psychological examiner as being uneducable in the public schools [may] may be reported by the board of school directors to the Department of Welfare in accordance with regulations approved by the State Council of Education After any such board shall have thus reported any child it shall be relieved of the obligation of providing education for such child The Department of Welfare shall thereupon arrange for the education and training of such child

Any physically or mentally handicapped child who is regularly enrolled in a special class that is approved by the Department of Public Insrtuction or who is enrolled in a regular class in which approved educational provisions are made for him may be furnished with free transportation by the school district The [After the first day of July one thousand nine hundred and forty-one the] Commonwealth shall reimburse any school district furnishing such transportation in the same manner and amounts as provided for in this act for the transportation of pupils from closed schools

* * * * *

Section 2 Section one thousand four hundred and fourteen of the said act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2560) is hereby further amended to read as follows

Section 1414 The term "compulsory school age" as hereinafter used shall mean the period of a child's life from the time the child's parents elect to have the said child enter school which shall be not later than at the age of eight years until the age of sixteen years [during the school year one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine (1938-1939) and thereafter until the age of eighteen years] Provided That any child [past sixteen years of age] who holds a certificate of graduation from a regularly accredited senior high school or any child who prior to the effective date of this act has left school and is legally employed shall not be subject to the provisions of this section

Every child of compulsory school age having a legal residence in this Commonwealth as herein provided and every migratory child of compulsory school age is required to attend a day school in which the subjects and activities prescribed by the State Council of Education are taught in the English language and every parent guardian or other person in this Commonwealth having control or charge of any child or children of compulsory school age is required to send such child or children to a day school in which [the common English branches] the subjects and activities prescribed by the State Council of Education are taught in the English language and such child or children shall attend such school continuously through the entire term during which the public elementary schools in their respective districts shall be in session or in cases of migratory children during the time the schools are in session in the district in which such children are temporarily domiciled Provided That the certificate of any principal or teacher of a private school or of any institution for the education of children in which the [common English branches] subjects and activities prescribed by the State Council of Education are taught in the English language setting forth that the work of said school is in compliance with the provisions of this act shall be sufficient and satisfactory evidence thereof And provided further That the term "Migratory child" wherever used in this act shall include any child domiciled temporarily in any school district for the purpose of seasonal employment but not acquiring residence therein and any child accompanying his parents or guardian who is so domiciled Regular daily instruction in the English language for the time herein required by a properly qualified private tutor shall be considered as complying with the provisions of this section if such instruction is satisfactory to the proper county or district superintendent of schools

Every parent guardian or other person in this Commonwealth having control or charge of any child between the ages of six and sixteen years who is deaf or blind or is so crippled or whose hearing or vision is so defective as to make it impracticable to have such child educated in the public schools of the district in which he is a resident shall allow such child to be sent to some school where proper provision is made for the education of the deaf or of the blind or of crippled children or shall provide for the tuition of such child by a legally certified private tutor

Section 3 Section one thousand four hundred and fifteen of the said act is hereby amended to read as follows

Section 1415 The board of school directors of any school district in this Commonwealth may upon satisfactory evidence being furnished to it showing that any child or children are prevented from attending school or from application to study on account of any mental physical or other urgent reasons excuse such child or children from attending school as required by the provisions of this act but the term "urgent reasons" shall be strictly construed and shall not permit of irregular attendance In every such case such action by the board of school directors shall not be final until the approval of the Department of Public Instruction has been obtained Every principal or teacher in any public private or other school may for reasons enumerated above excuse any child for nonattendance during temporary periods

Section 4 Section one thousand four hundred and six-

teen of the said act as last amended by section five of the act approved the first day of July one thousand nine hnudred thirty-seven (Pamphlet Laws 2560) is hereby further amended to read as follows

Section 1416 The provisions of this act requiring regular attendance shall not apply to any child [between the ages] who has attained the age of sixteen [and eighteen years who is regularly engaged in any useful and lawful employment or service during the time the public schools are in session and who holds an employment certificate issued according to law or] nor to any child who has been examined by an approved mental clinic or by a person certified as a public school psychologist or psychological examiner and has been found to be unable to profit from further public school attendance and who has been reported to the board of school directors and excused in accordance with regulations prescribed by the State Council of Education nor shall the said provisions apply to any child [between the ages of fifteen and [eighteen] seventeen years] who has attained the age of fifteen years and is engaged in farm work or domestic service in a private home on a permit issued by the school board or the designated school official of the school district of the child's residence in accordance with regulations which the Superintendent of Public Instruction is hereby authorized to prescribe Provided That such a permit may be issued to any child who is at least fourteen (14) years of age and has satisfactorily completed either in public or private schools the equivalent of the highest grade of the elementary school ogranization prevailing in the public schools of the district in which he resides if the issuance of such a permit has first been recommended by the county or district superintendent of schools having supervision of the schools of the district where such child resides or by the principal of the private school where such child is enrolled and such reason has been approved by the Superintendent of Public Instruction

Section 5 Section one thousand four hundred and eighteen of the said act as last amended by the act approved the first day of July one thousand nine hundred thirty-seven (Pamphlet Laws 2560) is hereby further amended to read as follows

Section 1418 In case there is no public school in session within two miles by the nearest public highway of the residence of any child such child shall be exempt from the provisions of this act relating to compulsory attendance unless proper free transportation be furnished to such child to and from school Provided If proper free transportation is furnished to any such child of compulsory school of age to and from school the Commonwealth shall reimburse any school district of the fourth class furnishing such transportation in the same manner and amounts as provided for in this act for transportation of pupils from closed schools

[After the first day of July one thousand nine hundred and thirty-nine in case there is no public school in session within two miles by the nearest public highway of the residence of any child in a school district of the fourth class or in a school district of the third class which is located wholly within the boundary lines of a township such child shall be furnished free transportation to and from school from and to a point on a public highway not more than two miles distant from the residence of such child All vehicles used for the transportation of pupils whether owned or hired by the school district shall conform to standards prescribed by the State Council of Education For such proper free transportation furnished to any child to and from school the Commonwealth shall reimburse any school district of the fourth class or any school district of the third class which is located wholly within the boundary lines of a township furnishing such transportation in the same manner and amounts as provided for in this act for transportation of pupils from closed schools]

[When it is not feasible to provide such transportation the board of school directors may in lieu thereof pay for suitable board and lodging for any such child Provided That in no case shall the State's share of the cost exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is in attendance at school not exceeding five days in any one week]

Section 6 The second paragraph of section one thousand four hundred and twenty-five as last amended by section twelve of the act approved the first day of July one thousand nine hundred thirty-seven (Pamphlet Laws 2560) is hereby further amended to read as follows

Beginning in the year one thousand nine hundred and thirty-eight and thereafter in [the year one thousand nine hundred forty] the year one thousand nine hundred forty-five and each [fifth] tenth year following said board of school directors shall and at more ferquent intervals may also cause to be recorded in the same or separate books or on the same or separate census cards in like manner to and in conjunction with said enumeration of children an enumeration of all persons ten years of age or over resident within their district who are unable to write the English language according to standards hereinafter provided giving the full name age sex race nationality place of residence in such school district whether able to write English whether able to read English and whether able to speak English and of all persons twenty-one or more years of age resident within their district who are not citizens of the United States of America giving their full name age sex nationality place of residence in school district whether declarents and whether petitioners for naturalization

Section 7 Section one thousand six hundred and one of the said act as last amended by section twenty-two of the act approved the first day of July one thousand nine hundred thirty-seven (Pamphlet Laws 2560) is hereby further amended to read as follows

Section 1601 [During the school year beginning the first Monday of July one thousand nine hundred and thirty-nine and each school year thereafter each public elementary and high school in all of the school districts of this Commonwealth shall be kept open at least one hundred and eighty (180) days each year] All public elementary and secondary schools in this Commonwealth shall be kept open each year for at least one hundred eighty (180) days provided that until the beginning of the school year one thousand nine hundred forty-one one thousand nine hundred forty-two (1941-1942) all public elementary and junior high schools in districts of the fourth class may be kept open for any number of days not less than one hundred sixty (160) days for each school year Unless otherwise provided by this act the board of school directors in any district may keep such other schools or departments as it may establish open during such time as it may direct

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TRONZO. Mr. Speaker, I would like to interrogate the sponsor of this measure, the gentleman from Blair, Mr. Sollenberger.

The SPEAKER. Will the gentleman from Blair permit himself to be interrogated?

Mr. SOLLENBERGER. I shall, Mr. Speaker.

Mr. TRONZO. Mr. Speaker, I would like to ask the sponsor the purpose of this bill.

Mr. SOLLENBERGER. Mr. Speaker, there are several sections to the bill, and I would like to ask the gentleman who wants to have it explained, what particular sections he would like to have explained, because it would take quite a bit of time to explain all of them.

Mr. TRONZO. Mr. Speaker, all I want are the sections that have been amended.

Mr. SOLLENBERGER. Mr. Speaker, on page 3, section 1, line 23, the word "shall" has been changed to the word "may," leaving it to the discretion of the local boards as to whether they care to report to the Department of Welfare

those children in the district who are what we term demented or who at least are not in a mental condition to be educated.

Mr. TRONZO. Mr. Speaker, on page 4, line 26, is the gentleman intending by the bill to reduce the age level to 16 years instead of 17 years?

Mr. SOLLENBERGER. Mr. Speaker, that is correct.

Mr. TRONZO. Mr. Speaker, what is the purpose of that?

Mr. SOLLENBERGER. Mr. Speaker, there have been many calls coming in from all over the state relative to this age limit and at least ninety percent of those requests have been to have it reduced from seventeen to sixteen, for two reasons, the first one being that a lot of those boys and girls are in school at the age of sixteen which means up to seventeen, who do not care to be there are gaining little or no knowledge and are causing a lot of trouble in the school. Another reason is that the schools, that is the smaller schools, are not prepared to take care of an added number if that number is increased to any great extent.

Mr. TRONZO. Mr. Speaker, on Page 8, Section 1416, beginning with line 7, isn't it the intention to reduce the limit there to fourteen years?

Mr. SOLLENBERGER. Mr. Speaker, this section has been changed for the purpose largely of adhering to the wishes of those who would like to have their children educated only in the elementary or the first eight grades. It does not affect the sending to school of children who want to go, it is only for those who would like to have their children in the first eight grades and when they finish that work, they want to keep them home on the farm, in their home, and do not want them to go to high school. This gives them a chance to do that very thing. It affects no child who wants to go to high school or wishes to obtain a secondary education.

Mr. TRONZO. Mr. Speaker, on page 11, Section 1601, does that reduce the school year to one hundred and sixty days?

Mr. SOLLENBERGER. Mr. Speaker, that is a postponement for the next two years of the compulsory one hundred and eighty days for the districts that would like to have their schools in operation only one hundred and sixty or one hundred and seventy days, whichever they elect. That of course is in the fourth class, if I am not mistaken.

Mr. TRONZO. Mr. Speaker and members of the House, I am going to keep you very long on this measure, but I am sure that the information given by the sponsor of this bill as to its provisions is sufficient reason to vote it down.

Mr. HOLLAND. Mr. Speaker and members of the House, the previous speaker made a statement that if a father does not want his child to go to high school, then the father could take the child out. What if the pupil wants a higher education? Are we going to allow ourselves to go backward instead of forward? After all I believe this bill is being introduced to help a certain class of people in Pennsylvania who want their children to work on the farms. However, we people who come from the cities realize more so today than ever before that one of our greatest problems in the cities is taking care of boys who have been denied an education back on the farm and who eventually come into the city. You will find that the relief rolls that we are talking so much about in our cities are crowded today with men who are not equipped to do any kind of work except laboring work. There is no abundance of laboring work due to machinery, with the result that we people in the cities have a problem. I believe that if we pass this bill the progress we have made in education is going backward instead of forward, because this means that you are going to have thousands of kiddies, not only on the farm but in the cities, working at fourteen years of age, and I ask the members of this House to vote against this bill.

Mr. STEWART. Mr. Speaker, and members of the House, this will give any boy or girl fourteen years of age the privilege of doing domestic work on the farm. We are not talking about cities, this does not affect the cities. There is a provision in this bill by which this will be done in a legal way. It is necessary to have a permit to do this, and we have it outlined here in the bill. We do not want to interfere with any group in any way, but if there are farmers who need their children at the age of fourteen and they have gone through the eighth grade work and they do not care to go on, why not allow them to work on the farm? If we had more people working on the farm today we would have less relief. I ask the members of the House to vote for this bill.

Mr. HARKINS. Mr. Speaker, I would like to interrogate the gentleman from Blair, Mr. Sollenberger.

The SPEAKER. Will the gentleman from Blair permit himself to be interrogated?

Mr. SOLLENBERGER. I shall, Mr. Speaker.

Mr. HARKINS. Mr. Speaker, is it the understanding of the gentleman from Blair, that any child that has completed the elementary course prescribed or afforded in the particular district in which he lives may, if he has reached the age of fourteen years, be permitted to stay at home to help on the farm?

Mr. SOLLENBERGER. Mr. Speaker, in answer to the gentleman's question I think if he reads that section he will find that the parents of the child must have a permit.

Mr. HARKINS. Mr. Speaker, I understand that, but with such a permit issued by the county superintendent, is it the correct understanding that if the child has completed the elementary instruction afforded in that district, that with this permit, he is then able to leave school in order to work on the farm?

Mr. SOLLENBERGER. Mr. Speaker, so long as the permit is in force. They have the wrong idea Mr. Speaker as to that section of the bill. That section was placed in there for those people who made a special request, and in answer to both gentlemen from Allegheny, Mr. Harkins and Mr. Holland, may I state that the people who have asked for it will not bother about their children being in Pittsburgh or Allegheny County, so far as work is concerned. They will have them on the farm, the thing for which they asked that that part of the bill be written.

Mr. HARKINS. Mr. Speaker, I take it then that the answer of the gentleman is yes, that having completed the elementary instruction afforded in the district that a permit will be granted?

Mr. SOLLENBERGER. No, Mr. Speaker, a permit may be granted.

Mr. HARKINS. Mr. Speaker, may I inquire of the gentleman from Blair whether in a district having the six-three-three plan, whether a pupil fourteen years of age, having completed the sixth grade, there being a junior high school there, would then be able to, without completing the junior high school course, obtain such a permit?

Mr. SOLLENBERGER. Mr. Speaker, I cannot definitely answer that question, but I rather think in that case the Department of Public Instruction would have to settle whether that part of the agreement is meeting the thought and the purpose of this section of the bill. I think there is no answer to that question definitely.

Mr. HARKINS. Mr. Speaker and members of the House, I wish to oppose this bill, not because I am opposed to allowing farmers to have the assistance of their children on the farm, if children desire to stay there, and to assist them, but because I feel that this bill is a backward step in the progress of education in Pennsylvania. Hitherto we have always felt that we should have uniform laws which would affect the education of the children of the State of Pennsylvania equally, regardless of what county or what district they came from. To me it seems a shame that we should today pass an act which possibly would permit a township or a rural section, having a school organization based on the six elementary grade system, with a three year junior high school and a three year senior high school system, to permit some children, merely because their parents needed their help on the farm or because their parents were opposed to higher learning or to the rudiments that you get in the junior high school, to take those same children out of the school after they had passed the sixth grade in the elementary courses.

I say to you, gentlemen, that the gentleman has clearly answered the question by saying that he does not know just what the words mean on page 8, and I call your attention to page 8 of the bill, where it says: "Provided that such a permit may be issued to any child who is at least fourteen years of age and has satisfactorily completed, either in the public or in private schools the equivalent of the highest grade in the elementary school organization prevailing in the public schools of the district in which he resides."

There is no compulsion there that the son of a farmer will henceforth have to have an elementary school education consisting of education through a grade school. Now, if you believe the rural communities wish their children not to be compelled to go to school through the eight grades, then it is all well and good to vote for this bill, but I say to you, that knowing as we all do, the progress that the people from the farms have made in Pennsylvania and the progress in our educational institutions, and I feel that this bill will severely handicap and will severely cripple the prospects of an equal educational opportunity for all the children of Pennsylvania, regardless of the district from which the child may come.

I might say in closing that for years it has been the aim of the educators of Pennsylvania to obtain equal educational opportunities and facilities for all the children of Pennsylvania, regardless of whether or not a child happens to live in the rural section or whether he lives in a city. I say to you that this particular bill will open up a loop hole under which many parents untrained and untutored, may arbitrarily deprive their children, sons and daughters of farmers, of the opportunity to obtain even the bare rudiments of an education.

Mr. STEWART. Mr. Speaker and members of the House, I take it that all the people who live in the city do not always understand the country. We are talking about people in the fourth class districts. Mr. Harkins did not read all of page 8. He can see very well that it is necessary for that permit to be granted or agreed to by the State Superintendent. I want to say to you that there are many people who never went through the eighth grade work.

Hawley Smith said that man is educated who is on to his job. It seems to me we have in mind some people who have not advanced in education and done a lot of thinking that are making a better living today than some people who claim to have a lot of education. I want to say to you that the people who will be benefitted by this bill will be people whom we can respect, people who will not take advantage of not giving their children the right training. I tell you it is an important thing to train a young man on the farm to do things, to work with his hands. We must not lose sight of the fact that our aim is to make good citizens. I ask you to vote for this bill because it is a good bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—145

Ackermann,	Donahue,	Knoble,	Sarge,
Alspach,	Eckels,	Kowalski,	Schrock,
Andrews,	Ely,	Krise,	Seif,
Atkins,	Ewing,	Lee,	Serrill,
Auker,	Falkenstein,	Leisey,	Shearer,
Balliet,	Fisher,	Leydic,	Simons,
Balthaser,	Fiss,	Lichtenwalter,	Sloan,
Bardes,	Flanagan,	Lovett,	Snyder,
Bennett,	Fleming,	Lyons,	Sollenberger,
Boney,	Foor,	Madden,	Stambaugh,
Boorse,	Freed,	Marr,	Stewart,
Boose,	Fullerton,	Matthews,	Stockham,
Bower,	Gillan,	McClester,	Sweeney,
Boyd,	Gillette,	McGarrity,	Tahl,
Bretherick,	Goll,	McKinney,	Taylor,
Bronson,	Habbyshaw,	McNally,	Terry,
Brown, S. W.,	Haines,	McVay,	Thistle,
Brunner,	Hall,	Montgomery,	Thompson, G. R.,
Burris,	Hamilton,	Moser, F. S.,	Tiemann,
Cadwalader,	Harbeson,	Moser, J. L.,	Trout,
Calvin,	Haudenshield,	Muir,	VanAllsburg,
Carpenter,	Henry,	O'Connor,	Van Belle,
Check,	Hess,	O'Dare,	Voorhees,
Chervenak,	Hewitt,	Peacock,	Wagner,
Christler,	Hindman,	Peale,	Watkins,
Clark,	Hocke,	Preston,	Webster,
Clearwater,	Hoffman, J. N.,	Reagan,	Westrick,
Cohen, R. E.,	Hoffman, S. K.,	Reese, D. P.,	Wilkinson,
Cook,	Hoyt,	Rhodes,	Wilson,
Cooper,	Huntley,	Riley,	Winner,
Cordier,	Imbrie,	Robertson,	Wood, H. M.,
Cortese,	James,	Rose,	Wood, L. H.,
Curran,	Johnston,	Roseberry,	Wood, N.,
Dalrymple,	Jones,	Rosenfeld,	Woodside,
Denman,	Kane,	Rothenberger,	Yeakel,
Dick,	Kline,	Royer,	Turner,
Dix,			Speaker.

NAYS—25

Achterman,	Fauset,	Malloy,	Schwab,
Baker,	Furman,	Moran,	Tarr,
Bohn,	Harkins,	O'Neill,	Tronzo,
Broad,	Holland,	Powers,	Welsh, E. B.,
Brown, H. S.,	Keenan,	Reese, R. E.	Welsh, M. J.,
Burns,	Kenehan,	Schrope,	Williams,
Cohen, H. B.,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 487, entitled:

An Act to amend clause (a) of section one thousand two hundred and sixteen as added to the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" changing qualifications for sabbatical leaves of absence for certain employes of school districts

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Donahue,	Leisey,	Sarge,
Ackermann,	Downey,	Leydic,	Sarraf,
Allen,	Eckels,	Lichtenwalter,	Scanlon,
Alspach,	Ely,	Long,	Schrock,
Andrews,	Ewing,	Lovett,	Schrope,
Atkins,	Falkenstein,	Lyons,	Schwab,
Auker,	Fauset,	Madden,	Seif,
Baker,	Fisher,	Malloy,	Serrill,
Balliet,	Fiss,	Marr,	Shaw,
Balthaser,	Flanagan,	Matthews,	Shearer,
Bardes,	Fleming,	McClester,	Simons,
Bennett,	Foor,	McGarrity,	Sloan,
Bohn,	Freed,	McKinney,	Snyder,
Boies,	Fullerton,	McLane,	Sollenberger,
Boney,	Furman,	McNally,	Stambaugh,
Boorse,	Gates,	McVay,	Stank,
Boose,	Gillan,	Melchiorre,	Stewart,
Bower,	Gillette,	Mihm,	Stockham,
Boyd,	Goll,	Montgomery,	Sweeney,
Brancato,	Gorski	Mooney,	Tahl,
Bretherick,	Habbyshaw,	Moran,	Tarr,
Broad,	Haines,	Moser, F. S.,	Taylor,
Bronson,	Hall,	Moser, J. L.,	Terry,
Brown, J. S.,	Hamilton,	Muir,	Thistle,
Brown, S. W.,	Harbeson,	Munley	Thompson, G. R.,
Brunner,	Parkins,	O'Brien,	Tiemann,
Burns,	Haudenshield,	O'Connor,	Tronzo,
Burris,	Henry,	O'Dare,	Trout,
Cadwalader,	Hess,	O'Keefe,	VanAllsburg,
Calvin,	Hindman,	O'Neill,	Van Belle,
Carpenter,	Hocke,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Hoffman, J. N.,	Powers,	Watkins,
Christler,	Holland,	Preston,	Webster,
Clark,	Hoyt,	Readinger,	Weiss,
Clearwater,	Huntley,	Reagan,	Welsh, E. B.,
Cohen, H. B.,	Imbrie,	Reese, D. P.,	Welsh, M. J.,
Cohen, R. E.,	James,	Reese, R. E.	Westrick,
Cook,	Johnston,	Regan,	Wilkinson,
Cooper,	Jones,	Rhodes,	Williams,
Cordier,	Kane,	Rider	Wilson,
Corrigan,	Keenan,	Riley	Winner,
Cortese,	Kenehan	Robertson,	Wood, H. M.,
Curran,	Kilroy,	Rooney,	Wood, L. H.,
Dalrymple,	Kline,	Rose,	Wood, N.,
Denman,	Knoble,	Roseberry,	Woodside,
DeNote,	Kowalski,	Rosenfeld,	Yeakel,
Dick,	Krise,	Rothenberger,	Turner,
Dix,	Lee,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair would like to call to the attention of the members of the House the fact that this afternoon we are pleased to have with us the candidate of the Democratic party in the last election for Governor. I remarked to the gentleman from York, Mr. Herbert B. Cohen, the minority leader, I felt like quoting those lines of Kipling, "Here but by the grace of God is the Governor of Pennsylvania.

It is a pleasure to welcome Mr. Jones, who has been a visitor many times in the House in the past, as a member of the bar of Allegheny county.

I would also like to mention that we have present a former member whom I included when I said, "The House will be in order. Members and former members will take their seats." He is very popular with the older members of the House. I refer to the Honorable John Longaker of Montgomery county. If John had not had the good sense to stay at home and practice law instead of coming down here a lot of you would have heard him many times on the floor during this Session.

ADDRESS BY MR. SCHROPE

Mr. SCHROPE asked and obtained unanimous consent to address the House.

Mr. Speaker and Members of the House, Friday April 14, was a sad day for the friends of our Public Schools in part of Schuylkill and Northumberland Counties, a day to be regretted for the welfare of hundreds of children and a dark blot upon the reputation of the Commonwealth of Pennsylvania. Past weeks' events almost forced our memory to recall the days prior to the time free public schools were established in Pennsylvania.

After many years of boasting of our natural resources, great industrial centers, fertile agricultural areas, all combining to make us the richest state in the Nation, we are now compelled to tell the world we are too poor to continue to have our public schools open. Only within the past few years, this Legislature appropriated $500,000 to the State Publicity Commission, this money to be spent to invite our fellow-citizens of the Nation to come and visit us, see our wonderful State with all its splendor and riches, but what a sad farewell we must give these guests when we are again forced to inform them that we can not afford to give an opportunity to all our boys and girls to acquire an education.

Today approximately 200 teachers have failed to return to their school rooms in Schuylkill and Northumberland Counties. They have been practically forced to quit and seek other employment in order to support their families, some to work in bootleg coal mines. Representatives of these teachers have repeatedly pleaded with this Administration to grant them financial relief, but their appeal has practically fallen on deaf ears except for the $1,000,000 appropriation that may be available in about ten days or two weeks. Only a week after this House had passed the million dollar appropriation bill, this same House passed a bill that will suspend for two years payment of approximately six million dollars that would have been due the school districts after July 1 of this year, by an act passed during the Earle Administration in 1937.

During the time that I have been a member of the House (since 1933), the State has appropriated for relief, old age and blind pension $393,370,562.00 and both

Governor Pinchot and Governor Earle met the issue squarely and this Administration cannot evade its responsibility.

It appears rather unusual that during a period of about four years, we can provide approximately four hundred million for relief, but the present Administration admits it cannot provide two and-a-half or three million to continue to keep our children in school.

It is very evident that Governor James and his official family should now cease campaigning, stop informing the citizens of the Commonwealth how inefficient the previous Administration was. Even were it true or had Governor Earle's Administration been twice as inefficient as painted by Governor James and his friends, the fact still remains that Mr. James, as Judge of the Superior Court and Candidate for Governor, did have full knowledge of the financial status of the Commonwealth, because as a candidate he had complete knowledge of the affairs of every department of the Commonwealth. Yet with all his knowledge, Mr. James and his friends conducted a tireless and determined campaign, spending hundreds of thousand of dollars in order to inherit this so-called "mess."

The school problem is one issue that this Administration must meet. It cannot afford to evade the issue much longer and I call upon Governor James and his party, the party in power, to act.

I make this statement with the full knowledge that the one million dollar appropriation will be very inadequate to remedy the present situation.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 610

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 18, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 610, Printer's No. 126, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. WOODSIDE. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. HABBYSHAW. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Dauphin, Mr. Woodside vote on the final passage of this bill?

Mr. WOODSIDE. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Dauphin, Mr. Habbyshaw vote on the final passage of this bill?

Mr. HABBYSHAW. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. WOODSIDE. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. WOODSIDE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 1 of the title, by striking out after the word "the" and before the word "day" the word: "[twenty-first]" and inserting in lieu thereof the word: "second"

Amend page 1, line 11 of the title, by striking out after the word "thirty-seven" and before the word "lapsing" the word: "[by]"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 549.

An Act to amend section nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" as amended by increasing clothing allowances and requiring a report by commanding officers

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 28, by striking out after the word "shall" the word "not"; also on page 3, line 1 by striking the light faced brackets before and after the word only"; also in line 2, by striking out after the word "are" the word "not."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195.

Achterman,	Donahue,	Leisey,	Sarge,
Ackermann,	Downey,	Leydic,	Sarraf,
Allen,	Eckels,	Lichtenwalter,	Scanlon,
Alspach,	Ely,	Long,	Schrock,
Andrews,	Ewing,	Lovett,	Schrope,
Atkins,	Falkenstein,	Lyons,	Schwab,
Auker,	Fauset,	Madden,	Seif,
Baker,	Fisher,	Malloy,	Serrill,
Balliet,	Fiss,	Marr,	Shaw,

Balthaser,	Flanagan,	Matthews,	Shearer,
Bardes,	Fleming,	McClester,	Simons,
Bennett,	Foor,	McGarrity,	Sloan,
Bohn,	Freed,	McKinney,	Snyder,
Boies,	Fullerton,	McLane,	Sollenberger,
Boney,	Furman,	McNally,	Stambaugh,
Boorse,	Gates,	McVay,	Stank,
Boose,	Gillan,	Melchiorre,	Stewart,
Bower,	Gillette,	Mihm,	Stockham,
Boyd,	Goll,	Montgomery,	Sweeney,
Brancato,	Gorski,	Mooney,	Tahl,
Bretherick,	Habbyshaw,	Moran,	Tarr,
Broad,	Haines,	Moser, F. S.,	Taylor,
Bronson,	Hall,	Moser, J. L.,	Terry,
Brown, H. S.,	Hamilton,	Muir,	Thistle,
Brown, S. W.,	Harbeson,	Munley,	Thompson, G.R.,
Brunner,	Harkins,	O'Brien,	Tiemann,
Burns,	Haudenshield,	O'Connor,	Tronzo,
Burris,	Henry,	O'Dare,	Trout,
Cadwalader,	Hess,	O'Keefe,	VanAllsburg,
Calvin,	Hindman,	O'Neill,	Van Belle,
Carpenter,	Hocke,	Peacock,	Voorhees,
Check,	Hoffman, J. N.,	Peale,	Wagner,
Chervenak,	Hoffman, S. K.,	Powers,	Watkins,
Christler,	Holland,	Preston,	Webster,
Clark,	Hoyt,	Readinger,	Weiss,
Clearwater,	Huntley,	Reagan,	Welsh, E. B.,
Cohen, H. B.,	Imbrie,	Reese, D. P.,	Welsh, M. J.,
Cohen, R. E.,	James,	Reese, R. E.,	Westrick,
Cook,	Johnston,	Regan,	Wilkinson,
Cooper,	Jones,	Rhodes,	Williams,
Cordier,	Kane,	Rider,	Wilson,
Corrigan,	Keenan,	Riley,	Winner,
Cortese,	Kenehan,	Robertson,	Wood, H. M.,
Curran,	Kilroy,	Rooney,	Wood, L. H.,
Dalrymple,	Kline,	Rose,	Wood, N.,
Denman,	Knoble,	Roseberry,	Woodside,
DeNote,	Kowalski,	Rosenfeld,	Yeakel,
Dick,	Krise,	Rothenberger,	Turner,
Dix,	Lee,	Royer,	Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE.

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 34.

An Act to further amend section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further regulating the incurring of temporary indebtedness and the repayment thereof.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 19, by inserting after the word "uncollected" the words "and unpledged;" also in line 20, by striking out after the word "That" the following: "and temporary indebtedness incurred for current expensed and debt service at any time during a period of five years from the effective date of these amendments shall at no time exceed an amount equal to the State appropriations not received but payable during the fiscal year and the tax levied upon taxable property within such school district for school purposes;" and inserting in lieu thereof the following: "for a period of five years from the effective date of these amendments any temporary indebtedness incurred for current expensed and debt service may equal but not exceed the State appropriations not received but payable during the fiscal year and all taxes levied upon taxable property within the school district purposes for past years as well as for the currect fiscal year."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Donahue,	Leisey,	Sarge,
Ackermann,	Downey,	Leydic,	Sarraf,
Allen,	Eckels,	Lichtenwalter,	Scanlon,
Alspach,	Ely,	Long,	Schrock,
Andrews,	Ewing,	Lovett,	Schrope,
Atkins,	Falkenstein,	Lyons,	Schwab,
Auker,	Fauset,	Madden,	Seif,
Baker,	Fisher,	Malloy,	Serrill,
Balliet,	Fiss,	Marr,	Shaw,
Balthaser,	Flanagan,	Matthews,	Shearer,
Bardes,	Fleming,	McClester,	Simons,
Bennett,	Foor,	McGarrity,	Sloan,
Bohn,	Freed,	McKinney,	Snyder,
Boies,	Fullerton,	McLane,	Sollenberger,
Boney,	Furman,	McNally,	Stambaugh,
Boorse,	Gates,	McVay,	Stank,
Boose,	Gillan,	Melchiorre,	Stewart,
Bower,	Gillette,	Mihm,	Stockham,
Boyd,	Goll,	Montgomery,	Sweeney,
Brancato,	Gorski,	Mooney,	Tahl,
Bretherick,	Habbyshaw,	Moran,	Tarr,
Broad,	Haines,	Moser, F. S.,	Taylor,
Bronson,	Hall,	Moser, J. L.,	Terry,
Brown, H. S.,	Hamilton,	Muir,	Thistle,
Brown, S. W.,	Harbeson,	Munley,	Thompson, G.R.,
Brunner,	Harkins,	O'Brien,	Tiemann,
Burns,	Haudenshield,	O'Connor,	Tronzo,
Burris,	Henry,	O'Dare,	Trout,
Cadwalader,	Hess,	O'Keefe,	VanAllsburg,
Calvin,	Hindman,	O'Neill,	Van Belle,
Carpenter,	Hocke,	Peacock,	Voorhees,
Check,	Hoffman, J. N.,	Peale,	Wagner,
Chervenak,	Hoffman, S. K.,	Powers,	Watkins,
Christler,	Holland,	Preston,	Webster,
Clark,	Hoyt,	Readinger,	Weiss,
Clearwater,	Huntley,	Reagan,	Welsh, E. B.,
Cohen, H. B.,	Imbrie,	Reese, D. P.,	Welsh, M. J.,
Cohen, R. E.,	James,	Reese, R. E.,	Westrick,
Cook,	Johnston,	Regan,	Wilkinson,
Cooper,	Jones,	Rhodes,	Williams,
Cordier,	Kane,	Rider,	Wilson,
Corrigan,	Keenan,	Riley,	Winner,
Cortese,	Kenehan,	Robertson,	Wood, H. M.,
Curran,	Kilroy,	Rooney,	Wood, L. H.,
Dalrymple,	Kline,	Rose,	Wood, N.,
Denman,	Knoble,	Roseberry,	Woodside,
DeNote,	Kowalski,	Rosenfeld,	Yeakel,
Dick,	Krise,	Rothenberger,	Turner,
Dix,	Lee,	Royer,	Speaker.

NAYS—0

The majority required by the Constiution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 549.

An Act to amend section nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" as amended by increasing clothing allowances and requiring a report by commanding officers

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RESOLUTION

RECALLING HOUSE BILL NO. 576 FROM THE GOVERNOR

Mr. JACOB L. MOSER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 19, 1939.

Resolved (if the Senate concur), that House Bill No. 576, Printer's No. 162, entitled "An act to further amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-three (Pamphlet Laws 223 1933-34) entitled 'An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties' as amended extending the time during which application may be filed for veterans' compensation," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGES

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 19, 1939.

Whereas, the present economic crisis in the Commonwealth has been seriously aggravated by a suspension in the production of bituminous coal; and

Whereas, this suspension has now continued for a period of almost three weeks and there is a grave uncertainty as to when the differences between the operators and the miners will be amicably adjusted; and

Whereas, the bituminous coal industry of this Commonwealth furnished direct employment to 125,000 men and furnished the main support for approximately 600,000 people and indirectly for thousands of other citizens of the Commonwealth; and

Whereas, the welfare of the people of this Commonwealth requires that the existing differences be speedily adjusted and it is the duty of everyone to unite and strive for the accomplishment of this end; and

Whereas, the Legislature of the Commonwealth of Pennsylvania representing all of its people realizes the necessity for rehabilitating the basic coal industry and has legislation pending in the General Assembly to aid it in regaining its former industrial position; and

Whereas, a continuation of the present lack of production will result in permanent harm to the future production of bituminous coal because of the use of substitute fuels; now therefore be it

Resolved (if the House of Representatives concur) that the General Assembly of the Commonwealth of Pennsylvania hereby urges the conferees representing the operators and miners to perform a patriotic duty in the interest of all the people and reconcile their differences immediately for the common good so that the production of bituminous coal may be resumed at an early date and the wheels of industry be kept turning; and further

Resolved, that a copy of this resolution be transmitted by telegraph by the Chief Clerk of the Senate to the conferees now meeting in the city of New York.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

ADDRESS BY MR. HERBERT B. COHEN

Mr. HEBERT B. COHEN asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I have just been informed that another promise of the James administration has gone to smash. It appears that through the delinquency on the part of the Senate that the bill appropriating moneys for relief has not been signed by the Lieutenant-Governor, and as a result the moneys appropriated are not susceptible to disbursement to the relief recipients throughout the Commonwealth of Pennsylvania. This is a sad commentary upon the Republican Administration and it typifies the same action that was taken in the 1936 special session when the then Republican controlled Senate also found it to their desires and likings to adjourn, leaving the relief recipients in the same predicament that they are now found, without the available moneys appropriated for the continuation of relief.

I make this passing notation on the record to indicate and call to the attention of the members the fact that it is about time the Legislature get down to the real business of the solution of the problem with which we are confronted. We have been twiddling our thumbs here on small, picayune bits of legislation for three and a half months or more. We have accomplished nothing towards the solution of the problem of the Commonwealth. This is in reality a do-nothing Legislature with a know-nothing administration.

ADDRESS BY MR. WOODSIDE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, my voice is not in very good condition to address the House.

I am going to disregard entirely the very improper remarks made by the gentleman from York, Mr. Cohen. I do wish to call to his attention the fact that although what he said concerning the failure of the President of the Senate to sign the bill is correct, it probably would have been easier for the Department of Public Assistance to carry on relief had the bill been signed—nevertheless I understand that arrangements have been made, or are being made, by the Department of Public Assistance to carry on relief until next week. The bill will then be signed by the Governor and become effective, so that the relief recipients will not go without relief.

RESOLUTION

SYMPATHY EXTENDED

Mr. WEBSTER offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and unanimously adopted as follows:

In the House of Representatives, April 19, 1939.

Thomas J. Philips, widely known legislator, banker, historian and lecturer, died at his home in Atglen, Pennsylvania, Easter morning, April 9th, at the age of 93 years, having been ill only a few days.

He was born in what is now Atglen, Pennsylvania, on December 23rd, 1846, and he spent his youth there, attending public and private schools.

He entered Lewisburg College, now Bucknell University, from which institution he was graduated in 1867, and at the time of his death he enjoyed the distinction of being its oldest living graduate.

On his return to his home after graduation, Mr. Philips started on a career of service to his community and the Commonwealth. Among the various positions so capably filled by him in West Salsbury Township and Atglen Borough was that of Justice of the Peace.

In 1894 he was elected to the Pennsylvania Legislature where he served with distinction during the session of 1895-1898. Later he became a member of the then existing State Board of Agriculture in which office he also served the Commonwealth.

Mr. Philips was one of the organizers of the Atglen National Bank and the Atglen Water Company. He held positions as chairman of the board of directors and president, respectively, in these organizations at the time of his death, and since 1925 he had served as president of the Mutual Fire Insurance Company of Chester County.

He had served as a lecturer for the Chester County Farmers Institute. He was a member of the Christiana Lodge No. 417, F. & A. M., and he was an active member of the Glen Run Baptist Church all his life; therefore be it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, That this House notes with regret his passing from this life he loved and the sudden cessation of his work for the community in which he lived; and extends to the members of his family its most sincere sympathy; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of this House to his surviving daughters, Mrs. Emmor Marsh of Cynwyd, Pennsylvania, and Mrs. D. H. Plank of Atglen, Pennsylvania.

REPORT FROM COMMITTEE

Mr. ROSE from the Committee on State Government reported as amended, House Bill No. 845, entitled:

An Act to create a commission to act jointly with commissions appointed for like purpose by the States of West Virginia and Maryland, the Commonwealth of Virginia and the District of Columbia, which, together with three members to be appointed by the President of the United States, shall constitute the Interstate Commission on the Potomac River Basin, with power to cooperate in the abatement of the existing pollution and in the control of future pollution of the waters of the drainage basin of the Potomac River within the States of Maryland and West Virginia, the Commonwealth of Virginia, and the District of Columbia; to authorize the Governor of the State to execute on behalf of this State a compact with representatives of other states for the purpose of forming the above mentioned commission and creating a Potomac Valley Conservancy District; providing for the appointment of the Pennsylvania members of said commission and their terms of office; and providing an appropriation.

COMMITTEE MEETING

There will be a meeting of the Committee on Forestry, Monday, April 24, at 5 p. m. in Room 147.

ADJOURNMENT

Mr. TIEMANN. Mr. Speaker, I move that this House do now adjourn until Monday, April 24, 1939, at 8 p. m.

The motion was agreed to, and (at 4:15 p. m.) the House adjourned until Monday, April 24, 1939, at 8 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

Session 1939. 133d of the General Assembly.

Vol. 23. HARRISBURG, PA., MONDAY, APRIL 24, 1939. No. 41.

SENATE

MONDAY, April 24, 1939.

The Senate met at 9:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

Almighty God, Our Blessed Heavenly Father, a few days ago we were reminded of that brave band of patriots who in 1775 dared to stand in defense of the rights and property of our forefathers against the serious oppression of a tyrannical king.

We are reminded of the vigilance of one Dr. Joseph Warren in the interest of colonial defense and "the midnight ride of Paul Revere" arousing the peaceful countryside against the impending danger. We hear the reverberations from the shots fired by the 80 minute-men from Lexington and Concord and see the soil of Massachusetts made sacred by the blood of her noble sons in the opening battle of the Revolutionary War.

These are they, O God, who have adorned the sacred walls of our national consciousness with pictures of national defense painted with the brush of fervent patriotism dipped in their own blood. May they ever serve as the inspiration of our hearts in this advanced day to teach anew the necessity of national defense and the preservation of our glorious heritage.

We possess enemies both within and without our country and it can only be by reliance upon Thy guiding hand and keeping alive the altar fires of true patriotism that we shall be able to subdue our enemies and continue the blessings of constitutional government.

Each one of us is but an infinitesimal part of the whole of our people and our government yet may we honestly, honorably and patriotically perform our duties and we shall definitely strengthen the bulwarks of our nation and government and civilization.

And Our Father, we commend unto Thee the Senator from Allegheny, Mr. Geltz, in this his hour of illness. If it be Thy will, grant that Thou wilt bring him again to speedy recovery and to his duties attendant here. We ask it in the name of Jesus. Amen.

ERATTUM

Mr. SHAPIRO. Mr. President, I should like to correct the Journal of Tuesday, April 18, 1939, on page 1502, in connection with my statement on the appointment of John Bauer, from Delaware County, as Register of Vital Statistics. I did not say this genetleman had been convicted of operating a bawdy house. The man was indicted for conspiracy to violate the Prohibition Laws, and in connection with that trial the question of collecting from bawdy houses came into the case. The record should be corrected, in fairness to the gentleman.

The PRESIDENT. The correction will be made.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. GELDER, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate the following petitions:

URGING APPROPRIATION OF FUNDS TO PAY SCHOOL TEACHERS OF SCHUYLKILL COUNTY

Petitions received from thousands of people and the following organizations:

The Rotary Clubs of Ashland, Frackville, Tamaqua, Schuylkill Haven, Tower City, Sacramento, Tremont, Pinegrove and Minersville; The Kiwanis Clubs of Pottsville and Ashland; The Lions Club of Schuylkill Haven; The Exchange Club of Pottsville and the Parent Teachers Association, urging an appropriation of funds to pay the salaries of school teachers of Schuylkill County.

LEAVE OF ABSENCE

Mr. GELDER asked and obtained leave of absence for the Senator from Allegheny, Mr. GELTZ, on account of illness.

QUESTION OF PERSONAL PRIVILEGE

Mr. OWLETT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Tioga will state his question of personal privilege.

Mr. OWLETT. Mr. President, the Senate Finance Committee is tonight reporting to the floor of the Senate House Bills Nos. 312 to 319, inclusive, as well as the tax anticipation note bill, House Bill No. 575. These bills are being reported by the Committee following a series of conferences on the Commonwealth's fiscal problems, which

have been held during the last two weeks, and which were participated in by Governor James, members of both the House and Senate, and the fiscal experts of the Commonwealth, including the Budget Secretary. The enactment of these bills will continue the present emergency taxes for the coming biennium and are estimated to produce approximately $163,000,000.00.

When the present administration took office it found a deficit of over $50,000,000.00 to provide for. Since the convening of the Legislature recent developments have thrown some doubt on the constitutionality of the foreign franchise tax act. Consideration has been given as to whether there should be a change in the earlier announced policy of no new taxes. It is recognized that the Commonwealth's present taxes are not only high but, in many cases, inequitable and unfair, and that much harm has come to the Commonwealth from the manner in which they have been administered in the past.

The question which has had to be determined is whether we should proceed on the basis of no new taxes or, as an alternative, to revise the entire tax set-up of the Commonwealth. While there is much to be said in favor of this undertaking, the many uncertain elements in the situation make the adoption of the later course impractical at this time. The ultimate expenditures for the coming biennium and the revenues to be derived by the State are dependent not only upon uncertain conditions in the State, but also upon the uncertainty in the National and International situation. These uncertainties within the State involve the extent to which the present business pick-up may reduce the relief load, the percentage of the relief load which will be shared by the Federal government, the extent to which a business pick-up may increase revenues from current taxes and the legal status of a long list of the present current taxes which are under fire through some 5,000 tax appeals now pending.

All of these factors make it practically impossible to at this time enact such a new and comprehensive tax program as would relieve the present inequities and provide sufficient revenue for the needs of the Commonwealth. Since, therefore, neither revenue nor expenditures approach anything approximating a definite forecast it appears to be the better part of wisdom to await the final determination of these variable factors before attempting any radical change.

The futility of trying to plan at present is illustrated by a consideration of the situation with reference to the alleged unconstitutionality of the foreign franchise tax act. Suppose it was conceded at this time that this tax and other taxes now under fire are unconstitutional and that we attempted to levy new taxes to meet this additional burden, and then the Supreme Court finally sustained these taxes—we would find ourselves in the position of having levied a tremendous amount of new taxes made unnecessary by these final decisions. If the present taxes are ultimately sustained by the Court and if at the same time the relief burden is largely reduced through economincal administration and business recovery, Pennsylvania would have found itself in the ridiculous position of having vastly increased taxes just at the time when tax reduction was in sight.

It is further recognized that a comprehensive tax program requires a thorough and intensive study of the whole economy of the State's business, which can only be done in a haphazard and piecemeal manner at this session. It is therefore proposed to establish a Tax Commission which shall, before the convening of the next session of the Legislature, make the careful and sound study that the situation requires, so that a definite program may be ready to submit to the next session—a program which will relieve industry in Pennsylvania of such taxes as work an injustice to the Pennsylvania business man, relieve the individuals of the taxes which are now levied without consideration for the ability to pay, and will meet the whole problem in an intelligent and comprehensive manner.

In the new administration of the present taxes it is expected that sympathetic consideration will be given to such gross inequities as have arisen in the past through the arbitrary and unjust administration of these laws.

For the reasons given above, the various conferences have reached the virtually unanimous decision that the most advisable policy at present is to go through with the plan as originally announced in the budget message—the so-called Earle Emergency Taxes to be re-enactd substantially as now in effect for a limited time, economies in the administration of other governmental functions to be pushed to the utmost, business and industry expansion to be encouraged, every effort to be expended that every possible saving be made in the present immense relief expenditure.

There will be no new taxes enacted at the present session of the Legislature. Every attempt will be made by both the Legislative and Administrative branches of the present regime to bring governmental expenditures within governmental income. Under this plan there is hope that revenues will enable the administration to continue operations until the next regular Legislative session in 1941.

Should a special session become necessary due to the ultimate unconstitutionality of any of the tax laws, or due to the failure of the present reduction in relief to continue, or due to the final adverse determination of any of the present uncertainties, the cost of such a special ssssion is small by comparion with the immense saving to our people should we succeed in our plan to live within our present income.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, frankly, I did not expect to speak on the subject which my friend from Tioga has discussed but, listening to his remarks, I should like to say that I consider his confession of inability to meet the situation a very nice thing. But in order to claim injustice one must set up the measure of justice, and in order to set up a measure of justice he must know what justice is and ought to be able to do it. It seems to me that this four- or five-page alibi for the failure to live up to the platform of the Republican party, on which the present Administration was elected, is rather weak and inane.

"After making adequate provision for necessary functions of government, Public Relief, Assistance and Social Security, we pledge ourselves to reduce th tax load to the minimum, to abolish taxes that were imposed for political and punitive purposes."

Now, certainly those taxes should not be re-enacted and if we are re-enacting the whole Earle program—which I

now take the privilege the calling the Earle-James program—we ought to eliminate from those the political and punitive taxes. I have not heard this mentioned; I should be very glad to hear that.

"We pledge ourselves to revise taxes according to equity and general welfare."

Now, I am for "making adequate provision for the necessary functions of government, Public Relief, Assistance and Social Security." The total tax income for two years is $372,000,000; the total necessary governmental functions cost $202,000,000; $170,000,000 is left for relief beginning June 1, 1939.

$42,000,000 of that sum comes off first, for the present—the end of the present biennium; and $128,000,000 is left for two years of relief, and we are spending at the rate of eleven or twelve million dollars a month. That is quite adequate in the minds of those that do not know and those who dodge.

The appointment of a tax commission now: the Governor of this Commonwealth was elected in November; it was then the time for him to appoint a body of men to look into this tax proposition and find those political and punitive taxes and remove them from the book, but, after three or four months' waiting, we are told, First, there will be no new taxes; then, that there will be reductions; and then, there will not be any new ones; and tonight again have the assurance there will not be new taxes—there will not be because we will not be here to levy them.

We will come back in 1941 says the Senator from Tioga, and I say we will be back in 1939 if we do our duty—after election, of course—because nobody expects this Legislature to be back here before November 7. You do not increase taxes before elections—that is not done by political parties. I say that is the lamest silliest excuse for failure to do a constructive job, as promised by the Republican party, that I have ever listened to.

The budget was unbalanced before they even made this plan. This program has been made, as you were told by the Republican members of the Finance Committee. Nobody on this side of the house was called or consulted and I charge now that if there had been better cooperation and consideration—that the Governor of this Commonwealth, and this Administration, is managing the affairs, is managing not only for the Republicans, and the Democrats as well, but for all citizens—they would have had a plan to eliminate some of those taxes.

I say now some of those taxes can be eliminated, and the application of a little common sense will bring about a plan; but the figures and the facts of the gentleman, as he presented them, are all for the Republican side of the house, and those of us who have any ideas about the matter are obliged to find our own figures and put in our own time, months, to get those figures and facts which should have been available within two weeks.

I say there is, there should be a plan proposed which will correct a situation which could not be helped then but can be now. Every man in public life has had four years' time in which to consider the taxes imposed by the previous Administration. Every man has had plenty of time to study their effects and to try to find ways and means by which those effects could be removed.

For four years the Governor of the Commonwealth has been an official in this Commonwealth for four years. Apparently he has studied these affairs because he criticised the fact that these were inequitable taxes; and now we are met with the inlane statement, "We do not have time now." He speaks of the international situation, and I suppose he means war; and war will boost business and business will aid employment and then we will not need any more relief—what a horrible thought to suggest!

I say to those gentlemen that there is a way and they have not adopted the proper method to find the way. This whole thing reflects itself in every thing we have done here this session. Last week I aroused the ire of the gentleman from Tioga because I suggested there was no important piece of legislation on the calendar. We were told by him very vehemently, I think, and with great emphasis that the various committees were working overtime and that they were all studying very carefully and cautiously and were selecting legislation with very much consideration—with one eye, I suppose, on the bill and the other on the Supreme Court.

Tonight on the calendar we have the result of those labor pains. Now, Mr. President, if you examine these brain children, as I have, I think you will arrive at the same conclusion that I did—that the mountain has labored and given forth a mouse.

Assuming we complete this calendar tonight, what will be the net result? As I see it it will be something like this, and I am reading from the calendar: Mr. Geltz will have shown Mr. Pew how to make friends and influence people with an 8 x 10 inch sign. Mr. Edmonds' abolition bill will have freed the oil industry from the fear of exposure; it will be unlawful to make a policeman for at least twenty-four hours in seven days even in a Second Class A city. Sheriff Weiglein will be taken off the ever-increasing Republican unemployment roll and we will have made an honest man out of a New Jersey weighmaster if a Pennsylvania weighmaster is reciprocally dishonest. The Harrisburg arsenal will be taken out of the reach of District Attorney Shelly and given to an Indian town; and we will have excited the interest of undertakers in bodies disowned by the Anatomical Board. Mr. Reese's jury-fixing bill, like the action of the Grand Jury, will be postponed again; the political activity and the existence of the Public Utility Commissioners will hang by the narrow thread of an Owlett; and the members of the State Authority will expire before their term—from the jitters. We will have made an honest girl of our Orphans' Court verdict. Industry will rush back to Pennsylvania by our releasing future inheritances from lien pains; fiduciaries will be able to accept the will for the deed; dividends will become part of the principal of an estate because a dead man said so; and a judge will be obliged to notice a conditional sale whether he likes it or not. Local lawyers will collect fees from foreigners; and Mr. Woodward will have the Constitution amended beyond recognition. Mr. Walker will have earned the undying hatred of the Pittsburgh city Assessors, and when the evening is done we forty-eight great big healthy Senators can use the word of the disappointed and disgusted young man who spent an evening with his lady, who said:

"You sing a little song or two,
You have a little chat;
You make a little candy, fudge,
And then you take your hat;
You kiss her hand, and say 'good-night'
As sweetly as you can.
Now, isn't that a hell of a night for a great big healthy man?"

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Westmoreland will state his question of personal privilege.

Mr. DENT. Mr. President and members of the Senate, I am going to get away from the question of who is the goat.

I rise tonight to register my opposition to the proposed dismissals in the Motor Police and the Liquor Control Board.

I see by the papers that our economizing Governor is planning a cut of the police force. Statistics show an enormous increase in motor traffic violations in a ten-year period of over 400%. This is natural, when one realizes how many more vehicles are on the road every day at the present time, as compared to ten years ago. One can also compare the increased speed of the modern car, as compared with the car of yesterday and its direct bearing on the increased motor accidents. I am not sure whether the Governor intends to remove these men from the police force in order to make room for new men of a definite political alignment, or whether he figures in dollars and cents saved, regardless of increased peril and danger resulting from poorly patrolled highways. Whatever his reasons are, I can't at this time agree with him. I sincerely believe that the present patrolmen are needed and their services to the motoring public indispensable.

Therefore, Mr. President, in behalf of thousands of motorists who feel safer when they know the highways are being patrolled by our efficient motor police, I do register a protest against the removal of any large number of patrolmen from the present force. The motorist pays for this protection, and this savings will in no way reduce the amount of taxes paid by the motoring public. I repeat, the motorist pays for it and I, as one of the motoring public, intend to do all I can to see that the motorist gets what he pays for, namely, efficient, courteous protection from the speed maniac, drunken driver and traffic law violator, (also number of robberies along the highways) who are the only ones who benefit from a slash in the police force. I cannot urge too strongly the reconsideration by the Governor of this intended order.

Next, I wish to discuss shortly the cut in the Liquor Control Personnel. Early in his term of office, the present Governor cut the wages of some four hundred Liqcor Store employees. The increase of wages was made effective by Governor Earle, after a thorough and diligent study of over a year. It was considered a fair wage raise, because most of the raises were really adjustments in salaries long overdue to employees who had, during their term of service, been advanced to more responsible positions without receiving the advanced pay. Others received raises because of their length of efficient service with the Board. This is a sound principle followed by a vast majority of employers in Pennsylvania.

Governor James has gone far out of his way to stop increases in pay to thousands of workers in Pennsylvania, by setting up an example of getting the maximum from employees for the minimum salary, simply because the employees have no other job to go to and must accept the salary or go on relief. Not satisfied by cutting their pay, the Governor now proposes to remove from the Liquor Control Board payroll some two hundred and fifteen employees. A short analysis of this proposed wholesale dismissal discloses the following facts:

The Liquor Control Board is a self-sustaining public agency. It not only sustains itself, but it shows an actual profit. According to a report put out by the Anti-Saloon League, the Liquor Stores show a profit of over $62,000,000 for the last biennium. Most of the employees of the Liquor Board are receiving salaries far below the standards set up by private employers in positions of like responsibility. Most of the men who are going to be dropped from the payroll are in the lower salary class. The chances are very good that the majority of them will become relief cases.

The question I ask of this Governor is whether, in his judgment, it is a sound business policy for a successful concern that earns $62,000,000 in a biennium, to set an example of cutting wages and reducing working personnel in these days of unemployment and economic depression. We understand and sympathize with the Governor and his so-called program of economy and thrift. I do believe, however, that when economy threatens efficiency, it is far better to spend money than to sacrifice competency and working efficiency. If this agency made a profit of $62,000,000 with its present setup, then why remove these men who helped to create this enormous profit? Again, I point to the example being set by the Governor's actions. In effect, he says to Pennsylvania employers, "Go ahead—cut wages, drop all possible personnel from your payrolls, even if you did make an ernormous profit. You owe nothing to the men who helped to create your prosperity."

I say to you, Mr. President, that this example is bad at this time, or I may add, at any time. Many decent employers in Pennsylvania, who have seasonal industries, have felt that they have a moral obligation to carry on their payroll many employees who are not necessary, in a strict sense of the word, during the off-peak seasons. The Governor is telling them that they too may follow his example and make more profit and let the State carry the burden through its relief rolls. I believe in cutting down expenses and reducing overhead along the lines of good sound business and moral judgment. I do not believe, however, in drastic reductions which do not take into consideration profits made and the economic conditions of those affected by the reduction in operating expenses. I cannot subscribe to the policy of cutting out essential employment to satisfy a whim or a politically motivated economy program.

It reminds me of the story told me long ago by my father. He related the story of the miserly drayman, who owned a hard working mule that gave him an excellent financial return, with a very low overhead expense. He conceived the brilliant idea, which is something similar to the James Thrift Plan, of cutting down the overhead by reducing the amount of food he gave the mule. After working his program systematically for a period of time, one of his neighbors who also owned a mule asked him how the plan was working out. He said the plan had done fine for a while—he had the mule down to two straws a day. He said he would have had him down to nothing but the inconsiderate mule died.

I am wondering if the James policy of cutting employees off of the Public Utility Commission the Highway Patrol and the Liquor Control isn't going to do the same thing. I wonder if the P. U. C. can efficiently carry on its work

with a reduced force. I wonder if the interest of the utility consumer can be served with a curtailed force of investigators. I wonder if the police can give the maximum amount of highway protection to the traveling public with a reduced corps; and whether or not the Liquor Control Board can continue to give efficient courteous service and still earn its enormous profits with a minimum number of employees. Maybe because of the nature of its monopolistic business it may continue to make an enormous profit but remember that it means a great deal more work to those who must carry on the business of the Board.

There is absolutely no need to increase the relief rolls in Pennsylvania by cutting out employment in agencies that are self-sustaining and profit making. The liquor consumer pays the wages of the Liquor Store employes. This dismissal will not save him one cent. The motorist pays for the protection given him by the Motor Police. Will the proposed reduction serve to cut his taxes? I predict it will not. The consumer of utility services pays the wages of the employees of the Public Utility Commission. Will the utility consumer receive the savings effected by the Governor's orders? I claim he will not.

In conclusion, I want to re-emphasize the bad example set by the Governor's policy, and I oppose these dismissals because of the aforementioned reasons and other reasons too lengthy to discuss here. I believe that this political program is one of false economy. I, therefore, cannot subscribe to any program that cuts out essential service to save a few dollars.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODWARD. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Woodward, will state his question of personal privilege.

Mr. WOODWARD. Mr. President, I am somewhat embarrassed by the absence of my colleague from Philadelphia, Mr. Shapiro, so I think it would be better for me to yield to my colleague from Blair until the Senator from Philadelphia comes back.

I was about to call the attention of the Senator from Philadelphia, Mr. Shapiro, to the fact that we are now celebraing the birthday of Thomas Jefferson, and I thought he ought to be remembered somewhat in the prayer of the Chaplain, but he was not.

Every year, however, you know President Roosevelt makes a pilgrimage to Monticello and there testifies what a good Democrat what a good Jeffersonian Democrat—he Mr. Roosevelt is. One of the principles of Thomas Jefferson's scheme of government was that that government is best which governs least. I therefore, in reply to the remarks of the Senator from Philadelphia, wish to call attention to the fact that the Senate of Pennsylvania is endeavering to follow the footsteps of Thomas Jefferson by governing as little as possible, and these bills, while they might not be vital, are certainly interesting; and the bill which I had he honor of reporting out of committee is very interesting—that was Senate Bill 289, because it rips out a ripper it is called a "re-ripper."

I counted the bills on this calendar tonight and there are only 16 bills on the Senate Calendar; but I also counted the bills that are what the newspaper men call "looming" from the House of Representatives, and there you will find on Monday night's calendar 104 bills. I would say, therefore, if the Senate is to be in a receptive mood, it would be very wise to limit its efforts on its own bills and be prepared for 104 bills coming over from the House.

Also, in conclusion, I think we are looking forward, on the Republican side, to publishing only one volume of the laws of Pennsylvania, because, at present, if you ask for the 1937 laws it takes two pages to bring the two volumes up from the Senate Library. Therefore I still believe that the Republicans in their Senate calendar have displayed very good judgment and I am prepared for the worst when the 104 bills come over from the House.

Mr. SHAPIRO. Mr. President, I should like to say to my colleague from Philadelphia, Mr. Woodward, it will only take two pages to read the constructive history of the Commonwealth of Pennsylvania so far as this Administration is concerned. I do not think it will take two pages to put down the constructive Acts if you leave out the bills prepared and handed to this Administration by the Earle Administration, there will not be any books necessary at all, and then I can limit myself to one page.

And concerning the activities of the House I would say to the gentleman from Philadelphia that I read 117 bills over this weekend, and 70 came from the House and if that is an example of the Legislation we have here I certainly want to take back what I said about the calendar tonight, because that is even worse—there is not a bit of legislation of any importance in the 117 bills that were introduced since Monday night of last week until we left on Wednesday, and, as I said, it would have been funny if it was not tragic.

As I reminded by colleagues last week I want to remind them again that this Commonwealth spending $33,000,000 a month in relief in one form or another. The figures are easy—there are $12,000,000 by the Commonwealth; $15,000,000 or $16,000,00 by the Federal Government; $6,000,000 a month in unemployment compensation, and I don't think there is anything funny about that—I think it is very serious, and I think all of this money that we are wasting here in printing this nonsensesical legislation does not hold a candle to the two books if you talk about last year. If you look at those two books—the 1937 pamphlet Laws—you will find those two books, plus the first book, in 1935, is complete compliance with every platform pledge that the Democratic party made, and it is the first time in the history of this Commonwealth that every platform pledge was enacted into Legislation.

True, you can point to some unconstitutional laws; maybe next year we will point to some other laws that are unconstitutional; but a promise, even in political life, and every promise the Democratic party made in their platform was carried out.

Here is an important promise I just read:

"To provide for relief, to reduce taxes" You will not need any two volumes, or even one, to carry the legislation in that respect; you can write it in one word, not in one page, failure to keep promises. "Failure" is what will be written all over the book; and do not forget—the people of Pennsylvania are hungry and a hungry crowd remembers.

Mr. MALLERY. Mr. President, I agree with the Senator from Philadelphia, Mr. Shapiro, that the state in which the Commonwealth is in is tragic. I believe in our present constituted form of government that of parties, and I also

am concerned about good government no matter which party gives that good government; and I for one, welcome suggestions from any member on the other side of the house, and I am wondering and, if I may have the privilege, I should like to interrogate the Senator from Philadelphia, Mr. Shapiro, whose opinions on State matters are always welcome; although I do not always agree, quite often I do agree; and therefore I should like to interrogate the Senator from Philadelphia.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. MALLERY. Mr. President, I should like to inquire from the Senator which one, or which ones, of the Earle tax bills he would recommend that we not re-enact or that we now modify.

Mr. SHAPIRO. Well, Mr. President, I am very glad to answer the gentleman from Blair. I think that the personal property tax and the tax on gross income are two taxes that bear no relation to profit or income and therefore, in my opinion, should not be continued beyond the point where absolutely necessary—I would eliminate those two taxes.

Mr. MALLERY. Mr. President, are there any other taxes that the Senator from Philadelphia would eliminate or modify in part?

Mr. SHAPIRO. Mr. President, I can say to the gentleman that I have been making a study of the proposition and I think I can suggest the elimination of $147,000,000 in taxes If I am correct in the substitution that I want to make.

Mr. MALLERY. Mr. President, what substitution would the Senator from Philadelphia make?

Mr. SHAPIRO. Mr. President, I am not prepared to make any statement at this time because it requires a great deal more consideration than I have been able to give it in the time, although I have given it a whole lot of time; and that is why, if I had had opportunity to discuss it with the gentleman supposed to be in charge of the executive departments I would have been able to make the suggestion two months ago. As it is, I have got to get my own figures.

Mr. MALLERY. Mr. President, I should imagine that the Senator from Philadelphia would be able to enlighten the Senate more in detail after the Senate has been in session now some of three months.

Mr. SHAPIRO. Mr. President, I should like to suggest to the gentleman from Blair that the Senate has been in session for three months and I have been working for three months but I did not think it was my burden to carry out the Governor's platform—I imagined the Governor of the Commonwealth, when he was making the speeches about cutting down taxes, knew what he was talking about. I thought he had, in his back pocket, a program; and that when he was elected he would hand it to us, and I was prepared to go along with him. As a matter of fact I made the statement as soon as I came on the floor of this Senate after the election that the gentleman was not my candidate but he was my Governor and I would be very glad to go along with any program he had that would cure the condition about which he complained. And now the only thing he complains about is his inability to carry out the correction of the condition he complained about. That is no excuse for failure to do what he promised. As a matter of fact, he has no plan, and will not have any for six months; and I do not see that I should be called upon at a moment's notice to give suggestions.

I made one suggestion last week, but nobody has paid any attention to it, and I would like to repeat it for the benefit of the gentleman from Blair, because I believe him when he says he is interested. I suggested that the Administration which has a budgetary expense of $372,000,000, and whose cash will not come in except over a period of two years, will find itself in a position where the cash position will prohibit it or prevent it from conducting business affairs.

I suggested that the method used by the Earle Administration—the sale of tax anticipation notes—could not be used this session to the same extent because there is a deficiency of $37,500,000 in the corporate franchise tax. There is a deficiency of at least $6,000,000 in the anticipated revenue from the net income tax on corporations. Instead of getting $51,000,000, according to Government collections, you will get about $15,000,000 less or $46,000,000. That means you will have $23,000,000 instead of $28,000,000 or $29,000,000 that was anticipated, so you are $6,000,000 short there, and $37,500,000 short on the corporate franchise tax; and if the formula set up in the corporate franchise tax is wrong it will also affect to the same extent, the corporate net income tax by several million dollars: you have facing you at least $45,000,000 deficit, which leaves $317,000,000 income, not $372,000,000; and when you divide that by two you have approximately $158,500,000 income for one year. Now, if your expenses for relief alone are $12,000,000 a month you have a $144,000,000 cash outlay facing you.

How in the world, under that kind of a situation, can you adopt a two-year budget? I think that the proposition is to adopt a temporary budget for a period of time less than two years, to make your cash position fit the situation; and I think you should sit down immediately—not in 1940 and not in September, when you will not want to be here because election is coming up, but now, and make your plans for the future, before the future makes them for you.

Mr. MALLERY. Mr. President, modesty heretofore has prevented me from expressing my thoughts on this grave and serious problem confronting the Commonwealth. I have talked with my colleagues regarding this matter and, just to keep faith with my constituents at home, I want to now state what has been my opinion as to the solution of our financial problem.

In my own humble way I would suggest that all of the Earle taxes would either be modified in a great way or repealed. I do not mean repeal all of them but I would have modified every one of them; and people will suggest, "Well, what would you advocate to take their place?"

I would advocate the repeal of the tax on the capital stock of manufacturing corporations. I don't know of any municipality in the State where the people would not be willing, and have been for years, to take money from their pockets to bring industries into their communities, and I can not see the logic of taxing them out or making it impossible to do business after you get them into your community.

The State of Pennsylvania became a great manufactur-

ing state—which my colleagues on the left should have realized, because of a Democratic Governor, who advocated that there should be no tax on the capital stock of manufacturing corporations, in order that they could be induced to come into this Commonwealth. The people of this Commonwealth will not object to paying taxes if they have the money with which to pay taxes. I know the people in my district, and they are no different from the people of any other district in Pennsylvania—the people of Pennsylvania will pay taxes if they have the money with which to pay taxes, and if they do not have that money no matter what laws we pass they can not pay. That seems to me to be common sense and we ought to do something in this State to encourage industry to put men to work.

We had the best mechanics in the world in the State of Pennsylvania; we could build and manufacture anything better than any country in the world can build or manufacture, right here in Pennsylvania—put these people to work and they will pay their taxes, we will not have to be concerned with tax abatement laws.

Another law that I would modify would be the personal property tax. I would put that tax back where it was at four mills. I think that all kinds of property should bear their share of taxation. It seems to me that with the legislation in the past, the only thing they knew to tax was real estate. I think that real estate should be fairly taxed and I see no reason why personal property should not be fairly taxed.

Now, as a substitute, I would put a tax on earned income. There are a lot of people in this Commonwealth today making good money and they are spending every cent of it and they are not paying any tax. I do not see any reason why there should not be a tax on earned income, and that is the suggestion I have to make.

Now, I am not jumping over the traces. I may be wrong and if my Governor and my party think that now is not the time to make a change, why, I will say that I am wrong, but I want to express my opinion as to what I think should have been done.

Mr. SHAPIRO. Mr. President, I should like to interrogate the gentleman from Blair.

The PRESIDENT. Will the Senator from Blair permit himself to be interrogated?

Mr. MALLERY. Mr. President, I will.

Mr. SHAPIRO. Mr. President, does the gentleman from Blair know how much would be the result of a tax on earned income, in dollars and cents?

Mr. MALLERY. Mr. President, I have no way of estimating that exactly but I have heard it might bring in as much as a hundred million dollars.

Mr. SHAPIRO. Mr. President, does the gentleman know at what rates he would fix the tax?

Mr. MALLERY. Two per cent, Mr. President.

Mr. SHAPIRO. Mr. President, does the gentleman know how much the total amount of taxes he suggested to be abolished would amount to.

Mr. MALLERY. Mr. President, just off hand I don't know.

Mr. SHAPIRO. Mr. President, does not the gentleman think it is important to know the amount of the taxes to be abolished?

Mr. MALLERY. Mr. President, I did know but right now I am not prepared to state.

Mr. SHAPIRO. Mr. President, it is expected that the tax on earned income will bring sufficient to pay the amount resulting from the elimination of the taxation on manufacturers and personal property tax.

Mr. MALLERY. I think it would, Mr. President.

Mr. SHAPIRO. Mr. President, those two taxes amount to $15,000,000, if the tax on manufacturing is exempted and $34,500,000 on the personal property tax—that is approximately $50,000,000.

Mr. MALLERY. Mr. President, I think I said it would bring $100,000,000.

Mr. SHAPIRO. Mr. President, the gentleman from Blair said $100,000,000. I would like to know on what he bases those figures.

Mr. MALLERY. Mr. President, I talked this matter over with Mr. Fertig.

Mr. SHAPIRO. Mr. President, does Mr. Fertig believe you will get $100,000,000 in one year?

Mr. MALLERY. No. Mr. President, in a biennium.

Mr. GILSON. Mr. President, I think that we on this side of the house might say, briefly, we accept the apology of the gentleman from Blair county, for the tax program which the administration is introducing or has introduced. Some time ago in the Senate, I recall stating that in my opinion the crux of this whole situation is more than a matter of taxation. We find in Pennsylvania today the necessity of a tremendous amount of money, but as yet I have not seen any declared intention of solving the reason for the need of that large excess of money which confronts us today.

I think we can all look back to the time when in Pennsylvania there were certain industries which were active, which were the employers of our now idle labor, which were purchasers of tremendous quantities of materials from other industries. We find those industries today almost in a state of decrepitude; they are no longer producers, neither are they consumers. There has been a transition in the nature of Pennsylvania industry, which has changed the worker to an idle man; and as that transition has taken place we have lost a tremendous lot of earning power and purchasing power.

We have found, likewise, back for a couple of decades the growth of a tendency on the part of our municipal subdivisions to look to our State for subsidies in increasing amounts.

I think the answer is a perfectly natural and logical one, for the reason is a perfectly logical and natural one.

Back in 1920 to 1930 we found in almost any municipality of any consequence that everything was on the upgrade; people were not concerned very much with how much real estate tax they paid; the educational program was moving ahead by leaps and bounds; our State aided institutions were getting into the habit of demanding and getting tremendous sums for carrying on necessary advances. We have today great advancement in the arts, and as a consequence they are requiring a greater advance in the science of medicine, the treatment of people. Th automobile alone has placed a burden upon our state aided hospitals, which perhaps equals the normal load these institutions carried many years ago. Now, all through this psychology has been the necessity for greater State activity, more money from the State.

With the occurrence of the depression, and the collapse of real estate values, we find a demand from our local communities to take the burden off of real estate, and it is a necessary demand; but, just as that demand increases, so does the necessity for State aid likewise increase.

The point that I am trying to get at is that there are in

Pennsylvania certain industries which are indigenous to Pennsylvania; that if those industries can be relieved, can be cured and placed back somewhere near to their pre-depression state, we will have solved a large part of our problem.

I take occasion again, tonight, to say that our colleagues from Philadelphia, Dr. Woodward, has been insistent ever since my experience in this Senate in trying to get a favorable action from both parties in this State as to a graduated income tax. Now, there are certain fundamental theories of taxation, which the present tax program seems to me to violate with reckless abandon. As I said before, it is not merely the subject of taxation which is confronting the people of Pennsylvania today. Were you able to settle once and for all the difficulties in the anthracite and the bituminous coal districts, were you able to put the railroads in the situation where they were the producers and consumers as they were ten or fifteen years ago, if you were able to put other industries in Pennsylvania in a situation of production, there would not be much concern with whether your capital stock tax was one mill or five mills; there would not be very much concern with whether your gross income tax was seven per cent or one per cent. People are not concerned with a tax, regardless of what it is in another state, provided their income is sufficient to pay the tax and a profit is left.

I think that we in the legislature, and those in the administration, who are confronted with these problems have become perhaps too tax conscious and have overlooked the thing that is fundamental, and I do not believe that we can go on year after year trying to invent some new way to get money where there isn't any, and avoid the responsibility of correcting the evils which have produced the lack of income.

Our schools are closing. I returned home last week and found a glaring headline about the school district of Erie—the recommendation of the school board on the one hand, and of the Economy Committee on the other, a situation which has never confronted the school district of Erie to my knowledge.

You find the same thing, in so far as every member of this Senate is concerned. Every school teacher, every school director is concerned, with how the State of Pennsylvania is going to find more money to keep the schools up to a percentage of their present standards. The farmers in the western part of Pennsylvania have been reduced by a change of policy to a status of object poverty, or will be shortly; and then we talk about a question of taxation; and find either that our indifference to the fundamental questions involved or our interest some place else precludes us from building up what is naturally Pennsylvania's kind of business; and if we have that, Mr. President, I am pretty well satisfied that we will not need to be so much concerned with the fractions of a tax that we are either going to impose or not impose.

I think we are all convinced that any kind of a tax which is called a capital levy is wrong in principle. Elimination of most of this kind of taxes requires simply the courage to say to the people of Pennsylvania that the only method of taxation is out of income, where the tax may be paid; and that that income can best be stimulated by finding out what is the reason for the ills of our industries, and then correcting those ills.

Mr. MUNDY. Mr. President, I am very much interested in the discussion by the various members on the floor of the Senate tonight on this very important problem. I think the most important problem presenting itself to the Senate of Pennsylvania, is the problem of ample care for those who are unable to secure employment, and to attempt to provide employment in some manner, or form, so that we may overcome and solve the relief load.

Tonight is the first night that I think this subject has been approached from the proper angle. The question on both sides of the House, both from the Democratic standpoint and from the Republican standpoint, up to this time, has been treated as a party matter, and, in my opinion, that is a serious mistake.

I was surprised to have heard the Senator from Tioga speak from the floor and state that in this session no new taxes would be levied; and was very much surprised to learn that the Senator had nothing constructive to offer in the way of solving this very perplexing problem. I was astounded to hear the Senator from Tioga say that certain things might be done, but, while he had a personal opinion on the matter—and perhaps a great many of us have personal opinions—we do not seem to get together and consolidate or pick the best out of all the opinions of all of the members of the Senate, so that we may do our duty in full to the people.

I am glad to hear them say this is a very complex problem. The more I hear it discussed the more confused I become in arriving at a conclusion; and tonight, after hearing the general talk from the different angles, I must confess I am further perplexed.

Take the situation back in 1931, as it presented itself when the President of the United States called together men from industry, and the most learned men from the various parts of the United States to come to Washington and sit down and talk this thing over, and a hundred and some men labored for several weeks and after they came out of that convention they decided they had nothing constructive to offer. This problem has taxed the best and most learned minds in the country since that time.

All we Senators from Pennsylvania are wont to deal with this either as a Republican or a Democratic matter. At no time since the beginning of this session has there been any attempt to get together, to pick a group from both sides, eliminate politics entirely and let each side assume a certain degree of responsibility for the program that is going to be presented to the people and industry of the State of Pennsylvania, so that, in the event anyone should fear that there should be any political repercussion in the matter, that fear will be removed by the very composition of the committee which will solve it.

In the primary, during our tour of the State of Pennsylvania, I listened at times to speeches and I thought this thing was very simple of solution. There were certain concise statements made. It was definitely established that the Earle taxes were supposed to be driving industry out of the State of Pennsylvania and, while I agree with Senator Mallery, I might say in the drawing up of the tax program in the early part, there were certain taxes which I opposed on some grounds which have later been established as facts.

However, this program is here. If it is an established fact that those taxes were driving industry out of the

State of Pennsylvania I would say it is a mistake, a very serious mistake, to put this problem off for two years when we are here now in session, at the command of the Executive Department. We legislators should get together and make an honest effort to give to the people generally some program; and I repeat what I said last week that, so long as you postpone this tax program, you are going to continue to hamper industry.

As the Senator from Blair said, we must discover the "something" which is going to put men back to work. That "something" is a chimeric word, and we cannot find it in concrete; but if you get this committee together we can at least try to do something constructive in the way of solving this whole situation.

I do not see why any man on either side of the House should hesitate to go in and say, as legislators, we find it necessary, we have certain expenses, and that is what we have got to meet; here is the way we are going to meet it. It will solve a double purpose. It will do away with the suspense; industry will know what they are going to receive in the way of taxes and they, too, can pave the way in their budgetary selections to accept or absorb these taxes; and the people, generally, can be in a position to absorb the shock of new taxation. But while we stand here idle and in suspense and say, you are going to get something two years from now, but we are not just now in a position to tell you today what that is, you are going to further confuse this problem.

Mr. OWLETT. Mr. President, this is perhaps not the time to discuss in detail these tax bills. I must confess, however, that I was much interested in the Senator from Philadelphia, Mr. Sapiro, complaining that we were not repealing the political and punitive taxes, when I realize that the taxes which are being continued temporarily are the taxes devised by Governor Earle, and all of them voted for by the Senator from Philadelphia, that certainly is a confession on his part that these were punitive and political taxes.

Now, Mr. President, I take it there is nobody in this Senate who does not agree that many of these taxes are punitive and political, and were so designed to be when they were enacted, but what they do not appreciate is this fact, it seems to me, that at this time, when we approach the problem of arriving at a definite tax program, we are confronted with many situations which must be considered.

First, we found upon taking over this government, and the management of it, on the seventeenth day of January, a deficit of $50,000,000. Had we not had that deficit, there would be a lot of taxes that today could be eliminated; and, in addition to that, Mr. President, when they say we should at this time devise a definite comprehensive program, and we ask them what it should be, they have no answer. When we say that by their own tax laws they have created a situation that nobody knows today what the obligations of this Commonwealth are and that there is a situation as to the doubtful constitutionality of some of those laws under which millions of dollars have been collected, and through which we may have to make refunds of millions of dollars, I ask if there is anybody in the body of this Senate that can say what our obligations are today.

Nobody can say until the constitutionality of these Earle tax laws is determined, which we, who were in the Legislature all admit and all know, were conceived in hatred and passed for the purpose of penalizing business in this State, and when you talk about business going out of this State, we all know it was labor acts—the Wagner Act and any number of other unfair regulations imposed upon industry, along with taxes, that put this State in the situation that we find it today. And do we have in Washington any cooperation whatever to return this business to Pennsylvania and other states of the union? An attempt is being made right now to amend the Wagner Labor Act that everybody agrees has hampered business and it is opposed by the New Deal in Washington.

Now, I say to you, frankly, Mr. President, that we fear the Senator from Philadelphia, Mr. Shapiro, bearing gifts. We have sat in this legislature four months and seen him, the leader, in the blocking of every constructive move that this administration has tried to make. Nominations have been sent over here to fill positions that are necessary to carry out the policies of this administration; and the Senator from Philadelphia has been the leader in rejecting their confirmation.

Now, it may be unfortunate that we do not have the advantages of the Senator from Philadelphia's superior knowledge; but I am saying to you, frankly, that we doubt whether he is very much interested in the success of this administration. We know, Mr. President, from his actions on the floor of this Senate, that there has been nothing yet occurred here that would impress anybody with the fact that he is interested in the success of this administration, because his well-nigh every move has been to block the orderly functioning of this administration.

And now, we might as well be frank about this situation. We have had created for us a huge deficit. We have had passed in this State all sorts of punitive laws, not only tax laws, but other laws directed against industry until the point has arrived where industry in this State is prostrate.

The people, apparently, did not believe, as the Senator from Philadelphia, Mr. Shapiro, stated, that the Democrats carried out their campaign pledges, because, after four years of their administration, they threw them out lock, stock and barrel. That is the best answer I know of in this situation, and the minute that this administration can function without the obstructionist tactics of the minority of this Senate, and can start to put its program in effect, put in office the men that have been selected to carry out this program, and the minute we can find out how many more of the Earle laws are unconstitutional, we can sit down and make some plans.

We know this much, Mr. President, that of those two large volumes of laws that were passed two years ago, at least half of them now are out the window because they were unconstitutional; and we know that there are five thousand tax appeals pending on those various tax laws.

And then, Mr. President, they come in here and complain because we are forced to the position of defending those tax laws to prevent millions and millions and millions of dollars of refunds.

Do you think it is a pleasant situation for this admin-

istration, after they pointed out the inequities of these tax laws and the impropriety of levying the taxes that have been imposed on business of this State for four years, to find they have to go to the Supreme Court and defend those various laws to prevent an absolute breakdown of this government. That is the position that this administration finds when it takes office; and I say to you, Mr. President, that we are doing the courageous thing in this Senate when we say that we will see how much of this money we can save from being refunded to the people from whom they took it. It has been paid into the State, and we are going to defend those tax laws that were imposed upon our people to prevent a breakdown of this government. We are going to find out where we are. We are going to try to find opportunities to put into effect some of those economies that are now beink talked about by the minority of this Senate. We are going to see if we can not cut down the relief load, cut out the chiselers, and see that those honestly entitled to relief are amply provided for.

Now, I say to you, frankly, Mr. President, that if that can be accomplished, if the appointees that have been named for the Relief Board, and the State Emergency Relief Board, can start to function and can get some of those policies of economies into effect—unless we get a body blow by the unconstitutionality of some of those Earle laws, I think we can get along for this next biennium; and then we will be in a position to know exactly what our obligations are and will be in a position to pass a comprehensive tax program that will relieve the present inequities of this vicious system that we have in this State now.

Now, I say without fear of successful contradiction, that that is the only sound way for this Senate to meet this problem; and I have no hesitancy at all in standing up here on the floor of this Senate and defending that program because it is the only thing that can be done under the circumstances.

We do not know what our obligations are, and we do not know what our net income is going to be; and you cannot know pending determination of some of those uncertain factors that now lead to this situation. We have nothing to apologize for in this situation. We are harassed, we are on the verge of a complete breakdown. Why? Because of the extravagance, because of the carelessness and other misdeeds of the past administration. We are going to try to clean this up, but it cannot be done in a day, Mr. President.

Mr. CAVALCANTE. Mr. President, I had hoped that I could have listened to the interesting discussion without being impelled to say a word or so myself.

Of course, as usual, when the gentleman from Tioga speaks, he always speaks in a manner that must amaze anybody that hears him. We, who know the gentleman from Tioga, of course, are very familiar with his ability to build up a strawman and then like an A-1 pugilist, tear down the strawman.

He talks a lot about inheriting a deficit from the preceding administration.

Well, now, Mr. President, there has not been an administrstion elected to the government of this Commonwealth that, after it has gone in power, has not inherited a deficit from the outgoing administration.

The problem here is not whether the deficit was inherited, but whether the money that was spent was spent for a proper cause.

I have heard nothing from the gentleman from Tioga that would indicate that he agrees that the obligations that the outgoing administration incurred or fulfilled in meeting the blind pensions, mothers' assistance and direct relief of this Commonwealth was a proper obligation.

The gentleman from Tioga has not yet indicated whether he believes those obligations had to be met or not, and if those obligations had to be met, then, Mr. President, the deficit that he says that the James Administration has inherited, it was a deficit concerning an obligation that had to be fulfilled; and if you will admit that these obligations existed then, how in the name of common sense could those obligations be met unless taxes were imposed?

The gentleman from Tioga makes a lot about punitive and political taxes. Now, I say to you, Mr. President, and everybody else, every member of this Senate, that being a member of the Democratic party, or the Democratic philosophy, on the floor of this Senate, it was no pleasant duty for me, or anyone else, to vote for taxes. Nobody wants to vote for taxes. I do not like to vote to tax my fellow citizens anymore than I would vote to tax myself; but whenever you have certain conditions prevailing that require the raising of revenue in order to meet those conditions, then what else can you do but to find the taxes that can be met by the public more easily and impose those taxes?

I say to you, Mr. President, you are talking about government, good government; but hungry men and hungry women know no government. They need bread and butter, and they will have it.

We were faced with those conditions for many years here, and I am not here ready to accuse the presence of those conditions to the Republican party at all. I feel that those conditions that brought about the economic depression in this country were things that developed naturally because of the belief of big business and other interests in certain philosophies which, pursued constantly and over a long period of time, developed economic chaos and depression that has struck us and is still with us today.

I believe sincerely and honestly that we will never emerge from this chaotic situation, that we will never rise out of this economic depression, until we have changed many of these ancient philosophies of business and labor also.

I am not ready to say that labor in all its movements has been immaculate. They, too, have erred. But big business has been the most grevious offender, and, when we were faced with the hosts of hungry men and women who needed bread and butter, we had to raise these finances, these monies, and naturally we tried to tax those interests, those individuals who, over a long course of years, have enjoyed an exemption over their fellow citizens. And in that class came this large group of people of this state who had enjoyed the possession of millions and millions of dollars of stocks and bonds and other personal property in safety deposit boxes and every place else, enjoyed the possession of their property over a long course of years without any taxation, while the other persons, who owned a little home, or, a lot with a home

on it, to house his children, his wife and his loved ones, who could not stick the home, or the lot, in his safety deposit box like the coupon clipper.

Therefore, the tax collector, and the tax levying power, always pyramided the taxes on this real estate.

Now, there were no places where this revenue could be raised except upon the people that were taxed by the Earle administration. You can look far and wide for other sources to tax and, if you are sincere and honest, you will come to the same conclusion that the Earle administration came to, and no other conclusion.

When it comes to knowing whether a law is constitutional or not, I would like to see that Solomon in this Commonwealth of Pennsylvania.

I would like to see the man on the floor of this Senate, or anywhere else, that can tell us when the Supreme Court of ours, or Superior Court is going to take a notion to declare an act unconstitutional. Who knows?

It is like going down to the river and casting your fish hook into that river. You don't know whether you are going to get a chub, sucker, eel, bass or a trout; and that is the situation with the Superior and Supreme Court today.

You can study an act as carefully as you want, and try to make it comply with the Constitution, yet you do not know the outcome of that law until it gets into the hands of this politically minded Supreme and Superior Court of our Commonwealth.

This Court that has been on the preferred list of the market, this Supreme Court that with one breath says that the State Authority Act is unconstitutional and then in less than a year, without any change having taken place in the Constitution, comes along and tells us they made a mistake, that the State Authority Act is constitutional. When this flimsy Supreme and Superior Court of ours might declare an act constitutional or unconstitional, nobody knows.

We passed the Workmen's Compensation Act, and the Supreme Court of this state has consistently held that the wisdom of a piece of legislation is absolutely in the province of the General Assembly, whether an act is a wise or an unwise act. Yet in its opinion, on this Workmen's Compensation Act, the only grounds that the Supreme Court gives for declaring it unconstitutional is that the Act is unwise and may run out of business some coal operators.

Now, how can we tell when the Supreme Court is going to declare an act constitutional or unconstitutional?

Look up the record and you will find that the gentleman from Tioga has voted on the floor of this Senate for Acts of Assembly that the Supreme Court has declared unconstitutional.

If we knew that the Supreme Court would once be consistent in its opinion upon a constitutional decision, then we, too, could be certain when we vote on an Act of Assembly and study it as to whether that Act is going to be constitutional or not.

The gentleman from Tioga wants to know how many Earle laws are going to be declared unconstitutional. I say to him to do the same thing that Moe Annenberg did. They told him in advance; and they will tell you in advance. Go and find out.

Mr. SHAPIRO. Mr. President, some three hundred years B. C. there was an old Greek philosopher who put out his eyes so that ceasing to see he would be forced to think. I would not recommend that extreme measure to the gentleman from Tioga, Mr. Owlett, but I do suggest that he adopt some measure that would enable him to think when he speaks.

I listened to a great many of his statements and I should like to answer them. First, he said that of the laws that were passed in 1937 half have already been declared unconstitutional. In 1937, according to my records, there were 967 Senate Bills and 495 House Bills. The Governor signed 602 of those bills—105 were appropriation bills, 26 were vetoed, 13 were Constitutional Amendments; so that there were 602 bills signed by the Governor.

If the gentleman's statement is correct, then the Supreme Court has decided 302 bills passed by the Earle administration were unconstitutional.

If that is the kind of information that the colleagues of the Governor, when he was a candidate, gave him, I am not at all surprised he has fallen into the position in which he finds himself.

Just imagine a man, who complains a tax is a vicious tax and he is going to abolish it, then comes and complains the Supreme Court has saved him the trouble by declaring it unconstitutional.

As I figure it, he never anticipated using that tax, that is one of those vicious taxes; and now the gentleman from Tioga, in explanation, comes in and says this tax has ruined us. Why, we do not know our figures, because we are out $37,500,000. If the gentleman from Tioga had followed the Greek philosopher and had thought, he would not have made that remark because that is what we call, in common parlance, leading with your chin.

He tells us and tells you the only reason there was not adopted a constructive program is because I, as the floor leader, have interfered with every constructive move. I would like to suggest to him that he give me the answer to the question that I asked Senator Woodward last week—what is your constructive move? Where is it on the calendar? Where is there any constructive move made by the administration that I have interfered with?

First, there has been no constructive move and, therefore, there could not have been any interference; but, if the gentleman means we have interfered with the appointments by the Governor, what is there constructive about removing from the Department of Public Assistance Board a man like Mr. Staples, President of the Bell Telephone Company, and replacing him with someone else? Why should we confirm that kind of an appointment? What is constructive about the wholesale removal of decent, respectable citizens from Public Assistance Boards and asking us to confirm that kind of action, to put on our stamp of approval by confirmation?

What can be constructive about appointing seven Republicans on a Relief Board, when the Governor, who made those appointments, promised that he would take relief out of politics; and the law under which they are appointed provides that they shall not and must not all be of the same political faith?

What is there constructive about a governor who, three months before he was elected, promised that he was going to install economies so that this tremendous $510,000,000 budget would be reduced, and who produced for our edification a $522,000,000 budget?

What is there constructive about a governor who promised that he will remove taxes and then sends his mouth piece here to tell us that he is very sorry, they are punitive, and they are vicious but they will have to be permitted to punish a little longer and we will have

to join in the viciousness a little while longer because he can not think of any better substitute? Is that constructive?

And the only answer is that these gentlemen find themselves almost in a breakdown—and my friend left out the real word, nervous breakdown—because they do not know how to answer that question. They came in here with a flag flying and they said we are going to reduce taxes, and the only thing they tried to remedy was to remove an nonexistent oil burner from the Governor's mansion, and that did not work for them—they could not reduce taxes that way. Then they swore there would not be any increase in taxes, and then they told us, I cannot do that, I cannot decrease taxes, because you left me with a deficit. What deficit? We cannot tell what our obligations are so we cannot make up a budget. Then why adjourn two weeks to make up a budget?

I was told tonight that I am supposed to have superintelligence. Well, I want frankly to say I do not lay any claim to that, and it is no credit to me that I can figure out a plan better than the gentlemen who have charge because I think that would be a reflection on their ability. I pointed out to the members of this Senate the day before we adjourned for the two weeks recess that the budget would be in the neighborhood of $378,000,000. It was $372,000,000. I said it would be within five or three or two million dollars of that figure. Why? Everybody who knows anything about State affairs can read last year's budget and tell what the obligations are with the exception of one item and that is relief, and I say that those gentlemen did not think before they came in here. Before we got that budegt, we were told by Mr. Russell that our present obligations per month for relief are $12,000,000, and if you multiply that by twenty-four you know that at least $288,000,000 will be required for relief, and you had no right to attempt to fool the public and now attempt to continue that business by making a budget which did not carry out your obligations. Instead of adding $288,000,000 to the $202,000,000 and providing a budget of $490,000,000 for relief and governmental functions, they accepted a budget of $372,000,000 because that is how much they will get in.

They made this budget backwards this time, that is how they fulfilled their obligation. First they ignored them and then they said let us look at these figures and see how much will come in and you were told if everything went along as in the last four years you will get in $372,000,000, and then the Governor said how much does it cost to run the government without relief and they said $202,000,000, and he said I will give you $170,000,000 for relief, and they said well, Governor, it costs $12,000,000 a month, you will be short $110,000,000. Well, he said, that is all we have left and that is what we will give to relief. That is a new method of fulfilling an obligation. They said, wait a minute, Governor, you have got $42,000,000 staring you in the face that we are going to spend from now to May 31st, where will you get that? He said, I know I promised not to raise taxes so we will take that off some place else. You say you did not know what the obligation was. That is not true. The Governor of this Commonwealth knew and anybody who knows anything about figures knew that the expenditures so far have not deviated a million dollars between $11,000,000 and $12,000,000 every month and everybody knew that the budget requirements for relief were $288,000,000 maximum and $250,000,000 minimum, and this Govrnor has provided $128,000,000 and sends the gentleman from Tioga in with the lame, inane excuse that he did not know what the obligation is.

Now, he might say be does not know what the income is because those very taxes which he did not like, which he pledged to discard, have been discarded for him by a decision of the Supreme Court and now he does not know what to do. That is a vicious punitive tax, says he, so he sends to the Attorney General to hurriedly take an appeal and have that vicious tax declared constitutional. I never heard of such utter sheer nonsense or such playing politics with the poor and the hungry and with relief. I never heard of such dodging of obligations and it is just ordinary cheap tomfoolery to come in and say I stopped it.

How am I stopping the Governor who made such marvelous promises? I am beginning to believe that a revolution in politics is nothing more than an abrupt change of misadministration.

That is all it means. You can tell the other fellow he was no good and you are going to be worse and get away with it. What was there? The Wagner Act? Has that affected the budget; has the $37,500,000 affected the budget? Why, as a matter of fact, Mr. President, the $37,500,000 is not a $37,500,000 shortage this term at all, because $25,000,000 of this was for 1935 and 1937 and the return is not a matter of law, the money does not have to be given back, it is only a matter of grace, and so they are not fooling me because they are not short that $25,000,000 until they pay it. And of course if they can find an excuse so glibly for not reducing those taxes they can still find an excuse for not giving it back. They are doing the same thing now in giving back to the people who elected them the taxes they promised they would eliminate.

And now they complain about Washington. That is the finest thing of all. The gentleman who was a friend and colleague of the Governor on the ticket, Senator Davis, proceeded in Washington to divorce himself from his obligation to the Commonwealth of Pennsylvania and he voted to decrease the appropriation by $150,000,000 on W.P.A. His one vote removed that $150,000,000—that means $15,000,000 to Pennsylvania, that is how much less will be spent in Pennsylvania by that reduction, and then we were all treated to the spectacle, the Legislature convened and we were told to listen to the two eminent statesmen, the Senators from Pennsylvania in Washington, and one of those gentlemen—the same Senator, Senator Davis—unless my hearing is affected—made the statement that of that $150,000,000 which the president asked for for additional relief which we cut off from the first appropriation, when it comes up I am going to vote for it, and then he promptly went down to Washington and acted like the rest of the Republicans of this State—broke his word and went against it, and so Pennsylvania loses its proportion of that money —$5,000,000.

Look at the Russell report and you will see that in spite of the fact that we have taken off the relief rolls several thousand cases, people who have gone back to work, the greatest increase in applications to go back on relief came this week and the greatest number of cases were put back, some two thousand, by being dropped from W.P.A. and you men on the other side sit idly by while your mouthpiece tells us we are obstructionists.

You talk about politics in relief, when your man went

down to Washington and cut the source of supply, and then complain about increased expenditures caused by that stoppage. I think some of you must have been listening to the Senator from Tioga with your tongues in your cheeks, if he did not have his. That is the most ridiculous argument the gentleman from Tioga has made. Usually he is clever, he is able to hide his excuses under some kind of logic, but this time he is met with a situation that he can not answer. He cannot quite cope with it. He knows very well—and if I know him as I think I do, his speech was entirely different from what he told the Governor. What he is doing, he is exercising and performing his duty as he thinks he should as the majority leader, and I say that is playing politics, and when he stops that we will get somewhere.

I want to recall to his mind and to the members of the Senate that the day before we adjourned I submitted a resolution that there be a non-partisan committee of six appointed to investigate relief, unemployment compensation and W.P.A., and my resolution read, and I said it on the floor, that anybody who has the sense with which he was born, knows that those three matters interweave, knows that one has an effect upon the other—I have stated then and repeated in the meetings of that committee that constructive work can be done and done now. I asked them in that resolution that we should meet in those two weeks and what happened? I do not claim to have all the brains in this Senate but I repeat that you do not need much brains to beat what we have been getting from the other side.

And then when they held their conferences they advertised themselves all over the papers as having programs the Friday before the Monday that we convened we were sent for, gathred together, five gentlemen came up here and then we were asked this question: what we thought should be done about relief—a very simple proposition to answer—just like that. What about the figures and the facts you were gathering for two weeks? How can we answer that now? Those are the things we wanted to discuss. We were told of course there is nothing you can do, we have it all worked out. That is what we got.

I have pointed out at that time and I still say there is $80,000,000 lying idle in the unemployment compensation fund, they get in $72,000,000 this year—at least they are spending some $70,000,000 to comply with all the provisions of the act—there is $80,000,000 that can be put to work, at least $40,000,000 can be, as I have repeatedly suggested here, by an act which will increase the period of compensation from thirteen to sixteen weeks, an amendment that will increase the maximum and minimum, an act that will decrease the waiting period, and then you will find that those figures in Mr. Russell's report which show that there were 780 cases taken off relief will increase to maybe 1400, 1500 or 2000.

I have said that the Assistance Department should make direct payment of cash to those cities which could not put up money to get W.P.A. projects. Has that been done? We have talked about it. Philadelphia today cannot put up $115,000 on a project for an airport to which the government proposes to give $500,000—I mean $600,000 would be spent in Philadelphia, and instead of $600,000 we would have to put up $100,000 and relief would be relieved of $500,000.

In fact, council in Philadelphia, which is another kind of a Republican administration, will not appropriate the money and at this time it has not got the money. My friend, Mr. Farrell, the Senator from Philadelphia, is waiting anxiously for the arrival of House Bill No. 193 which will increase number of the Board of Revision of Taxes from 36 to 72 men. In the City of Philadelphia we have cut down from 80 assessors, at $5,000 each, or $400,000 a year—we have cut them down to 30, and now the administration is very anxious to show economy, and so the administration, I charge, is back of this bill to increase the 36 assessors to 72 and to allow this Board of Revision of Taxes to increase the number of assessors from time to time and the number of clerks provided, however, they procure the consent of council—of course, a Republican council.

Why do I call that to your attention? I call that to your attention because I think I can give the Senator from Tioga some facts that may amaze him. I call that to your attention because the same council and the same Republicans who have been prepared to increase the expenditures of this city administration, which is now bankrupt by several hundred thousand dollars, has refused to put up $80,000 to install a modern system in the Board of Revision of Taxes, and I hold in my hand a photostatic copy of the proposal to furnish to the Board of Revision of Taxes by the Works Progress Administration, on July 6, 1938, by which the government of the United States offered to spend one million dollars in the City of Philadelphia to install the finest modernized system of tax assessments if the City of Philadelphia would put up $80,000, and the Republican council said we will not do it. Here are the figures, and let me tell you how many men would have been taken off the relief rolls—one thousand and ten men. There would have been employed in Philadelphia and taken off the relief roll one thousand men if the City of Philadelphia would have spent $80,000.

It is the same kind of administration that we have in Philadelphia that we now have in this State; it is the same kind of administration, in the face of those facts, that put out its mouthpiece to tell us that we are retarding them in constructive suggestions, and I charge that not a single constructive suggestion has come from them, nor have they accepted one that has been given to them, if it bore a Democratic label.

Relief has been thrown into politics, the Governor's promises have been broken and have not been fulfilled after four months of waiting and after three months of campaigning and he now tells us I need more time to find out what I can do.

Now, with all due respect to the Governor of this Commonwealth I now say to him—not as a Senator but as a citizen, I am sorry you were carried away by election promises and I am sorry you do not feel that there is now something more important than trying to excuse your inability to carry out your election promises.

I said before the election was over—and the Senator from Tioga had better recognize that another one is coming—he used the expression "lock, stock, and barrel"; as he puts it that may be a nice sounding phrase—but it will not help in answering people all over the State—and the time to answer the people is coming. We hear the rumblings now—right here in the Senate we hear the rumblings, and we cannot disregard the rumblings of ten million people. I do not believe some of the Senators on the other side are satisfied themselves. Why not say, "Let us join together and work together, as fifty men seated here in this Senate who are responsible for our laws—work

together to solve this problem"? I am not talking to the wind. You can have your special session—it will not do any good. You don't need a special session.

The record will show I was right on the budget and it will show I am right now—you are sitting on a volcano and you will blow up with the rest of us; that is what I am suggesting to you.

Mr. HALUSKA. Mr. President, for the past two hours I have listened to the comments made by my colleagues on my right and left and they have brought out very constructive criticism relative to what is happening in our State; who shall pay taxes; whether or not we have constructive or destructive legislation on our calendar; but I was impressed most by the remarks made by the Senator from Blair, Mr. Mallery, when he remarked that back in his district he knew persons that were willing in the past and are now willing to give freely of their time and money to bring industry into their county, but, because we had imposed taxes on industry, later they left. That I believe, Mr. President, is the issue of tonight's campaign. If a person is building a house he must start at the bottom and set up a solid foundation, and the foundation of our government is in the ordinary man and woman; and we have frightened the ordinary man and woman, and I have tried last week to overcome that by bringing out Senate Bill No. 47.

Senate Bill No. 47, Mr. President, tends to relieve the ordinary man and woman to whom we must give assistance, at the age of 70 and, through no fault of his own, must apply for assistance, or so-called relief. But, Mr. President, we tell him that if he has a property he must assign that property to the government for repayment of any money he received. It has been the custom, and is today, for the ordinary man in the small community to give freely of his time and money to bring into his community industry, to help build up the community by building up industry; but what are we saying to him now? We are saying to him if he be aggressive, if he give freely of his time and money to help build up industry and to build himself a home, and if he applies for a pension he must give that back.

We are serving notice on him and we are serving notice on his children that if they should be aggressive they shall be penalized. Now, Mr. President, I understand that tomorrow the Committee on Welfare has a meeting scheduled, and I trust, and I ask them once again, to consider Senate Bill 47, to give the aged persons of our State a new lease on life, to assure them that if they should be found indigent at the age of seventy they can and they will receive pensions from this government—without paying back with their properties. And we do that we are setting up the foundation once again of our government, and we shall assure these people that they shall be free to build and build—build their own properties and build the properties of others, and we will not penalize those persons for being aggressive. So I trust that the chairman on the Committee on Welfare tomorrow will consider my bill, Senate Bill No. 47, and report it out so that this Senate might have the opportunity to base their decision on that most important measure.

Mr. SIPE. Just a word of comment, Mr. President, on one of the expressions in the recent debate. I am at a great loss, often, to understand when our friends on the Republican side are talking seriously and when they are merely joking. They have accused the Democratic side of obstructing the functions of the State Government by refusing to make certain confirmations, but only a few months ago they presented the same argument to us when they were pleading for the confirmation of Mr. Hamilton as Secretary of Revenue.

They plead weightly and tremendously that they needed his confirmation forthwith in order that he might help the Governor and all the other luminaries in the Administration to help get up the budget. Well, enough Democratic votes were furnished to confirm Mr. Hamilton a month ago—to be specific it was on the sixth day of February—and he has not taken his oath of office yet.

In making the plea to us then I am convinced that they were only joking, and I am wondering if they are joking this evening when they are further accusing us of obstructing the functions of government by not making the confirmations that we have been withholding. When are they joking and when are they in earnest?—that is the question.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and which were laid on the table:

SENATE BILL NO. 12, RETURNED BY THE GOVERNOR WITHOUT APPROVAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 21, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I return herewith, without my approval, Senate Bill No. 12, Printer's No. 27, entitled, An Act for the prevention of congenital syphilis providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child.

Without attempting to pass upon the merits of the intended purpose of this bill, I find therein serious defects which lead me strongly to oppose it in its present form.

As introduced in the Legislature, the bill contained a penalty for violations of its provisions, However, the Legislature passed the bill without the penalty provision. Accordingly, the bill would be unenforceable, with the result that there would be a complete lack of uniformity in its application.

The bill, therefore, can be considered as nothing more than expression of legislative opinion.

I am further persuaded in my decision not to approve this bill by reason of the fact that ample opportunity will still be afforded the present session of the General Assembly to put into a practicable and sound enactment their thought in this matter.

For these reasons the bill is not approved.

ARTHUR H. JAMES.

SENATE BILL NO. 13, RETURNED BY THE GOVERNOR WITHOUT APPROVAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 21, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I return herewith, without my approval, Senate Bill No. 13, Printer's No. 19, entitled, An Act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department

of Health and the clerk of the Orphans' Court of the various counties and imposing penalties.

This bill would prohibit the issuance of marriage licenses to persons infected with certain social diseases. As drawn, it does not apply to what is known as common law marriages.

Without entering into discussion at this time of the merits or demerits of such legislation, I find in the bill as enacted a defect which so seriously weakens it that I am unable to give it my approval.

The defect is as follows: The section imposing the penalty provides for a summary proceeding "before any justice of the peace or alderman of the county wherein such offense was committed." It will be noted immediately that the bill fails to note magistrates. Omission of the word "magistrates" raises sufficiently grave question whether this bill, if it became a law, could be enforced in the City and County of Philadelphia that I do not deem it proper for me to sign it in the present form.

Ample opportunity is afforded the present session of the General Assembly to re-enact this bill in such form as to assure that its purpose may be realized.

For these reasons the bill is not approved.

ARTHUR H. JAMES.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTED AS MEMBER OF STATE ART COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 24, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of Paul P. Cret, Philadelphia, Philadelphia County, as a member of the State Art Commission, until the third Tuesday of January, 1943 and until his successor shall have been appointed and qualified, vice Alexander J. Kostellow, whose term expired.

ARTHUR H. JAMES.

APPOINTMENT OF MEMBER TO EAST STROUDSBURG STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 24, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of Doctor Alexander J. Cassella, Main Street, Old Forge, Lackawanna County, as a member of the Board of Trustees of East Stroudsburg State Teachers College, for the term of four years, and until his successor is qualified, vice John J. McDonald.

ARTHUR H. JAMES.

NOTARIES PUBLIC

He also presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 549

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 549, entitled:

An Act to amend section nine of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "Pennsylvania National Guard Act" as amended, by increasing clothing allowances and requiring a report by commanding officers.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 574

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 574, entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordniary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine and providing for the payment of certain of the deficiency appropriations out of revenues of the fiscal biennial period beginning June first one thousand nine hundred thirty-nine

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 856

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 856, entitled:

An Act making a deficiency and emergency appropriation to aid certain school districts.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis), announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 28, entitled:

An Act to regulate the sale of sulfamilamide and its derivatives in the interest of public health.

House Bill No. 186, entitled:

An Act transferring money from the Fire Insurance Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

House Bill No. 364, entitled:

An Act making business records competent legal evidence under certain conditions, and making uniform the law with reference thereto.

House Bill No. 365, entitled:

An Act for the judicial notice of the laws of other jurisdictions and for proof thereof, and to make uniform the law with reference thereto.

House Bill No. 444, entitled:

An Act to amend section nine of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (P. L. 1050) entitled "An act creating and establishing a fund for the care, maintenance, and relief

of aged, retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" by changing the amount and method of contributions for and payment of death benefits.

House Bill No. 549, entitled:

An Act to amend section nine of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "Pennsylvania National Guard Act" as amended, by increasing clothing allowances and requiring a report by commanding officers.

House Bill No. 574, entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations for fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine and providing for the payment of certain of the deficiency appropriations out of revenues of the fiscal biennial period beginning June first one thousand nine hundred thirty-nine.

House Bill No. 856, entitled:

An Act making a deficiency and emergency appropriation to aid certain school districts.

House Bill No. 885, entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund to the transferred money.

House Bill No. 886, entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law, for the two fiscal years ending May thirty-first, one thousand nine hundred thirty-nine.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGE

JOINT RESOLUTION REGARDING SUSPENSION OF PRODUCTION OF BITUMINOUS COAL

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

Whereas, the present economic crisis in the Commonwealth has been seriously aggravated by a suspension in the production of bituminous coal; and

Whereas, this suspension has now continued for a period of almost three weeks and there is a grave uncertainty as to when the differences between the operators and the miners will be amicably adjusted; and

Whereas, the bituminous coal industry of this Commonwealth furnishes direct employment to 125,000 men and furnishes the main support for approximately 600,000 people and indirectly for thousands of other citizens of the Commonwealth; and

Whereas, the welfare of the people of this Commonwealth requires that the existing differences be speedily adjusted and it is the duty of everyone to unite and strive for the accomplishment of this end; and

Whereas, the Legislature of the Commonwealth of Pennsylvania representing all of its people realizes the necessity for rehabilitating the basic coal industry and has legislation pending in the General Assembly to aid it in regaining its former industrial position; and

Whereas, a continuation of the present lack of production will result in permanent harm to the future production of bituminous coal because of the use of substitute fuels; now therefore be it

Resolved (if the House of Representatives concur) that the General Assembly of the Commonwealth of Pennsylvania hereby urges the conferees representing the operators and miners to perform a patriotic duty in the interest of all the people and reconcile their differences immediately for the common good so that the production of bituminous coal may be resumed at an early date and the wheels of industry be kept turning; and further

Resolved, that a copy of this resolution be transmitted by telegraph by the Chief Clerk of the Senate to the conferees now meeting in the City of New York.

HOUSE CONCURS IN AMENDMENTS TO SENATE BILL NO. 34 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced,

He also informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 34, (House Bill No. 477), entitled:

An Act to further amend section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further regulating the incurring of temporary indebtedness and the repayment thereof

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 34, entitled:

An Act to further amend section five hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled: "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the incurring of temporary indebtedness and the repayment thereof.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 193, (Senate Bill No. 618), entitled:

An Act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class; providing for the appointment of members of the board of revision of taxes by the judges of the courts of common pleas; providing for the appointment by the board of personal property assessors, real estate assessors and assistant real estate assessors, clerks and other employes; fixing the salaries of members of the board assessors and assistant assessors and providnig for the payment of salaries and expenses from the county treasury; prescribing the powers and duties of the board and of the assessors, the time and manner of making assessments, of the revision and notice of assessments and of appeals therefrom; prescribing the records of assessments; and repealing existing laws.

Which was committed to the Committee on Finance.

House Bill No. 305, (Senate Bill No. 619), entitled:

An Act relating to fireworks; defining fireworks; prohibiting the sale, offering or exposing for sale and use of fireworks, except in certain cases; authorizing cities, boroughs, towns and townships to issue permits for fireworks displays and to regulate the same; imposing duties on the Pennsylvania Motor Police, sheriffs, police officers and constables; and providing penalties.

Which was committed to the Committee on Judiciary Special.

House Bill No. 439, (Senate Bill No. 620), entitled:

An Act to amend section one of the act approved the fourth day of April, one thousand nine hundred and twenty-five (P. L. 127), entitled "Adoption Law" as amended, by authorizing nonresidents to adopt persons within the Commonwealth, and validating certain adoption proceedings heretofore decreed.

Which was committed to the Committee on Judiciary General.

House Bill No. 487, (Senate Bill No. 621), entitled:

An Act to amend clause (a) of section one thousand two hundred and sixteen, as added to the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code" changing qualifications for sabbatical leaves of absence for certain employes of school districts.

Which was committed to the Committee on Education.

House Bill No. 527, (Senate Bill No. 622), entitled:

An Act to amend clause (g) as added to section one thousand one hundred and ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," removing the time limit within which all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways.

Which was committed to the Committee on Highways.

House Bill No. 553, (Senate Bill No. 623), entitled:

An Act to amend sections twenty-six and twenty-seven of the act approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "The Permanent Registration Act for Boroughs, Towns and Townships" by providing for the transfer of the registration of electors without personal appearance upon change of residence from a city of the third class to a borough, town or township in the same county; and authorizing the registration commission to amend the registers for such city accordingly.

Which was committed to the Committee on Elections.

House Bill No. 640, (Senate Bill No. 624), entitled:

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws eight hundred forty-four) entitled "An act authorizing the Commonwealth of Pennsylvania or any department or division thereof and counties cities boroughs incorporated towns townships school districts and poor districts to make contracts of life health and accident policies for the benefit of employes thereof and contracts for pensions for such employes and providing for the payment of the cost thereof" by further authorizing the making of such contracts and authorizing deductions from pay of employes

Which was committed to the Committee on Municipal Government.

House Bill No. 680, (Senate Bill No. 625), entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code" by changing the provisions for compulsory attendance and for enumeration of illiterate children and alien residents; changing provisions relating to employment of children; providing for the education of physically and mentally handicapped children, and for the care of uneducable children, and changing the provisions for the required number of days schools shall be kept open.

Which was committed to the Committee on Education.

House Bill No. 710, (Senate Bill No. 626), entitled:

An Act relating to unlawful practices in the procurement of retainers for attorneys.

Which was committed to the Committee on Judiciary General.

House Bill No. 772, (Senate Bill No. 627), entitled:

An Act to protect public health, safety and morals, and to promote the common welfare, by regulating the use and occupancy, reuse and re-occupancy, and the renting and re-renting for use and occupancy, of all buildings in cities of the first class planned in whole or in part for residential purposes, and any living quarters connected with a business or commercial establishment, by requiring the issuance of certificates of occupancy, and by requiring owners, agents and tenants to obtain such certificates of occupancy; conferring powers and imposing duties upon the Department of Public Health and upon the Department of Public Safety of cities of the first class; providing for inspections and inspection fees, and the institution of prosecutions for failure to obtain certificates of occupancy; imposing penalties; and repealing inconsistent acts or parts of acts.

Which was committed to the Committee on Municipal Government.

House Bill No. 851, (Senate Bill No. 628), entitled:

An Act to amend clause (c) of section twenty-nine of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "School Employes' Retirement Law" by eliminating the provisions requiring certain municipal officers, departments, bureaus and public utility corporations to make certain reports to the registration commission.

Which was committed to the Committee on Elections.

House Bill No. 927, (Senate Bill No. 629), entitled:

An Act to amend section three hundred and eight of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "County Institution District Law," providing for the issuance of bonds to fund notes or other floating debt or evidences of indebtedness of the institution district.

Which was committed to the Committee on County Government.

House Bill No. 929, (Senate Bill No. 630), entitled:

An Act to amend section four hundred thirteen, section five hundred ten as amended and sections six hundred and thirteen and seven hundred ten of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws 905), entitled "Vehicle Code," changing motor vehicles registration years fractions of registration years and operators license years.

Which was committed to the Committee on Highways.

House Bill No. 967, (Senate Bill No. 631), entitled:

An Act fixing leaves of absence for uniformed officers and men employed by cities of the first class as park guards.

Which was committed to the Committee on Municipal Government.

House Bill No. 972, (Senate Bill No. 632), entitled:

An Act providing that uniformed officers and men employed by cities of the first class as park guards shall be entitled to twenty-four consecutive hours of rest each week, except in emergency cases.

Which was committed to the Committee on Municipal Government.

House Bill No. 1166, (Senate Bill No. 633), entitled:

An Act to amend section four hundred and twelve of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "Pennsylvania Election Code" by vesting power in the commissioners of certain counties to fix the compensation of Judges of election, clerks and inspectors conducting primaries and elections.

Which was committed to the Committee on Elections.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 399

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, April 19, 1939.

Resolved (if the House of Representatives concur), That Senate Bill No. 399, (House Bill No. 576), entitled:

An Act to further amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-three (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," as amended, extending the time during which application may be filed for veterans' compensation.

be recalled from the Governor for the purpose of amendment.

HOUSE MESSAGE

RESOLUTION RECALLING HOUSE BILL NO. 483

He also presented an extract from the Journal of the House of Representatives, which was twice read, considered and agreed to.

In the House of Representatives, April 24, 1939.

Resolved, (if the Senate concur), That House Bill No. 483, Printer's No. 296, entitled:

An Act regulating the appointing or election of deputy controllers in cities of the second class A; and prescribing their powers and duties.

be recalled from the Governor for the purpose of amendment.

On the question,

Will the Senate concur in the resolution of the House?

It was concurred in.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

Mr. EDMONDS, from the Committee on Finance, reported as committed, Senate Bill No. 346, (House Bill No. 313), entitled:

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (Pamphlet Laws six hundred forty) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulaion of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by continuing the increased rate of tax for a further limited period of time and reducing the rate of tax after such limited period of time.

Mr. CHAPMAN, from the Committee on Finance, reported as amended, Senate Bill No. 350, (House Bill No. 317), entitled:

An Act to reenact and amend the title and the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (Pamphlet Laws, two hundred eight), entitled, as amended, "An act to provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment, collection, settlement and resettlement of taxes, and reviews and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State,

and county officers, boards, and departments; making an appropriation; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time; changing the method of ascertaining the net income of insurance companies, exempting title insurance companies; and making certain changes in the method of ascertaining taxable net income and in the insurance companies; and making certain changes in the procedure for the collection and adjustment of the tax.

Mr. DEITRICK, from the Committee on Finance, reported as committed, Senate Bill No. 348, (House Bill No. 315), entitled:

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (Pamphlet Laws two hundred ninety-two) entitled "An act to provide revenue by taxation" by increasing the rate of tax for a further limited period of time.

Mr. EALY, from the Committee on Finance, reported as committed, Senate Bill No. 349, (House Bill No. 316), entitled:

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time.

Mr. TALLMAN, from the Committee on Finance, reported as amended, Senate Bill No. 351, (House Bill No. 318), entitled:

An Act to reenact and amend the title and the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (Pamphlet Laws, four hundred fourteen), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds; prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as previously reenacted and amended by eliminating ground rents from list of taxable personal property, defining, clarifying and limiting certain exemptions, exempting from the taxes imposed by the said act property held by executors and administrators of the estates of nonresident decedents, property held by trustees for certain resident and nonresident religious, charitable or educational organizations and property held for nonresidents and foreign corporations under certain circumstances exempting loans issued by first class or non profit corporations from the tax imposed by section seventeen of said act and continuing the State personal property tax and the emergency rate of tax on scrip bonds, certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time.

Mr. WOODWARD, from the Committee on Finance, reported as committed, Senate Bill No. 345, (House Bill No. 312), entitled:

An Act to reenact and amend the title and the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six Pamphlet Laws thirteen) entitled "An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board" as previously reenacted and amended by extending the provisions thereof for a further limited period of time.

Mr. RICE, from the Committee on Finance, reported as committed, Senate Bill No. 352, (House Bill No. 317), entitled:

An Act to reenact and amend the title and the act approved the fourteenth day of June one thousand nine hundred thirty-five (Pamphlet Laws three hundred forty-one) entitled as amended "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties" as previously reenacted and amended by extending the provisions of the act for a further limited period of time.

Mr. CHAPIO, from the Committee on Finance, reported as amended, Senate Bill No. 344, (House Bill No. 575), entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State Government during the two fiscal years beginning the first day of June, one thousand nine hundred thirty-nine, evidenced by tax anticipation notes secured by and payable from current revenues, levied, assessed, collectible and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation.

Mr. OWLETT, from the Committee on Municipal Government, re-reported as amended, Senate Bill No. 278, (House Bill No. 38), entitled:

An Act to amend Sections Three, Four, Five, Nine and Eleven of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (Pamphlet Laws four hundred sixty-three), entitled (as amended), "An Act providing for the incorporation, as bodies corporate and politic, of 'Authorities' for municipalities, counties, and townships; defining the same; prescribing the rights, powers and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," as amended, by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation regulating the publication of such resolutions and ordinances by including

waterworks water distribution systems and parts of sewer systems as projects by authorizing the municipalities to limit the projects to be undertaken by an Authority by authorizing a longer term for the bonds issued by an Authority avoiding competition with existing enterprises and by including waterworks water supply works water distribution systems and parts of sewer systems as facilities which may be transferred to an Authority by any owner in addition to the Commonwealth and the political subdivision thereof and authorizing authorities to acquire water and water rights to the approval of the Water and Power Resources Board.

Mr. CAVALCANTE, from the Committee on Finance, reported as committed, Senate Bill No. 347, (House Bill No. 314), entitled:

An Act to further amend the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies limited partnerships associations joint-stock associations copartnerships and persons.

Mr. EALY from the Committee on Executive Nominations reported with a favorable recommendation the following nominations, made by His Excellency, the Governor, of the Commonwealth:

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 22, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of Olaf J. Pedersen, 21 North Greene Street, East Stroudsburg, Monroe County, as a member of the Board of Trustees of Farview State Hospital, for the term of four years and until his successor is qualified, vice Edward J. Healey, Jr.

ARTHUR H. JAMES.

MEMBER OF BOARD OF TRUSTEES OF EAST STROUDSBURG STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 24, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of Doctor Alexander J. Cassella, Main Street, Old Forge, Lackawanna County, as a member of the Board of Trustees of East Stroudsburg State Teachers College, for the term of four years, and until his successor is qualified, vice John J. McDonald.

ARTHUR H. JAMES.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, April 24, 1939, by His Excellency, the Governor of the Commonwealth, together with nominations just reported from Committee.

Mr. MALLERY. Mr. President I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 24, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

ALLEGHENY COUNTY

James Shaughnessy, Pittsburgh, 535 Court House, April 30, 1939.

YORK COUNTY

Morgan Carnes, Lower Windsor Twp., Craley, May 8, 1939.

PHILADELPHIA COUNTY

Ralph M. Reeve, Phila., 510 Walnut Street, May 14, 1939.
Miss Mary F. Tempest, Phila., 1218 Chestnut Street, May 14. 1939.
Miss Sylvia R. Blasband, Phila., 502 Bankers Securities Bldg., May 21, 1939.
H. G. Gleeson, Phila., 7055 Frankford Avenue, May 25, 1939.

YORK COUNTY

Mrs. Gladys R. Gable, Dallastown, May 26, 1939.

ALLEGHENY COUNTY

A. J. Justus, Pittsburgh, Gulf Bldg., May 29, 1939.

PHILADELPHIA COUNTY

Louis Grallnick, Phila., 330 Market Street, May 29, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 24, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Melody Forgeson, Pittsburgh, 1078 Union Trust Bldg.
Oswald J. Unger, Pittsburgh, 400 Lexington Avenue.

CAMBRIA COUNTY

Miss Rita H. Ruhé, Johnstown.

DELAWARE COUNTY

Robert J. Owens, Media.

LEHIGH COUNTY

Paul C. Bertelson, Allentown.

LUZERNE COUNTY

Mrs. E. V. Smith, Ashley.

MONTGOMERY COUNTY

Mrs. Ethel S. Mark, Norristown.

NORTHAMPTON COUNTY

Miss Laurita Johnston, Easton.

PHILADELPHIA COUNTY

Miss Eleanor E. Ellis, Phila., 1501 Walnut Street.
David Fittingoff, Phila., 313 Lewis Tower.
T. Edwin Harvey, Phila., The Fidelity Mutual Life Insurance Co., The Parkway at Fairmount Avenue.
Miss Rena Imber, Phila., 1515 Integrity Building, 1528 Walnut Street.
Charles F. Larrisey, Phila., 2832 "A" Street.
Herman Toll, Phila., 501 Phila. Saving Fund Building.

YORK COUNTY

Miss Elizabeth A. Hunt, York.
Davis R. Steward, Springettsbury Twp., The McKay Co., Grantley Road, York.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. SCARLETT

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. SCARLETT.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Gilson,	McCreesh,	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Heyburn,	Miller,	Stiefel,
Deitrick,	Homsher,	Mundy,	Tallman,
Dent,	Jacobs,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe,	Kunkel,	Ruth,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. SCARLETT. Mr. President, I second the motion.

The motion was agreed to.

BILLS INTRODUCED

Mr. FARRELL read in his place and presented to the Chair Senate Bill No. 634, entitled:

An Act to amend section one of the act, approved the fifth day of August, one thousand nine hundred and thirty-two (P. L. 45), entitled "An act empowering cities of the first and second class to levy, assess and collect, or to provide for the levying, assessment and collection of, certain additional taxes for general revenue purposes; authorizing the establishment of bureaus, and the appointment and compensation of officers and employes to assess and collect such taxes; and permitting penalties to be imposed and enforced," by eliminating the provisions thereof, limiting the power of cities of the first and second class to impose taxes only on subjects not taxed by the Commonwealth.

Which was committed to the Committee on Municipal Government.

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 635, entitled:

An Act to amend section seventeen of the act approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 955), entitled "An act to promote public health, safety, morals, and welfare by declaring the necessity of creating public bodies, corporate and politic, to be known as housing authorities to engage in slum clearance, and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercise of such powers, including the acquisition of property by purchase, gift or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds, and other obligations, and giving security therefor; prescribing the remedies of obligees of housing authorities; authorizing housing authorities to enter into agreements, including agreements with the United States, the Commonwealth, and political subdivisions and municipalities thereof; defining the application of zoning, sanitary, and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from axation; and imposing duties and conferring powers upon the State Board of Housing, and certain other State officers and departments;" providing that bonds of an authority may be additionally secured by a pledge of Federal grants or contributions; and declaring bonds of an authority negotiable instruments, proper for legal investments and free from taxation.

Which was committed to the Committee on Public Health.

He also read in his place and presented to the Chair Senate Bill No. 636, entitled:

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance, and protesting of bills, notes, drafts, checks, and other negotiable paper on such days," by authorizing certain additional bank holidays.

Which was committed to the Committee on Banking.

Mr. MILLER read in his place and presented to the Chair Senate Bill No. 637, entitled:

An Act prohibiting the removal of mineral deposits from tracts of land prior to the payment of all delinquent taxes, including those of the next preceding fiscal year; and providing remedies and penalties.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 638, entitled:

An Act prohibiting the removal of mineral deposits from tracts of land prior to the payment of taxes of the next preceding fiscal year; and providing remedies and penalties.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 639, entitled:

An Act making an appropriation to the Wilkes-Barre General Hospital, Wilkes-Barre, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. HEYBURN read in his place and presented to the Chair Senate Bill No. 640, entitled:

An Act to amend paragraph (a) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county board of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," changing the definition of dependent children.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

He also read in his place and presented to the Chair Senate Bill No. 641, entitled:

An Act providing for the return of escaped prisoners and convicts after apprehension, to the penitentiary or institution from which they escape, by the agents of the Department of Justice or the Pennsylvania Motor Police, and requiring the penitentiary or institution to defray the expenses thereof.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

He also read in his place and presented to the Chair Senate Bill No. 642, entitled:

An Act to further amend Section 41 of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports, and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decendents," by making further provision for the investment of trust funds in interest-bearing deposits.

Which was committed to the Committee on Banking.

He also read in his place and presented to the Chair Senate Bill No. 643, entitled:

An Act to amend section one of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1182), entitled "An act providing the procedure and the powers of the State Board of Pardons and boards of trustees of penitentiaries where prisoners released on parole violate the terms of such parole; and fixing the penalty for such violation," as amended, requiring the agents of the Department of Justice or the Pennsylvania Motor Police to return parole violators after their apprehension, the expenses incurred by such agents to be borne by the penitentiary.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

Mr. SCARLETT read in his place and presented to the Chair Senate Bill No. 644, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highway conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Chester.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 645, entitled:

An Act to further amend route one hundred thirty-one established by section six of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and dening same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authoroity on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads

forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act."

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 646, entitled:

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth," establishing an additional route in the borough of Avondale.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 647, entitled:

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth," establishing an additional route in the Borough of West Grove.

Which was committed to the Committee on Highways.

Mr. SHAPIRO read in his place and presented to the Chair Senate Bill No. 648, entitled:

An Act to further amend section one of the act, approved the nineteenth day of June, one thousand nine hundred eleven (P. L. 1055), entitled "An act authorizing the releace on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," permitting the release on parole of persons convicted of other crimes than those to which parole was heretofore restricted.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

Mr. JASPAN, by request, read in his place and presented to the Chair Senate Bill No. 649, entitled:

An Act to provide and extend the civil rights for all people regardless of race, color, creed, political or religious belief, membership in a labor or tenants' organization, or participation in a landlord-tenant or labor dispute, by prohibiting discrimination for such reasons in the renting, leasing, or full and equal enjoyment of any and all dwelling accommodations with incidental facilities and advantages; providing penalties for the violation thereof and repealing acts or parts of acts inconsistent therewith.

Which was committed to the Committee on Judiciary General.

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 650, entitled:

An Act providing for the removal from public office of any public officer who refuses to disclose the source of his income other than the lawful salary of his office, or who cannot satisfactorily explain the source thereof.

Which was committed to the Committee on Judiciary General.

Mr. CROWE, by request, read in place and presented to the Chair Senate Bill No. 651, entitled:

An Act to establish as State highways certain sections of public roads in the counties of Westmoreland and Somerset, and providing for their construction and maintenance at the expense of the Commonwealth.

Which was committed to the Committee on Highways.

Mr. DANDO read in his place and presented to the Chair, Senate Bill No. 652, entitled:

A Supplement to act No. 63-A, approved the fourth day of May, one thousand nine hundred and twenty-seven (Appropriation Acts, page 44), entitled "An act making an appropriation to the Board of Trustees of the Coaldale State Hospital," making an appropriation to the Department of Welfare for the payment of certain claims arising out of contracts made to carry out the provisions of said act.

Which was committed to the Committee on Appropriations.

Mr. McGINNIS read in his place and presented to the Chair, Senate Bill No. 653, entitled:

An Act making an appropriation to the Saint John's General Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. DENT, by request read in his place and presented to the Chair, Senate Bill No. 654, entitled:

An Act to amend section one of the act, approved the eighteenth day of April, one thousand nine hundred five (P. L. 212), entitled "An act for the better regulation of public pool-rooms, billiard-rooms, bowling and tenpin alleys in the Commonwealth of Pennsylvania," as amended, extending the provisions of said act to persons operating public pool-rooms, billiard-rooms, bowling-saloons and tenpin alleys.

Which was committed to the Committee on Law and Order.

He also, by request read in his place and presented to the Chair, Senate Bill No. 655, entitled:

An Act to amend section nineteen of the act, approved the tenth day of April, one thousand eight hundred and forty-nine (P. L. 570), entitled "An act to create a sinking fund, and to provide for the gradual and certain ex-

tinguishment of the debt of the Commonwealth," requiring persons operating pool rooms to be licensed by the county treasurer.

Which was committed to the Committee on County Government.

He also read in his place and presented to the Chair, Senate Bill No. 656, entitled:

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," by adding certain new routes in Westmoreland County.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair, Senate Bill No. 657, entitled:

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwelath in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by adding certain new routes in Westmoreland and Armstrong counties.

Which was committed to the Committee on Highways.

Mr. EROE read in his place and presented to the Chair, Senate Bill No. 658, entitled:

An Act to amend section one thousand one hundred forty-seven of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by extending the power to accept roads, streets, lanes and alleys dedicated as public highways.

Which was committed to the Committee on Highways.

Mr. HOMSHER read in his place and presented to the Chair, Senate Bill No. 659, entitled:

An Act to add section four hundred and twelve to article four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," authorizing school districts to enter into agreements with universities and colleges for the conduct of extension education.

Which was committed to the Committee on Education.

He also read in his place and presented to the Chair Senate Bill No. 660, entitled:

An Act to amend section four of the act, approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State," as amended, giving school districts power to enter into contract with public institutions of higher learning for the conduct of classes and to compensate such institution therefor, and providing for a partial reimbursement of such moneys from State and Federal funds.

Which was committed to the Committee on Education.

Mr. WOLFENDEN read in his place and presented to the Chair Senate Bill No. 661, entitled:

An Act for the prevention of congenital syphilis; providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children; imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child, and imposing penalties.

Which was committed to the Committee on Public Health.

He also read in his place and presented to the Chair Senate Bill No. 662, entitled:

An Act regulating the issuance of marriage licenses; prohibiting the issuance thereof to persons infected with syphilis in certain stages; requiring each applcant to produce certain evidence of freedom from such disease; imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties.

Which was committed to the Committee on Public Health.

MOTION THAT BILLS ON THIRD READING GO OVER IN ORDER

Mr. OWLETT. Mr. President, I move that bills on third reading Calendar, go over in order.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensd with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 282, (House Bill No. 354), entitled:

An Act to amend clause (d) as added to section twenty-one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" requiring certification of verdicts and judgments entered in orphans' court to the prothonotary and the filing docketing and indexing the same by him

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 305, (House Bill No. 374), on second reading, entitled:

An Act to amend section three of article one, and section forty of article four of the act, approved the twentieth day of June, one thousand nine hundred nineteen (P. L. 521), entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; defining and taxing transfers made in contemplation of death; defining as a transfer and taxing the right of survivorship in property as to which such right exists; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefor; and providing for the repayment of taxes paid in excess of amount due on future estates.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensd with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 306, (House Bill No. 376), entitled:

An Act to add paragraph four to clause (a) of section forty-one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases, and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended, by permitting fiduciaries holding mortgages to accept deeds in lieu of foreclosures; and prescribing the effect thereof.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 342, (House Bill No. 373), on second reading, entitled:

An Act declaring valid provisions in wills and trusts instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 394, (House Bill No. 363), on second reading, entitled:

An Act to amend section six of the act approved the twelfth day of May, one thousand nine hundred and twenty-five, (P. L. 603), entitled "An act concerning conditional sales and to make uniform the law relating thereto," by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 427, (House Bill No. 375), on second reading, entitled:

An Act to amend paragraph (c) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended by permitting foreign fiduciaries representing the estates of decedents, minors and legal incompetents, to foreclose on mortgages, to enter judgment on mortgage bonds, to sell the property bound thereby, to take title to property so sold, and to resell such property.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Philadelphia, Dr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I will.

Mr. SHAPIRO. Mr. President, the next bill is Senate Bill 456, which is an amendment to the constitution. I understand since it was originally introduced it was amended to limit graduated income taxes to six per cent.

Mr. WOODWARD. That is correct, Mr. President.

Mr. SHAPIRO. Mr. President, will the Senator from Philadelphia permit the bill to go over in order, so that we may discuss that question.

Mr. WOODWARD. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 456, on second reading, entitled.

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 543, entitled:

An Act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Borad of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties

The first section of the bill was read as follows and agreed to.

Section 1 In order to more efficiently and equitably assess and value persons property and subjects of taxation for county purposes in counties of the second class and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations there is hereby created in such counties a board to be known as the "Board of Property Assessment Appeals and Review" hereinafter referred to as the "board"

The second section of the bill was read as follows:

Section 2 (a) The Board of Property Assessment Appeals and Review shall consist of seven members shall be citizens of this Commonwealth and all of whom shall have been residents of the county for at least ten years next prior to his appointment and four of whom shall have not less than five years' practical experience as a registered real estate broker or real estate appraiser or assessor one of whom shall have not less than five years' practical experience in securities transactions necessitating a knowledge of the values of stocks bonds and other securities one of whom shall have not less than five years' practical experience as a building construction engineer or civil engineer and the seventh of whom shall have not less than five years' experience as a practicing attorney-at-law or registered real estate broker or real estate appraiser or assessor.

(b)The members of the board shall be appointed by the county commissioners The members required to have not less than five years' experience as a practicing attorney-at-law or registered real estate broker or real estate appraiser or assessor shall be appointed or nomination of the court of common pleas of the county and in the event that there are within the county one or more cities of the second class two of the members required to have not less than five years' practical experience as a registered real estate broker or real estate appraiser or assessor and the member required to have not less than five years' practical experience as a building construction engineer or civil engineer shall be appointed on the nomination of the mayor or mayors of such city or cities acting jointly if more than one

(c) The terms of the members first appointed shall begin on the first Monday of January one thousand nine hundred and forty-two Of such members first appointed the member to be appointed on the nomination of the court of common pleas one of the members to be appointed on the nomination of the mayor or mayors of the city or cities of the second class if any and one of the members to be appointed without nomination shall be appointed for terms of six years one of the members to be appointed on the nomination of the mayor or mayors of the city or cities of the second class if any and one of the members to be appointed without nomination shall be appointed for terms of five years and the two remaining members shall be appointed for terms of four years Thereafter all appointments to fill vacancies happening by the expiration of a term shall be for terms of six years All appointments to fill vacancies happening in any manner other than by the expiration of a term shall be filled for the unexpired term only In each case whether or not the vacancy happens by the expiration of a term the appointement shall be made subject to the same requirements as in the case of the member whose vacancy is to be filled

(d) The board shall organize on the first Monday of January one thousand nine hundred and forty-two and on the first Monday of January every third year thereafter or as soon after such days as possible by electing one of its members as chairman and one as vice-chairman who shall also serve as secretary of the board Both the chairman and the vice-chairman shall be members who have not less than five years' practical experience as registered real estate brokers or real estate appraisers or assessors Each member of the board shall give bond in such amount and with surety or sureties as the county commissioners shall approve conditioned for the faithful performance of his duties as a member of the board The chairman of the board shall receive an annual salary of eight thousand dollars ($8,000) the vice-chairman shall receive an annual salary of seven thousand dollars ($7,000) and each of the other members shall receive an annual salary of six thousand dollars ($6,000)

(e) All of the members of the board as well as all persons employed by them under the provisions of this act shall devote their entire time to the duties of their office or employment and shall not hold any other remuneration office or position nor be engaged in any other business outside of his position as a member or employe of the board

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I move to amend Sec. 2, page 2, line 4, by inserting after the word "members" the following: S who; amend Sec. 2, page 2, line 17 by striking out the words "or registered real estate broker or real"; amend Sec. 2, page 2, by striking out all of line 18; amend Sec. 2, page 2, line 20, by striking out the word "members" and inserting in lieu thereof the word S member; amend Sec. 2, page 2, line 22 by striking out the words "or registered real estate broker or real estate"; amend Sec. 2, page 2, line 23 by striking out the words "appraiser or assessor"; amend Sec. 2, page 3, line 4, by inserting after the word "one" the following: S "The remaining three members shall be directly appointed by the County Commissioners, subject to the qualifications of this act".

Mr. HEYBURN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third, fourth, fifth and sixth sections of the bill were read as follows and agreed to:

Section 3 The board shall appoint to serve at its pleasure such number of subordinate and special assessors and such number of clerks stenographers and other employes as the board shall deem requisite The salaries or compensation of all employes of the board shall be fixed by the salary board of the county and together with the salaries of the members of the board shall be paid out of the county treasury When acting on the salary or compensation of any employe of the board the chairman of the board shall sit as a member of the salary board All person appointed by the board shall be qualified according to standards not inconsistent with the provisions of this act adopted by the board and pursuant to such oral and written examinations as the board shall prescribe

The board shall by majority vote reject any proposed employes who in the opinion of the board are not qualified according to the standards and provisions of this act and pursuant to such oral or written examinations as the board shall prescribe The board shall by majority vote demote or discharge any employes in the department who in the opinion of the majority of the board are deserving of such promotion demotion or discharge No employe of the Board of Property Assessment Appeals and Review shall be permitted to hold any political office.

Section 4 The Board of Property Assessment Appeals and Review shall have power and its duty shall be

(a) To make and supervise the making of all assessments and valuations of all subjects of taxation in the county as required by existing law

(b) To revise and equalize all such assessments and valuations

(c) To hear all cases of appeals from assessments and all complaints as to assessments errors exonerations and refunds

(d) To pass upon and determine the amount of property of any organization or institution which is under the provisions of existing law entitled to exemption from taxation

(e) To establish and maintain in its office records of cubical contents of buildings surveys maps sales and assessments and with the exception of the cubical contents records and sales records to permit inspection thereof by the public at all times during office hours

(f) To perform and exercise all the powers and duties heretofore imposed or conferred upon the board for the assessment and revision of taxes in counties of the second class under the provisions of any existing law not repealed hereby

(g) To perform and exercise such other powers and duties as may be conferred or imposed upon it by the provisions of this act or any other act of Assembly

Section 5 The board shall establish and maintain in its office a register which shall show the present assessment of all property in the county both real and personal and from time to time as the same are made all additions thereto and changes thereof together with the signature of all persons responsible for any changes in the assessment or valuation of any such property and the reasons for any such changes

Section 6 It shall be the duty of the recorder of deeds in each county of the second class to keep a daily record separate and apart from all other records of every deed or conveyance of land in said county entered in his office for recording which record shall set forth the following information to wit The date of the deed or conveyance the names of the grantor and grantee the consideration mentioned in the deed the location of the property as to city borough ward town or township the acreage of the land conveyed if mentioned and if the land conveyed be a lot or lots on a recorded plan the number or numbers by which the same may be designated on the plan if mentioned in the deed It shall be the further duty of the recorder on the first Monday of each month to file the aforesaid daily record in the office of the board together with his certificate appended thereto that such record is correct The recorder of deeds shall charge and collect from the person presenting a deed of conveyance for record the sum of fifteen cents (15c) when it contains but one description of land and ten cents (10c) for each additional description therein described which sum shall be in full compensation for his services under this act

The seventh section of the bill was read as follows:

Section 7 The board may divide the county into three districts as nearly equal as possible in subjects of taxation and may provide that triennial assessment shall be made each year but for only of such three districts during any one year In order to inaugurate such system a triennial assessment may be made for the first district during the year immediately following one in which a triennial assessment was made for the county as a whole and a triennial assessment may be made for the second district during the second year following one in which a triennial assessment was made for the county as a whole

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I move to amend Sec. 7, page 7, line 27 by inserting after the word "only" the following: S one.

Mr. HEYBURN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The eighth, ninth and tenth sections of the bill were read as follows and agreed to:

Section 8 The proper assessors shall make the assessment and valuations of all subjects of taxation within their respective districts as provided by existing law and in doing shall view all taxable property in their district The assessors shall make a personal house-to-house canvass of their district in order that such lists of persons may be accurate and correct in so far as it is possible to so make them A list of all persons shall not be required to be made yearly but triennially in the year immediately preceding the regular triennial assessment Any assessor who shall fail to make such assessments and lists in the manner herein provided or who shall knowingly and wilfully make any false assessment shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and in default of the payment of such fine and costs to undergo an imprisonment not exceeding six (6) months

Section 9 The assessors shall make such assessments of subjects of taxation each year preceding the triennial assessment in such counties and shall file the same with the board on or before the first Monday of September of such year Assessment of occupation after being once fixed shall not be changed during the triennium except by the board upon the appearance and affidavit of the taxpayer The assessor shall in the year immediately preceding the regular triennial assessment make occupational assessments for all of those in his territory who have become of age since the creation of the last assessment and all of those who have moved into the territory since the creation of the last assessment

Section 10 The board shall as provided by this act and by the provisions of existing law examine and revise the assessments and valuations increasing or decreasing the same as in their judgment may seem proper and shall add

thereto such property or subjects of taxation as may have been omitted

After such revision the board shall by rule fix convenient times for the hearing of appeals from said assessments and valuations and after the hearing of said appeals and the making of whatever changes may be considered proper the valuations as so ascertained and revised unless changed in the manner hereinafter provided or as provided by existing law shall stand as the valuations for the assessments of all county and institution district taxes and for such other political subdivisions as levy their taxes on county assessments and valuations in the county until the next triennial assessment Provided That all taxes levied for the year one thousand nine hundred and forty-two or any fiscal year commencing during the year one thousand nine hundred and forty-two shall be levied and assessed on assessments and valuations made as heretofore provided by law

The eleventh section of the bill was read as follows:

Section 11 When the triennial assessments shall be fixed either for the whole county or in districts thereof notice of that fact shall be given by publication in at least two newspapers of general circulation in the county of the time when appeals will be heard and a copy of the assessments made in boroughs and townships shall be placed in some public place in each such borough or township by the assessor The board shall adopt rules and regulations governing the right to and the holding of appeals and the practice and procedure thereat Such rules and regulations shall become effective only after public notice thereof as herein required in the case of notices of triennial assessments After the hearing of appeals the board shall take such action in regard thereto as may be right and proper

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I move to amend Sec. 11, page 10, line 18 by inserting after the word "proper" the following: S and give due notice to the appellant by registered mail.

Mr. HEYBURN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The twelfth section of the bill was read as follows:

Section 12 After action on such assessments by the board any taxpayer dissatisfied with the assessment of his property may appeal therefrom to the court of common pleas of the county within thirty (30) days from the date of notice of the assessment as provided by existing law and it shall be the duty of the court to hear and determine said appeal and if necessary to make such changes in the assessment as may be right and proper The action of the court thereon shall be final Only one such appeal may be taken during the period of any triennial assessment unless the assessed valuation of the property has been changed during such period Any such appeal may affect the amount of taxes which have been paid before such appeal was taken

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I move to amend Sec. 12, page 10, line 22 by striking out the words S "thirty (30)" and inserting in lieu thereof sixty (60).

Mr. HEYBURN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The thirteenth, fourteenth, fifteenth, sixteenth, seventeenth and eighteenth sections of the bill were read as follows and agreed to:

Section 13 The proper assessors shall between the triennial assessments revise any assessment or valuation according to right and equity by correcting errors and by adding thereto any property or subjects of taxation which may have been omitted or any new property or subjects of taxation which may have come into being since the last triennial assessment

They shall also add thereto the names of any persons who may have moved into such district and strike therefrom the names of any persons who have removed from such districts since the last triennial assessment

The proper assessors shall also revise assessments and valuations between the triennial assessments by increasing or decreasing the same where the value of the property or subjects of taxation assessed or valued has changed by reason of any change of conditions thereon or adjacent thereto or in the vicinity thereof or for the reason that the property assessed or valued has been subdivided or laid out into a plan of lots or other subdivisions or for the reason that improvements have been placed thereon or added thereto or for the reason that any public or other improvement has been made adjacent thereto or in the vicinity thereof or for the reason that the assessor and the majority of the board decides that the assessor erred in the value which he placed on the property or subjects of taxation when making the triennial assessment or where for any other reoson whatsoever the value of the property has changed and it seems to the board necessary and equitable to make a change in the valuation thereof The assessors shall also between the triennial assessments in all cases where it is apparent that any assessment is not in accord with the generality or uniform standard of assessment revise and correct the same by increasing or decreasing the same where the value of the property or subjects of taxation assessed do not conform to the generality or uniform standard of assessments

All assessments required to be made by the proper assessors in the year between the triennial assessment shall be returned to the board not later than the first Monday of September of the year preceding the one for which it is made

Section 14 At any time before such date any taxable person may apply to the board for the re-assessment of any subject of taxation which he considers incorrectly assessed or as to which he considers himself entitled to a change in valuation or to have mechanical or transcribing errors corrected

Section 15 At least thirty (30) days' written notice shall be given to any taxable person whose assessment shall be changed between triennial assessments setting forth any change which has been made and the time and place set for hearing objections thereto

Such notice shall be served by the board or any member thereof or by any assessor or by any other person authorized so to do by the board upon said taxable person if he or she can be found in the county or may be mailed to him or her or served upon an adult person residing upon the property in question in case the taxable person cannot be found in the county

When no service is made upon the taxable person or upon an adult person residing upon the property assessed said notice shall be deemed to have been properly served if tacked or conspicuously posted upon the property assessed and a copy thereof mailed to the last known address of the taxable person

No defect in service of any such notice shall be sufficient ground for setting aside any assessment so made but upon proof thereof being made the taxable person shall have the right to a rehearing before the board relative to said assessment and to appeal therefrom to the court of common pleas as hereinafter provided

Section 16 After the hearing of any objections to any change made or to the failure to make any change to

which any taxable person considers himself entitled and the making of any changes that may be deemed proper the valuation as so ascertained shall unless changed in the manner herein provided or as provided by existing law stand as the valuation for the assessments for county and institution district taxes and for such other political subdivisions as levy their taxes on county assessments and valuations in such county until the next triennial assessment Provided That all taxes levied for the year one thousand nine hundred and forty-two or any fiscal year commencing during the year one thousand nine hundred and forty-two shall be levied and assessed on assessments and valuations made as heretofore provided by law

Section 17 Any taxable person dissatisfied with changes made in any assessment or with the failure to make any change to which he considers himself entitled in the years between the triennial may within thirty (30) days after the final fixing of the same appeal to the court of common pleas of said county and it shall be the duty of the court at once to hear and determine said appeal and if necessary make such changes therein as may be right and proper The action of the court thereon shall be final

Section 18 No appeal taken from any such assessments shall affect the validity of any taxes assessed but if such assessment shall thereafter be reduced an exoneration shall be granted or restitution ordered for the excess of taxes paid by reason of any improper increase in the assessment

The nineteenth section of the bill was read as follows:

Section 19 Any taxpayer may at any time during office hours have access to the records of taxable property and be permitted to copy therefrom a list of his taxable property

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I move to amend Sec. 19, page 14, line 25 by striking out the word S "his".

Mr. HEYBURN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The twentieth, twenty-first, twenty-second and twenty-third sections of the bill were read as follows and agreed to:

Section 20 On the first Monday of January one thousand nine hundred and forty-two the terms of all members of the board for the assessment and revision of taxes and of all subordinate assessors and clerks employed by the board in counties of the second class shall cease and terminate and the board for the assessment and revision of taxes as now constituted in counties of the second class is hereby abolished On said date all books records maps plans equipment and supplies in the possession of the board for the assessment and revision of taxes shall be turned over and delivered to the Board of Property Assessment Appeals and Review created by this act

Section 21 Except where inconsistent therewith this act does not repeal any of the provisions of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 853) entitled "An act relating to taxation designating the subjects property and person subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" or its amendments

Section 22 The act approved the twenty-second day of July one thousand nine hundred and nineteen (Pamphlet Laws 1093) entitled "An act creating in counties having a population of from eight hundred thousand to one million five hundred thousand a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners fixing their salaries payable by the county defining the powers and duties of such board and regulating the assessment of property and occupations for State and county purposes authorizing the appointment of subordinate assessors and clerks defining their duties and providing for their compensation payable by such counties imposing a penalty on subordinate assessors for failure to comply with certain provisions of this act and abolishing the office of ward borough and township assessor in so far as respects the assessment of property and occupations for State and county purposes" and its amendments are hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

Section 23 The provisions of this act shall become effective on the first Monday of January one thousand nine hundred and forty-two

The title of the bill was read as follows and agreed to:

An Act providing for and regulating the assessment and valuation of all subjects o taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The Rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 544, as follows:

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class by providing that city taxes within such territorial limits shall be assessed levied and collected upon the basis of the county assessments imposing duties on county taxing authorities abolishing the department of assessors in cities of the second class and transferring certain property to county taxing authorities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All city taxes in cities of the second class to be levied and assessed for the year one thousand nine hundred and forty-three and subsequent years shall be levied and assessed on the real estate and personal property as contained in the assessments made for county tax purposes for said year It shall be the duty of the proper county taxing authorities to assess all property in cities of the second class whether real or personal taxable under any general special or local law for city purposes to designate real property or parts hereof or property thereon not taxable for city purposes and to classify all real property in such cities in such manner and upon such testimony as may be adduced before them so as to distinguish between the buildings on land and the land exclusive of the buildings It shall be the further duty of such county taxing authorities to furnish annually on or before the first day of November to the city controller of said cities and to the board of school directors of the school districts coterminous therewith a properly certified duplicate of the last adjusted valuation of all property taxable for county purposes and for city purposes within the territorial limits of said cities excepting only such assessments of intangible personal property as shall not be subject to the payment of city or school taxes

Section 2 The department of assessors in cities of the second class is hereby abolished as of the first day of January one thousand nine hundred and forty-two and all books records maps and plans in its possession shall be turned over and delivered to the county taxing authorities for their use

Section 3 Article six of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" and its amendments are hereby repealed except in so far as it confers powers and imposes duties on the councils of such cities

All other acts and parts of acts inconsistent herewith are hereby repealed

Section 4 The provisions of this act shall become effective on the first day of January one thousand nine hundred and forty-two

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. COLEMAN. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 265, (House Bill No. 383), on third reading, page 1 of the Calendar.

Mr. JASPAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. EDMONDS. Mr. President, I should like to interrogate the Senator from Lackawanna, Mr. Coleman.

The PRESIDENT. Will the Senator from Lackawanna permit himself to be interrogated?

Mr. COLEMAN. Mr. President, I will.

Mr. EDMONDS. Mr. President, I understand that this bill relates only to the City of Scranton?

Mr. COLEMAN. That is correct, Mr. President.

Mr. EDMONDS. I also understand it does not add anything to the local cost of the budget of the City of Scranton, is that correct?

Mr. COLEMAN. That is correct, Mr. President.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 265, (House Bill No. 383), entitled:

An Act to amend the title and the act approved the sixteenth day of May, one thousand nine hundred and thirty-five (Pamphlet Laws 176) entitled, "An act requiring cities of the second and third class to allow members of the police departments, twenty-four consecutive hours of rest each week, and fourteen days vacation, each year, except in emergency cases," extending the provisions of said act to cities of the second class A.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Gilson,	McCreesh	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Heyburn,	Miller,	Stiefel,
Deitrick,	Homsher,	Mundy,	Tallman,
Dent,	Jacobs,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe,	Kunkel,	Ruth,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Mr. CHAPMAN. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 518, on third reading, page 3 of the Calendar, for the purpose of amendment.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 518, as follows:

An Act to further amend section one and a part of section two of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" changing the membership of the board and the functions of the Secretary of Health with reference thereto requiring audits by the Auditor General and reports of the activities of the board and increasing the maximum amount that may be expended for burial of unclaimed bodies unfit for anatomical purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one and the third paragraph of section two of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet laws 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" as last amended by sections one and two respectively of the act approved the twenty-second day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 411) are hereby further amended to read as follows

Section 1 The professors associate professor and assistant professors in the department of anatomy [the professors of surgery and of pathology of the] the head of the department of surgery and the head of the department of pathology of each medical and dental [schools and the] school and each medical and dental [colleges] college of this Commonwealth which [are] is now or may hereafter become incorporated and the Secretary of Health of this Commonwealth shall be and hereby are constituted a board for the distribution and delivery of dead human bodies hereinafter described to and among such institutions and persons as under the provisions of this act are entitled thereto

The said board shall have full power to establish rules and regulations for its government and to appoint and remove proper officers except that the Secretary of Health shall always be a member of the executive committee of said board and shall keep full and complete minutes of its transactions and records shall also be kept under its direction of all bodies received and distributed by said board and of the persons to whom the same may

be distributed which minutes and records shall be open at all times to the inspection of each member of said board and of any district attorney of any county within this Commonwealth The said board shall have full power to enter into contracts make purchases and perform such other acts as are necessary for the proper performance of its duties All financial transactions of said board shall be audited annually by authority of and by the Auditor General of the Commonwealth A report of the activities of said board shall be made annually to the Secretary of Health of the Commonwealth and to the deans of the medical and dental colleges represented in said board

The name of said board of distribution shall be Anatomical Board of the State of Pennsylvania

Section 2 * * * *

In case of the death of any person whose body is required to be buried at the public expense and the duly authorized officer or agent of the board deems such body unfit for anatomical purposes he shall notify in writing [the poor directors overseers or in counties in which there are no poor directors or overseers then] the county commissioners of the county where such person died except that in counties of the first class it shall be the coroner instead of the county commissioners who shall direct some person to take charge of the body of such deceased indigent person and cause it to be buried and draw warrants upon the treasurer of their county for payment of such expenses which expenses shall not be less than thirty-five dollars nor more than [fifty] seventy-five dollars of each body buried in accordance with the provisions of this act Such warrants shall be made payable to the persons so authorized and directed who shall have buried the bodies for which said warrants are to be drawn No warrants for the payment of the expenses of the burial of any person whose body is required to be buried at the public expense shall be drawn or paid except upon the certificate of the duly authorized officer or agent of the board to the effect that such body is unfit for anatomical purposes or that the body is that of a soldier sailor or marine of the United States or of the militia of the State of Pennsylvania required to be buried at the public expense and that the provisions of this act have been complied with

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time,

On the quetsion,

Will the Senate agree to the bill?

Mr. CHAPMAN. Mr. President, I ask unanimous consent to amend Sec. 1 (Sec. 2), page 4, line 6, by striking out the following: S "[fifty] seventy-five" and inserting in lieu thereof: "fifty"

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. JAMES. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 344, (House Bill No. 575), entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State Government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-nine evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation

And said bill having been read at length first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 345, (House Bill No. 312), entitled:

An Act to reenact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six Pamphlet Laws, thirteen), entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," as previously reenacted and amended, by extending the provisions thereof for a further limited period of time.

And said bill having been read at length first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 346, (House Bill No. 313), entitled:

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred seven (Pamphlet Laws, six hundred forty), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefit of, and of companies having any of the powers of companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by continuing the increased rate of tax for a further limited period of time, and reducing the rate of tax after such limited period of time.

And said bill having been read at length first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 347, (House Bill No. 314), entitled:

An Act to further amend the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, co-partnerships, and persons.

And said bill having been read at length first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 348, (House Bill No. 315), entitled:

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (Pamphlet Laws, two hundred ninety-two), entitled "An act to provide revenue by taxation," by increasing the rate of tax for a further limited period of time.

And said bill having been read at length first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 349, (House Bill No. 316), entitled:

An Act to further amend section four of the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws, one hundred forty-nine), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 350, (House Bill No. 317), entitled:

An Act to reenact and amend the title and the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (Pamphlet Laws, two hundred eight), entitled, as amended, "An act to provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment, collection, settlement and resettlement of taxes, and reviews and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State, and county officers, boards, and departments; making an appropriation; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time; exempting title insurance companies; and making certain changes in the procedure for the collection and adjustment of the tax.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 351, (House Bill No. 318), entitled:

An Act to reenact and amend the title and the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as previously reenacted and amended by eliminating ground rents from list of taxable personal property providing for the apportionment in certain cases of the taxes imposed by the act defining clarifying and limiting certain exemptions and continuing the State personal property tax for a further limited period of time.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 352, (House Bill No. 319), entitled:

An Act to reenact and amend the title and the act, approved the fourteenth day of June, one thousand nine hundred thirty-five (Pamphlet Laws, three hundred forty-one), entitled, as amended, "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined; requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue, and persons, as herein defined, engaged in the sale of cigarettes at retail or wholesale; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ANNOUNCEMENT BY THE CLERK

The CHIEF CLERK. At the request of the press, I am asked to announce the following:

The biennial dinner and gridiron show of the Pennsylvania Legislative Correspondents' Association will be held at the Penn-Harris Hotel Wednesday evening of this week at 6:30 o'clock.

Republicans and Democrats alike will be lampooned without partiality.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Tuesday, April 25, 1939 at 4:00 o'clock, p. m.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 o'clock, p. m., until Tuesday, April 25, 1939, at 4:00 o'clock, p. m.

HOUSE OF REPRESENTATIVES

MONDAY, April 24, 1939

The House met at 8 p. m.
The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

O Thou Eternal Judge of the Universe, make each of us feel very humble as we try to legislate for this God-blessed Commonwealth. Give each of us the spirit of the Great Pacificator, when he said "I have doubtless committed many errors and indiscretions, over which has been thrown the mantle of charity; but I can say, and in the presence of my God and this Assembly, I do say, that I have honestly served my country, that I have never wronged it—and that however unprepared I lament that I am to appear in divine presence on other accounts, I invoke the Justice of his Judgment on my official conduct without the smallest apprehension of His displeasure."

We thank Thee, Lord, that this body of honorable men realize that Government is a trust, and the officers of the Government are its Trustees, and that both the trust and the trustees are created for the benefit of the people. Make us strong in will. Help us to heed the convictions and ideals of our head and heart until we come into the stature of Him who came that we might have the more abundant life.

In His name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, April 19, 1939.

The Clerk proceeded to read the Journal of Wednesday, April 19, 1939, when, on motion of Mr. CLEARWATER, the further reading was dispensed with and the Journal approved.

BILL INTRODUCED AND REFERRED

By Mr. WILSON. HOUSE BILL No. 1401.

An Act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating medical boards to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties.

Referred to the Committee on Workmen's Compensation.

SENATE MESSAGES

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 259. (HOUSE BILL No. 1402).

An Act to amend section thirty-eight of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws 382) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" by permitting the trial for the offense of fornication and bastardy to be held either where the child was begotten or where it was born.

Referred to the Committee on Judiciary Special.

SENATE BILL No. 339. (HOUSE BILL No. 1403).

An Act to further amend subparagraph two of subsection (a) of section five hundred five of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by further regulating the security for the deposits of State moneys

Referred to the Committee on Judiciary General.

SENATE BILL No. 488. (HOUSE BILL No. 1404).

An Act authorizing boards of trustees of State institutions within the Department of Public Instruction with the approval of the Superintendent of Public Instruction to contract with municipalities and townships for fire protection and to pay therefor out of their appropriations for support and maintenance.

Referred to the Committee on Education.

SENATE BILL No. 317. (HOUSE BILL No. 1405).

An act to amend sections four hundred fifteen and four hundred sixteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," as amended; further defining group life insurance to include additional classes of persons.

Referred to the Committee on Insurance.

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented the following extract from the Journal of the Senate, which was read as follows, viz:

In the Senate of Pennsylvania, March 28, 1939.

Whereas, the Members of the General Assembly of the Commonwealth of Pennsylvania are keenly aware of the sad plight of thousands of families residing in the anthracite coal region of Pennsylvania; and

Whereas, it is their belief that the State and Federal Government should rehabilitate and revitalize the anthracite coal industry which has helped make this Commonwealth great, and thereby relieve the distress of many anthracite miners and their families; and

Whereas, the Members of the General Assembly are appreciative of the fact that rehabilitation of the anthracite coal industry will not only provide sustenance for many destitute families, but will generally revive all of industrial and agricultural Pennsylvania, therefore be it

Resolved (if the House of Representatives concur), That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to enact legislation, if necessary, to recreate gainful employment in the anthracite coal fields; and be it further

Resolved, That the General Assembly of Pennsylvania review the study of the anthracite coal problem and if in their opinion legislation is necessary for the rehabilitation of the industry, give due and proper consideration to same at the present session of the Legislature.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

REPORT FROM DEPARTMENT OF MINES

The SPEAKER laid before the House a report from the Department of Mines submitted in pursuance of a Resolution (No. 13, Printer's No. 131) adopted by the House on March 23, 1939, which was read by the Clerk.

(For report see Appendix).

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 486

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 20, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 486, Printer's No. 118, entitled, An act authorizing the appointment of a deputy mayor in cities of the second class A and limiting and prescribing his powers and duties.

ARTHUR H. JAMES

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 209

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 19, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 209, Printer's No. 134, entitled, An Act to amend section two thousand eight hundred forty-two of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by authorizing the city to appeal from reports of viewers and demand a trial by jury and making such provisions retroactive so as to apply to cases now pending.

ARTHUR H. JAMES

COMMUNICATIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

PHILADELPHIA CITY CHARTER

A communication from the Philadelphia Bourse approving certain principles of new City Charter and requesting that it be submitted to a vote of the citizens of Philadelphia.

Referred to the Committee on Cities—First Class.

MINIMUM WAGE FOR PAID FIREMEN

A communication from the Pennsylvania Federation of Labor, Harrisburg, urging passage of House Bill No. 911.

Referred to the Committee on Cities—Third Class.

TEACHERS' SALARIES

Resolutions from Service Clubs of Schuylkill County urging appropriations of funds to pay teachers salaries.

Referred to the Committee on Education.

Petitions from citizens from Schuylkill County urging appropriation of funds to pay teachers salaries.

Referred to the Committee on Education.

COMMON PLEAS JUDGES

A communication from the Northampton County Bar Association disapproving passage of House Bill No. 585.

Referred to Committee on Judiciary General.

ADVERTISEMENTS

A communication from moving picture machine operators and stage hands protective union, Chester, disapproving passage of House Bill 503.

Referred to Committee on Judiciary Special.

FEMALE LABOR

A communication from Pennsylvania Federation of Labor, Harrisburg, disapproving of passage of House Bill No. 496.

Referred to the Committee on Labor.

LIQUOR LAWS

A communication from State, County and Municipal Workers of America, Harrisburg, disapproving amendment of present State Liquor Control system.

Referred to the Committee on Liquor Control.

A communication from Allied Fraternal Protective Association, Pittsburgh, protesting passage of House Bills No. 924 and 925 and approving passage of House Bill No. 706 and Senate Bill No. 24.

Referred to the Committee on Liquor Control.

A communication from The Pennsylvania Federation of Labor, Harrisburg, approving passage of House Bill No. 607.

Referred to the Committee on Liquor Control.

STATE PRINTING

A communication from Pennsylvania Federation of Labor, Harrisburg, approving passage of House Bill No. 977.

Referred to the Committee on Printing.

PROFESSIONAL LICENSURE

A communication from Pennsylvania Federation of Labor, Harrisburg, endorsing passage of House Bill No. 517.

Referred to the Committee on Professional Licensure.

A communication from District Association No. 1 of the Pennsylvania State Nurses' Association, Philadelphia, approving passage of House Bills Nos. 1104, 1105, 1106 and 1108.

Referred to the Committee on Public Health and Sanitation.

A communication from the Babies' Hospital of Philadelphia approving passage of House Bills Nos. 1104, 1105, 1106 and 1108.

Referred to the Committee on Public Health and Sanitation.

WELFARE

A petition from citizens of Philadelphia and Delaware Counties requesting a public hearing on House Bill No. 867.

Referred to the Committee on Welfare.

Petitions from the:
Methodist Preachers' Meeting of Philadelphia and vicinity.
Philadelphia Industrial Council.
Social Service Employees Union, Philadelphia.
Wholesale Fruit and Produce Employees Union, Philadelphia.
opposing the provisions of House Bill No. 867.

Referred to the Committee on Welfare.

LEAVE OF ABSENCE

Mr. James asked and obtained leave of absence for Mr. BRETHERICK for tonight's session.

REPORTS FROM COMMITTEES

Mr. REAGAN from the Committee on Forestry reported as committed, House Bill No. 1377, entitled:

An Act to suspend the operation of the act, approved the fourteenth day of April, one thousand nine hundred and thirty-seven (P. L. 297), entitled "An act to provide for the leasing of land within the beds of streams, lakes, and other bodies of waters, wholly or partly within, or forming part of, the boundary of this Commonwealth, when such land is owned by the Commonwealth; conferring powers and imposing duties upon the Water and Power Resources Board; requiring lessees to establish an amortization fund for improvements placed or erected upon such land; granting certain preference and exemption rights to municipalities of the Commonwealth; and prescribing penalties."

Mr. SETH W. BROWN from the Committee on Forestry reported as committed, House Bill No. 964, entitled:

An Act to amend further section fourteen of an act approved the seventh day of August, one thousand nine hundred thirty-six (Pamphlet Laws, one hundred six) entitled "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and co-oporation with public and private agencies and the Federal Government in Federal flood control works and improvments, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power to eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," as reenacted and amended, by conferring additional powers on the Department of Highways.

ANNOUNCEMENTS BY SPEAKER

The SPEAKER. The Chair is pleased to state to the House that we have with us tonight a group of students from the State College High School, chaperoned by the member from Center County, Representative Haines. I am sure the members of the House are pleased to have this group, as they were pleased to have had other groups with us during the session.

The Chair likewise takes pleasure in stating to the members of the House that we have with us tonight a former member of the House, the lady from Lancaster County, Mrs. Horting.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1078, entitled:

An Act to further amend section twenty-four of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "An further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by redefining deductions in case of reinsurance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1094, entitled:

An Act authorizing the acceptance by the Commonwealth of a gift of land contiguous to lands now owned by the Commonwealth at the Ashland State Hospital

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 635, entitled:

An Act to further amend section two of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (P. L. 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" providing for the burial of such bodies unfit for anatomical purposes by the county commissioners in all counties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1288, entitled:

An Act to amend the second paragraph of section eighteen of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 955), entitled "An act to promote public health, safety, morals, and welfare by declaring the necessity of creat-

ing public bodies, corporate and politic, to be known as housing authorities to engage in slum clearance, and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercise of such powers, including the acquisition of property by purchase, gift or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds, and other obligations, and giving security therefor; prescribing the remedies of obligees of housing authorities; authorizing housing authorities to enter into agreements, including agreements with the United States, the Commonwealth, and political subdivisions and municipalities thereof; defining the application of zoning, sanitary, and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation; and imposing duties and conferring powers upon the State Board of Housing, and certain other State officers and departments," providing for the payment of fees for certification to the Department of Internal Affairs in connection with the issue of bonds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1167, entitled:

An Act relating to the superannuated members of the State Employes' Retirement System and preserving retirement rights in case of sudden and unexpected death.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 701, entitled:

An Act to futher amend clause (c) of section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" restoring after a certain period the exemption of that portion of the capital stock of certain corporations joint-stock associations limited partnerships and companies which were formerly exempt

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1303, entitled:

An Act to amend the definition of "tractor" in Section 102, as amended, sub-section (a) of Section 404 and Section 605, and Section 607, as amended, of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1005), entitled "An act relating to and regulating tractors and trailers and their operation; providing for their registration, and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of tractors and trailers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated town, and townships, within the Commonwealth, liability for damages caused by the negligent operation of tractors and trailers; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation; and providing for refunds," further regulating the brakes, size and load of tractors and trailers, and prohibiting the issuance of an operator's license to persons under sixteen years of age.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. TROUT. Mr. Speaker, I move that this bill be recommitted to the Committee on Motor Vehicles for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 771, entitled:

An Act to amend sections one and two of the act approved the second day of March one thousand nine hundred and thirty-three (P. L. 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock, farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" as amended further changing fees and agencies from whom borrowing may be made.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 222, entitled:

An Act to promote interstate cooperation for the conservation and protection of water resources in the Delaware River Basin.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1304, entitled:

An Act to amend Section 202, Clause (a) of Section 203, Clause (a) of Section 405, Clause (a) of Section 828, Clause (b) of Section 902, Clause (e) of Section 903, and Clause (c) of Section 1002, of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as

amended; further regulating the certificates of title, registration and speed limits, and, in certain cases, the weight limits of motor buses.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. TROUT. Mr. Speaker, I move that this bill be recommitted to the Committee on Motor Vehicles for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 322, entitled:

An Act to repeal the act, approved the second day of June one thousand nine hundred and thirty-seven (P. L. 1193) entitled "An act to protect the public against fraud and deception regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof conferring powers and imposing duties on the Department of Revenue and prescribing penalties."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1212, entitled:

An Act providing for the refund of certain moneys by the Pennsylvania Turnpike Commission to the Department of Internal Affairs for the payment of salaries of employes heretofore or hereafter loaned to the said commission.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 872, entitled:

An Act to amend section seven of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (P. L. 1319) entitled "An act to establish a State village for feeble-minded women providing for the appointment of a board of managers to select a tract of land for that purpose in the State forest reserve and to erect and furnish buildings on the same and to manage said institution and providing for the commitment thereto of feeble-minded females between the ages of sixteen and forty-five years defining the powers and duties of the board of managers and making an appropriation for the purposes aforesaid also for the expenses of maintenance until June one one thousand nine hundred and fifteen" changing the qualifications of the superintendent of said State village

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 266, entitled:

An Act to further amend section two of the act approved the fourth day of June one thousand nine hundred and fifteen (P. L. 828) entitled "An act to provide revenue by imposing a State tax upon sales or agreements to sell or memoranda of sales of stock and upon deliveries or transfers of shares or certificates of stock in domestic and foreign corporations copartnerships associations and joint-stock associations providing the manner of collecting such tax and prescribing penalties" by further extending the exemptions from the tax imposed by the said act

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 968, entitled:

An Act to further amend section two hundred three to repeal section four hundred seven and to amend section one thousand two hundred and one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof of every State depository and every debtor or creditor of the Commonwealth" to reorganize the Departments of Revenue and of the Auditor General in such manner as to vest in the Department of Revenue the appointment the fixing of the compensation and the approval of the expense accounts of clerks investigators appraisers expert appraisers permanent appraisers and other employees necessary to enable the registers of wills of the several counties to collect transfer inheritance taxes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 780, entitled:

An Act authorizing the Secretary of Forests and Waters with approval of the Governor to accept and acquire by gift grant or other lawful means certain canal properties

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 781, entitled:

An Act authorizing the Secretary of Forests and Waters with approval of the State Parks Commission to transfer portions of canal properties acquired by the Department of Forests and Waters to the Department of Highways for highway purposes

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 896, entitled:

An Act to amend section 2504 of the act approved June twenty-third one thousand nine hundred thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing a method for the valuation of real property for taxation purposes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1287, entitled:

An Act to further amend sections one and two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1286) entitled as amended "An act empowering cities boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" authorizing the imposition and collection of ready to serve charges and extending the purposes for which rentals and charges may be made.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1064, entitled:

An Act to repeal section eight of the act approved the twelfth day of July one thousand nine hundred and nineteen (P. L. 941) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reporters expert typewriters clerks and other employes and providing for their compensation and mileage providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts or parts of acts inconsistent herewith" in so far as it relates to the preparation printing binding and distribution of the Separate Journal of the House of Representatives.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 492, entitled:

An Act to amend section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and County Purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by excluding stages omnibuses hacks cabs and other vehicles used in transporting passengers for hire owned used or possessed within this Commonwealth by any person or persons or by any corporate body or bodies from the provisions thereof

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 518, entitled:

An Act making it unlawful to trespass on railroads and declaring the trespasser guilty of contributory negligence in actions against the railroad company for damages because of injuries sustained while so trespassing

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 870, entitled:

An Act to further amend the act, approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" further defining State employes and original members and making further exception to compulsory membership in the system

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1202, entitled:

An Act to amend the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations," by authorizing injunctions against persons operating without license exempting certain dealers from the requirement to file bond making certain reports mandatory en-

larging the powers and duties of the commission encouraging and providing for certain contracts between producers and dealers under prescribed conditions and subject to the approval of the commission eliminating the requirement for the approval by the Governor of certain orders authorizing and providing for the equalization of the return or prices to be paid to producers in markets where producers' prices are based on utilization and changing procedure and practice on and the right of appeal.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. SNYDER. Mr. Speaker, I move that this bill be recommitted to the Committee on Dairy Industries for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration House Bill No. 1193, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell seven lots of ground with the messuages thereon if any and providing for the disposition of the proceeds derived as a result of sale of such lots

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 283, entitled:

An Act permitting inquiry as to good repute and consent on cross-examination of prosecutrix in cases of statutory rape

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 197, entitled:

An Act providing that officers and employes of the Commonwealth who are members of the Officers' Reserve Corps of the United States Army United States Navy or United States Marine Corps shall be entitled to leaves of absence without loss of pay time or rating while engaged in active service or in field training

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 721, entitled:

An Act to amend the act approved the eleventh day of October one thousand nine hundred thirty-eight (Pamphlet Laws sixty-two) entitled "An act to amend section two of the act approved the eleventh day of April one thousand nine hundred twenty-nine (Pamphlet Laws four hunred eighty-seven) entitled 'An act authorizing the Department of Welfare to determine legal residence of indigent insane feeble-minded and epileptic persons returned to this Commonwealth by the authorities of another State or transferred from one poor district to another by the department and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons' by relieving poor districts of certain costs and placing such costs on the Commonwealth" by deferring the operation of the act for a further period of time

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 720, entitled:

An Act to amend section three of the act approved the eleventh day of October one thousand nine hundred thirty-eight (Pamphlet Laws sixty-three) entitled "An act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled 'An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties' as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care and discharge of mental patients with certain exceptions imposing such costs on the Commonwealth and repealing inconsistent laws" be deferring the operation of the act for a further period of time and permitting the care of mental patients in certain county city or institution district institutions during such time

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 718, entitled:

An Act to amend the act approved the twenty-ninth day of September one thousand nine hundred thirty-eight (Pamphlet Laws fifty-three) entitled "An act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws" by extending the time within which the Commonwealth shall take over all such institutions and extending the time for the repeal of certain acts listed in section nine of said act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 962, entitled:

An Act permitting railroad corporations to fix in their by-laws the time for annual and other meetings and the election of directors

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 333, entitled:

A Joint Resolution proposing an amendment to section eight article five of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 709, entitled:

An Act for the protection of the public health by prohibiting the adulteration misbranding false labeling and false advertising of drugs including cosmetics and of instruments apparatus contrivances accessories and other devices used in the diagnosis cure mitigation treatment and prevention of disease providing for the detention embargoing seizure and destruction of unlawful drugs cosmetics and devices regulating dealing in new drugs conferring powers and imposing duties on the State Board of Pharmacy and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1114, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money for property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting money payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by providing a special procedure for the payment of appropriations for public assistance extending the time limit within which petitions for review of resettlements may be filed making certain information pertaining to taxes and bonus confidential except for official purposes modifying certain provisions relating to the remission of penalties imposed for failure to fix tax and bonus reports and further defining or regulating State depositories the deposits of State moneys and the security required for such deposits

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 963, entitled:

An Act to amend section one of an act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (Pamphlet Laws 49) entitled "An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred and forty-nine" as amended by an act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2852) entitled "An act to amend the act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (Pamphlet Laws 49) entitled 'An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred and forty-nine' so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases and modifying limitations restrictions and conditions under which such consolidation or merger may be made the effect thereof and the rights of dissenting stockholders" so as to provide for consolidation or merger of corporations authorized to do business in this State

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1324, entitled:

An Act providing for and requiring in certain cases preference in appointments to public position for honorably discharged persons who served in the military or naval service during any war in which the United States was engaged

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1253, entitled:

A Supplement to the act, approved the eighth day of June, one thousand nine hundred twenty-three (Pamphlet Laws, six hundred eighty-five) entitled, "An act prescribing the fees for the office of the Secretary of the Commonwealth," as amended, providing for additional fees to be charged and collected by the Department of State.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 804, entitled:

A Supplement to the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 1216) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business" by excluding certain persons from the provisions of said act and exempting certain persons from taking an examination.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1305, entitled:

An Act to amend sections eight, eleven and twenty-five of the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 553), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles, and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, as herein defined; providing for the suspension

of operators' licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revenue, the State Treasurer, and prothonotaries, and prescribing penalties," as amended, providing certain exemptions and changing the provisions of said act relating to the suspension of operators and registration privileges for the nonpayment of judgments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1074, entitled:

An Act to amend sections one and two of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2460) entitled "An act creating a joint legislative commission to be known as the Joint State Government Commission providing for the appointment of its members and defining its powers and duties" by changing the number and terms of members further defining their powers and duties and terminating the terms of members now in office.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1131, entitled:

An Act to amend the act approved the twentieth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 728) entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth providing for and regulating the procedure in prosecuting claims before such board defining the powers of the board and fixing the compensation of members and employes thereof providing that the awards of such board shall be final providing for the payment of awards and authorizing an appropriation" by constituting said board a departmental administrative board in the Department of the Auditor General by increasing the compensation of the members of said board by making further provision with regard to the procedure of said board and the disposition by it and payment of costs of proceedings before it.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 389, entitled:

An Act to consolidate amend and revise the penal laws of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1182, (Senate Bill No. 83), entitled:

An Act to amend section one of the act, approved the twenty-fifth day of April, one thousand nine hundred twenty-nine (P. L. 694), entitled "An act providing for the payment monthly by the counties to the Department of Revenue of the expenses of keeping convicts in State penitentiaries," by imposing upon the State the keeping of certain convicts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1391, (Senate Bill No. 320), entitled:

An Act to amend section seven of the act, approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," by changing the provisions thereof as to the contents of record to be furnished wardens by clerks of the courts of quarter sessions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 845, entitled:

An Act to create a commission to act jointly with commissions appointed for like purpose by the States of West Virginia and Maryland, the Commonwealth of Virginia and the District of Columbia, which, together with three members to be appointed by the President of the United States, shall constitute the Interstate Commission on the Potomac River Basin, with power to cooperate in the abatement of the existing pollution and in the control of future pollution of the waters of the drainage basin of the Potomac River within the States of Maryland and West Virginia the Commonwealth of Virginia and the District of Columbia; to authorize the Governor of the State to execute on behalf of this State a compact with representatives of other states for the purpose of forming the above mentioned commission and creating a Potomac Valley Conservancy District; providing for the appointment of the Pennsylvania members of said commission and their terms of office; and providing an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 852, entitled:

An Act to amend clause (c) of section thirty-one of the act approved the thirtieth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" by eliminating the provision requiring certain public service companies to make certain reports to the registration commission

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (c) of section thirty-one of the act approved the thirtieth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" is hereby amended to read as follows

(c) [All public service companies furnishing electricity or gas to householders in any city shall report in writing at least once each month to the registration commission all cases of discontinuance of their service to residences together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them] All real estate brokers and rental agents shall report in writing from time to time to the commission upon the request of the commission all cases of residence property managed by them which have been vacated by the tenants thereof together with the names of such tenants and the addresses to which they have removed if known to them All persons firms and corporations operating vehicles for moving funiture and household goods in any city of the first class shall report in writing from time to time to the registration commission upon the request of the commission all cases of removals of furniture and household goods together with the names of such persons whose furniture or household goods have been removed and the addresses to which they have removed if known to them The commission shall forthwith send to each such person who is found to be registered as an elector from the addresses given in said report and to all members of his family and household who are electors registered from the same addresses the notice provided for by section thirty-two of this act and shall proceed thereupon in accordance with the provisions of that section

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be recommitted to the Committee on Elections for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 296, as follows:

An Act to validate mortgages sales of real estate by foreign fiduciaries executors and administrators and the titles acquired by purchasers at such sales

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In all cases where mortgages on real estate situate in this Commonwealth and the bonds accampanying the same are held by fiduciaries located in or resident of any State territory or possession of the United States or of any foreign country or have been held and owned by residents of any other State territory or possession of the United States of Amer a or of any foreign country and the said owners have died and letters testamentary or of administration or other authority has been granted by or under the laws of such other State territory or possession of the United States of America or of any foreign country and such fiduciaries executors or administrators have caused writs of scire facias to issue on such mortgages and judgments to be entered thereon or have caused judgments to be entered on the bonds accompanying the said mortgages and the real estate described in said mortages have been sold by the sheriff in pursuance of writs of fieri facias venditioni exponas or levari facias issued on such judgments the sales so made and every of them shall and the same are hereby declared to be valid and effectual to vest in the purchasers at such sales the title to the said real estate with the same force and effect as if the said judgments had been entered and said writs of execution had been issued by fiduciaries located or resident in this Commonwealth or by executors or administrators to whom letters had been granted by the register of wills of a county in this Commonwealth

The provisions of this act shall not apply to any case which shall have heretofore been judicially adjudicated

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 900, entitled:

An Act to amend sections one thousand four hundred two two thousand five hundred fifty-six and two thousand five hundred fifty-nine and to repeal section two thousand five hundred fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended clarifying the conditions of the bond of the city treasurer providing for the determination of certain expenses in connection with the collection of taxes for the city county institution district school and poor district providing for delinquent tax collectors for the collection of taxes and repealing a certain inconsistent section

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section one thousand four hundred two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended by the acts approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 363) and the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 719) is hereby further amended to read as follows

Section 1402 Bond Salary The city treasurer shall give lawful fidelity bond to the Commonwealth with two or more sufficient sureties or with a surety company authorized by law to act as surety to be approved by the city council in such sum as it may by ordinance direct conditioned [for the honest and faithful discharge of his official duties] for the accounting for and paying over all moneys received by him in his capacity as city treasurer and the safe-keeping and payment over of all public moneys entrusted to his care and that as tax collector of city county institution district school and poor taxes he shall account for and pay over all moneys received by him as taxes penalties and interest [and account for all tax items contained in the duplicates delivered to him during his term of office which remain uncollected] The city treasurer and his sureties shall be discharged from further liability on

any bond as tax collector as soon as all tax items contained in the duplicates delivered to him are either (1) collected and paid over or (2) certified to the city council for entry as liens in the office of the prothonotary or (3) returned to the county treasurer or city treasurer for sale or (4) in the case of personal property occupation poll and per capita taxes a record of these which remain uncollected is filed with the tax authority [together with the oath of the tax collector that he has made a diligent effort to collect such taxes] The city treasurer shall be required to give but one bond which shall include his duties as city treasurer and collector of city county institution district school and poor taxes and shall cover the full term of his office Should the [city] county institution district school district or poor district be of the opinion at any time that the bond given is not sufficient additional security may be required to be given at the expense of the taxing district requiring the same The treasurer shall not in any event be required to give bond or bonds aggregating an amount in excess of the tax to be collected by him The bond or bonds given by the city treasurer shall be for the use of the city the county the institution district the school district and the poor district He shall as city treasurer receive a fixed annual salary to be provided by ordinance His compensation as tax collector for the city county institution district school district and poor district shall be fixed as provided in article twenty-five of this act

On the question,

Will the House agree to the section?

Mr. WEBSTER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 1402), page 2, line 15, by underscoring the word "city"

Amend Sec. 1 (Sec. 1402), page 2, line 21, by underscoring the words "institution district"

Amend Sec. 1 (Sec. 1402), page 2, line 22, by striking out the following: "acount" and inserting in lieu thereof: "account"

Amend Sec. 1 (Sec. 1402), page 3, line 8, by striking out the word: "these" and inserting in lieu thereof: "those"

Amend Sec. 1 (Sec. 1402), page 3, line 13, by underscoring the words "institution district"

Amend Sec. 1 (Sec. 1402), page 3, line 23, by underscoring the words "institution district"

Amend Sec. 1 (Sec. 1402), page 3, line 27, by underscoring the words "institution district"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 Section two thousand five hundred fifty-six of said act as amended by the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2641) is hereby further amended to read as follows

Section 2556 Treasurer as Tax Collector of City County School and Poor Taxes Compensation Assistants Expense to Be Shared The compensation or commission of the [said] city treasurer as collector of city county institution district school and poor taxes shall during the terms of the tax collectors in offices at the time this act takes effect be and remain as now provided provided by law Thereafter the said tax collector shall be paid an annual salary for the collection of all city county institution district school and poor taxes which salary where not definitely fixed by this act shall be fixed before the election of any tax collector jointly by the [city council the county commissioners and the board of school directors within the limits hereinafter prescribed] taxing authorities other than institution and poor districts whose taxes are collected under the provisions of this act In the case of newly created cities the said salary where not definitely fixed by this act shall be fixed by said taxing authorities before any duplicates are delivered to the city treasurer In fixing the salary of the tax collector the [city the school district and the county] taxing authorities fixing the same shall each have one vote which one vote shall be divided into fractions assigning an equal fraction of one vote to each member of the same taxing authority

In cities having a population of twenty-five thousand inhabitants and less the annual salary of the tax collector shall not be less than one thousand six hundred dollars ($1,600) nor more than three thousand five hundred dollars ($3,500)

In cities having a population of more than twenty-five thousand inhabitants and not exceeding fifty thousand the annual salary of the tax collector shall not be less than three thousand five hundred dollars ($3,500) nor more than five thousand dollars ($5,000)

In cities having a population of more than fifty thousand inhabitants the annual salary of the tax collector shall be six thousand dollars ($6,000)

In cities having a population of more than fifty-five thousand inhabitants the annual salary of the tax collector shall not exceed seven thousand five hundred dollars ($7,500)

The tax collector shall appoint all necessary deputies clerks and assistants whose number and salaries shall be fixed jointly by the city council the board of school directors and the county commissioners in the same manner as in the case of the tax collector Said deputies clerks and assistants shall give fidelity bond payable to the Commonwealth for the use of the city county institution district and school district conditioned on the faithful accounting and payment over all tax moneys received by them

The city shall provide and furnish for the tax collector at his office as city treasurer suitable office space light heat furniture and janitor service

The [city county and the school district] taxing authorities other than institution and poor districts shall in equal proportions pay the cost of stationery supplies printing notices postage telephone service office equipment and incidental expenses necessarily incurred in the conduct of the tax collector's office [the premiums on the bonds of his deputies clerks and assistants] these expenses to be determined by a board consisting of one representative from each such taxing authority to be appointed by such taxing authority [and the] The salaries of the tax collector and his deputies clerks and assistants [Said salaries] shall be paid monthly or semi-monthly in the same manner as other officers of said city county and school district

The [city county and the school district] taxing authorities other than institution and poor districts shall be required to pay [each one-third of] in equal proportions the premium on the [bond] bonds required to be given by law by the tax collector and his deputies clerks and assistants to the Commonwealth The city treasurer upon the expiration of his term of office shall surrender the unsatisfied tax duplicate or duplicates in his possession to his successor in office who shall collect the unpaid taxes charged therein and settle the duplicate or duplicates as provided by law Before such duplicates are surrendered to a successor the tax accounts of the outgoing treasurer shall be adjusted and balanced to the satisfaction of the incoming treasurer and the respective taxing authorities before any release of the bond of the out-going treasurer shall be given

On the question,

Will the House agree to the section?

Mr. WEBSTER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 2 (Sec. 2556), page 4, line 8, by striking out the word: "Shares" and inserting in lieu thereof: "Shared"

Amend Sec. 2 (Sec. 2556), page 4, lines 9 and 10, by underscoring the words "institution district"

Amend Sec. 2 (Sec. 2556), page 4, line 14, by underscoring the words "institution district"

Amend Sec. 2 (Sec. 2556), page 5, line 12, by inserting after the word "inhabitants" the following: "and not exceeding fifty-five thousand inhabitants"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read as follows:

Section 3 That section two thousand five hundred and fifty-nine of said act as amended by the act of June twenty-first one thousand nine hundred thirty-five (Pamphlet Laws 363) is hereby further amended to read as follows

Section 2559 Powers of City Treasurer as Tax Collector The city treasurer as the collector of taxes may appoint as many [deputies as may be authorized] delinquent tax collectors as may be authorized by the taxing units in the same manner as is provided for the salary of the tax collector in section two thousand five hundred fifty-six of this act to enable him to collect the said taxes or any of them which [deputies shall be paid by the said treasurer] delinquent tax collector shall be paid a commission on the amount of taxes collected The rate of commission shall be determined in the same manner as the salary of the tax collector The amount of the bond each delinquent tax collector shall furnish shall be determined by the city council and the premium thereon shall be paid by the delinquent tax collector The city treasurer as the collector of the several taxes and his deputies shall have and exercise all the powers vested by law in the several collectors of State and county taxes and in all the remedies for the collection thereof and shall have additional power and authority after five days' notice to seize by levy and distress any personal property on the premises assessed belonging to tenants purchasers or others without regard to the date of assessment or levy of the tax and to sell the same giving ten days' public notice of such sale by written or printed advertisement and to levy upon any personal property of the delinquent that may be found within the county for the collection of said taxes and after notice of sale to sell the same for the payment of said taxes The several warrants shall be effectual to authorize the said treasurer as collector of taxes to collect the said taxes

On the question,

Will the House agree to the section?

Mr. DAVID P. REESE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 3, page 7, line 7, by striking out the brackets before the word "deputies" and after the word "authorized".

Amend Section 3, page 7, lines 7 through 11, by striking out the following: "delinquent tax collectors as may be authorized by the taxing units in the same manner as is provided for the salary of the tax collector in section two thousand five hundred fifty-six of this act"

Amend Section 3, page 7, line 12, by striking out the brackets before the word "deputies" and after the word "treasurer".

Amend Section 3, page 7, lines 13 through 19, by striking out the following: "delinquent tax collector shall be paid a commission on the amount of taxes collected The rate of commission shall be determined in the same manner as the salary of the tax collector The amount of the bond each delinquent tax collector shall furnish shall be determined by the city council and the premium thereon shall be paid by the delinquent tax collector"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth section was read and agreed to as follows:

Section 4 Section two thousand five hundred fifty-three of said act and the amendments thereto are hereby repealed

The title was read as follows:

An Act to amend sections one thousand four hundred two two thousand five hundred fifty-six and two thousand five hundred fifty-nine and to repeal section two thousand five hundred fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended clarifying the conditions of the bond of the city treasurer providing for the determination of certain expenses in connection with the collection of taxes for the city county institution district school and poor district providing for delinquent tax collectors for the collection of taxes and repealing a certain inconsistent section

On the question,

Will the House agree to the title?

Mr. DAVID P. REESE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend House Bill 900 (Printer's No. 303) by striking out in lines 14 and 15 of the title the following: "providing for delinquent tax collectors for the collection of taxes"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1373, entitled:

An Act to further amend section one of the act approved the first day of June one thousand nine hundred and seven (Pamphlet Laws 364) entitled "An act to increase the pay of jurors and witnesses in this Commonwealth" by increasing the pay of jurors in counties of the first class

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the first day of June one thousand nine hundred and seven (Pamphlet Laws 364) entitled "An act to increase the pay of jurors and witnesses in this Commonwealth" as last amended by the act approved the eleventh day of July

one thousand nine hundred and twenty-three (Pamphlet Laws 1046) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the first day of July Anno Domini one thousand nine hundred and [twenty-three] thirty-nine the pay of jurors in counties of the first class shall be five dollars per diem and in all other counties in this Commonwealth shall be four dollars and the pay of witnesses in all counties shall be two dollars per diem together with the mileage as is now provided for by law

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, at the request of the sponsor I move that this bill be recommitted to the Committee on Cities—First Class for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1258, as follows:

An Act to repeal section ten of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 480) entitled "An act relating to tax assessments in counties of the first class conferring powers and imposing duties on the board of revision of taxes and its agents and employes and repealing general local and special laws"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section ten of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 480) entitled "An act relating to tax assessments in counties of the first class conferring powers and imposing duties on the board of revision of taxes and its agents and employes and repealing general local and special laws" is hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a trird reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 782, entitled:

An Act requiring cities of the first class to pay portions of their compensation heretofore withheld to officers and men employed in the police department fire department and park guards

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever heretofore and subsequent to the first day of January one thousand nine hundred and thirty-two any city of the first class for any reason shall have reduced the compensation regularly paid to any officers or men employed by it in the police department fire department or as park guards in the park service of such city for any period or periods of time such city is hereby required within six months after the effective date of this act to pay all such persons from whom any part of their compensation has been withheld or to the personal representatives of any such person who may have died the full amount of any portion of such compensation not heretofore paid Any such person who has not heretofore been paid the full amount of compensation due him shall be entitled to such payments notwithstanding the fact that he may have acknowledged in writing or otherwise receipt of the full amount of the compensation due him

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 1, page 2, line 2, by inserting after the word "paid" and before the word "any" the following: "Together with interest from the date the said compensation was due and payable."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second and third sections and title were separately read and agreed to as follows:

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

An Act requiring cities of the first class to pay portions of their compensation heretofore withheld to officers and men employed in the police department fire department and park guards

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 843, entitled:

An Act to amend section two thousand twenty-two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by changing provisions regulating dedicated roads streets lanes alleys and drainage facilities

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two thousand twenty-two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 2022 No responsibility on Township where Plans not Approved If any road street lane or alley or any drainage facilities in connection therewith shall be opened constructed or dedicated for public use or travel except in strict accordance with plans approved as provided in this subdivision neither the township commissioners nor any public authorities shall place construct or operate any sewer drain water pipe or other facilities or do any work of any kind in or upon such road street lane or alley and neither the township commissioners nor any other public authorities shall have any responsibility of any kind with respect to any such road street lane alley or drainage facilities notwithstanding any use of the

same by the public unless such road street lane alley or drainage facilities are accepted by ordinance Provided however that nothing herein contained shall prevent the laying of trunk sewers drains water or gas mains if required by engineering necessity for the accommodation of other territory If any person shall open any road street lane or alley or any drainage facility in connection therewith without submitting and obtaining approval of plans as provided in this subdivision and if the township commissioners shall have no inforamtion that such road street lane or alley or drainage facility in connection therewith shall be intended for public use or travel the township commissioners may in their discretion file with the recorder of deeds of the county a certificate containing a description of the land served by such road street lane or alley or drainage facility in connection therewith and a statement that as the township commissioners have not approved such plans neither the township commissioners nor any other public authority shall have any responsibility to furnish any facilities or services with respect to such land or any responsibility of any kind with respect to such road street lane or alley or drainage facility in connection therewith Such owner shall be designated as grantor in the records of the office of the recorder of deeds and the township shall be designated as grantee therein but it shall be unnecessary for such certificate to be executed by any other party than the township filing the same Nothing herein contained shall be deemed to prevent the township commissioners from enforcing the provisions of this statute in any case in which any such road street lane or alley or any drainage facility in connection therewith is intended for public use or travel

On the question,

Will the House agree to the section?

Mr. JAMES. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1 (Sec. 2022), page 3, line 14, by underscoring the word "travel"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

An Act to amend section two thousand twenty-two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by changing provisions regulating dedicated roads, streets, lanes, alleys and drainage facilities.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 584, as follows:

An Act to establish a separate orphans' court in and for the county of Northampton

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whereas, The county of Northampton according to the United States census of one thousand nine hundred and thirty has a population of one hundred and sixty-nine thousand three hundred and four and

Whereas, Section twenty-two of article five of the Constitution is a mandatory provision which requires the General Assembly to establish a separate orphans' court in every county wherein the population shall exceed one hundred and fifty thousand and

Whereas, This mandatory provision of the Constitution has not been carried into effect by the Legislature at its four general sessions held since the census of one thousand nine hundred and thirty therefore

Section 1 In the third judicial district of the Commonwealth composed of the county of Northampton a separate orphans' court be and is hereby established the name and style of which shall be the Orphans' Court of Northampton County which court shall be a court of record and shall consist of one judge learned in the law

Section 2 At the municipal election in the year one thousand nine hundred and thirty-nine a judge of said court learned in the law shall be elected and duly commissioned to hold office from the first Monday of January next succeeding such election for the same term and in the manner as the judges of the court of common pleas of the county The annual salary of the said judge shall be the same as is paid to the judges of the court of common pleas of the said county and shall be paid in the same manner as the salaries of said judges of the court of common pleas are now or may be hereafter made by law payable

Section 3 The terms of court of the said orphans' court shall be the same as the terms of the court of common pleas of the said county and may also be held at such other times and as often as the judges thereof shall deem necessary and proper

Section 4 The said court shall have and exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the orphans' court of the Commonwealth under and by virtue of the laws thereof

Section 5 The commissioners of the said county shall provide proper and suitable apartments in which the said orphans' court shall be held and its business transacted and in which the records thereof shall be safely and securely kept

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT

Mr. JIROLANIO. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study and a public hearing.

On the question,

Will the House agree to the motion?

Mr. JOHN N. HOFFMAN. Mr. Speaker and members of the House, I request unanimous consent of the House to have my remarks apply to both House Bill No. 584, Printer's No. 311, and House Bill No. 585, Printer's No. 310. They are companion bills.

The SPEAKER. The gentleman from Northampton, Mr. Hoffman, asks unanimous consent to discuss both bills, as they are companion bills. Is these objection? The Chair hears none. The gentleman will proceed.

Mr. JOHN N. HOFFMAN. Mr. Speaker and members of the House, I rise to oppose the motion of the gentleman from Northampton, my colleague Mr. Jirolanio, for the reason that the purpose and object of the motion is really to delay and create the possibility of a contingency for the defeat of these bills.

I have carefully gone into every angle of these two bills with the parties interested, and am in position to state that there is no occasion for referring this bill to any

Committee for the purpose of a public hearing. These bills were presented to the House on March 20, 1939. On March 24, 1939, a notice was sent to the President of the Northampton County Bar Association, at Easton, Pennsylvania, and I desire to read the letter that was sent to him, and want it made a part of the record.

"Bangor, Pa., March 24, 1939.

"Hon. Wm. A. Frack,
President, Northampton County
Bar Association,
Easton, Pa.

"My dear Mr. Frack:

"As Assemblyman of the Second District of Northampton County, I introduced on March 20, 1939 to the General Assembly at Harrisburg, H. B. 584, establishing a separate Orphan's Court in and for Northampton County, and also H. B. 585, abolishing the office of one of the Judges of the Court of Common Pleas, Third Judicial District, of Northampton County, and repealing inconsistent legislation thereto. Copies of these two House Bills were sent to you for your study and criticism.

"In order to give ample time for full discussion of these Bills both by your Bar association and other interests concerned, it is my present purpose to have these Bills advanced to Second reading and then placed on the Postponed calendar for about ten days, or more, if necessary. After the lapse of that reasonable period the Bills will be called out for Third reading and final passage subject to such consideration as the preponderance of public desire shall warrant.

"If you have any suggestions to submit to me, in the meanwhile, I will be glad to have you do so.

"Sincerely yours

"J. N. HOFFMAN, Assemblyman
2d District, Northampton County"

JNH:esr

Up to this time, Mr. Speaker and members of the House, there has been no evidence on the part of the Bar Association or the judges of the courts of Northampton County indicating that they desired a public hearing on this bill. It is true that the Northampton Bar Association, on April 10 held a meeting for the purpose of considering these bills. At that meeting, there were thirty representatives of the Bar Association. I understand that the Bar Association of Northampton County has more than one hundred members. At that meeting, thirty out of the total membership were present, and voted on one of these bills.

They passed a resolution opposing the taking away of one of the judges of the Common Pleas Court, and very subtly made no reference whatsoever to the other bill which is for the purpose of establishing an Orphan's Court Judge. And now, Northampton County is the only county having two hundred thousand population that does not have an Orphan's Court judge. According to the census the population of Northampton County is one hundred and sixty-nine thousand, and therefore it becomes mandatory, when that population has been reached, for Northampton County to have an Orphan's Court.

In presenting the bill for the establishment of an Orphan's Court judge, the citizens of Northampton County feel that they are not only within their moral right, but certainly within their constitutional rights, and are asking only that which they feel is going to be for the best interests of the general constituency, in that it will save money in the operation of the Common Pleas Court of Northampton County.

It might be of interest for me to say at this time that Lehigh County, an adjoining county to Northampton County has two Common Pleas Court Judges and one Orphans' Court Judge, and Northampton County has three Common Pleas Court Judges and no Orphans' Court Judge.

In Lehigh County, in 1937, they had 144 civil cases and 737 criminal cases. Northampton County, in the same year, had 113 civil cases and 315 criminal cases. In 1938, Lehigh County had 159 civil cases and 832 criminal cases.

Northampton County, in 1938, had 128 civil cases and 551 criminal cases. In other words, Lehigh County operated with two Common Pleas Court Judges and one Orphans' Court Judge, as against Northampton County having a record of sixty more civil cases than Northampton County, and 703 more criminal cases in the years 1937 and 1938.

This proves that there is not a need, as the Judges now claim for three Judges of the Common Pleas Court, and that by establishing an Orphans' Court judgeship it would mitigate against the efficient operation of the Northampton County Court.

We are protesting against a continuation of the present practice of Northampton County being denied an Orphans' Court judgeship, for the reason that according to a tabulation of eighteen counties in the State of Pennsylvania, there is an average per Common Pleas Judge of eighty-five thousand eight hundred and eighty-two population, and on the basis of the civil cases, Northampton County is entitled to receive an Orphans' Court judgeship.

In the matter of economy, by establishing an Orphans' Court Judge, I merely want to say that in 1935, 1936, 1937 and 1938 there were distributed through auditorships in Northampton County, estates to the value of $2,239,307.40.

It cost to audit those estates, $71,434.48. The auditor's fees were $93,200.65. In the period of four years there were one hundred and three audits, and the total cost for the audits in the years 1935, 1936, 1937 and 1938 was $71,434.48, or an average cost per year of $17,858.62. The total cost of auditor's fees was $93,200.65 or an average cost per year of $23,300.16. One hundred and three audits were filed at an average cost per audit of $802.91 and for auditor's fees $693.53 incident to each audit.

I would say here also for the purpose of the record in the Wilbur Estate, for which auditors were appointed, a fee bill was presented of over forty-five thousand dollars, and the Superior Court of Pennsylvania refused payment of that fee and brought it down finally to about fifteen thousand dollars.

Pleading for my constituents of Northampton County for the right under the constitution for them to have an Orphans' Court Judge and dispense with one of the Common Pleas Court Judges, we feel that we are asking only that which is reasonable and right, and that there is no objective to be gained tonight by passing the motion made by the gentleman from Northampton to send this bill back to committee.

I, therefore, ask the members of the House, to vote the motion down.

Mr. JIROLANIO. Mr. Speaker, I would like to interrogate the gentleman from Northampton, Mr. Hoffman.

The SPEAKER. Will the gentleman from Northampton, Mr. Hoffman, permit himself to be interrogated?

Mr. JOHN N. HOFFMAN. I will, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, I would like to ask the gentleman from Northampton, Mr. Hoffman, whether it

is not a fact that the bench of Northampton County is composed of both Democrats and Republicans?

Mr. JOHN N. HOFFMAN. Mr. Speaker, that is true.

Mr. JIROLANIO. Mr. Speaker, I further ask the gentleman from Northampton, Mr. Hoffman, whether it is not also a fact that the bench of Northampton County desires a public hearing?

Mr. JOHN N. HOFFMAN. Mr. Speaker, not to my knowledge. They made no request of anybody that I know of.

Mr. JIROLANIO. Mr. Speaker, would the gentleman from Northampton, Mr. Hoffman, be willing to grant a public hearing if it were brought to his attention that the bench of Northampton County is desirous of having a public hearing in the House of Representatives?

Mr. JOHN N. HOFFMAN. Mr. Speaker, the judges of the courts of Easton, have had notice of this bill and up to this time they have not directly indicated that they wanted a public hearing. In the absence of not having any direct information that they do, I oppose the motion to refer this bill back to the Committee for public hearing.

Mr. JIROLANIO. Mr. Speaker, I would like to say that the answer of the gentleman from Northampton is not responsive.

My question was if it were called to his attention that the bench of Northampton County is desirous of being heard before the House of Representatives, whether he would oppose the granting of a public hearing to them?

Mr. JOHN N. HOFFMAN. Mr. Speaker, I would like to say for the information of the gentleman from Northampton County, Mr. Jirolanio, that I have here on my desk petitions from almost every section of Northampton County in which they strenuously oppose the action of the Bar Association in retaining three judges and take no action on an Orphans' Court. There are 532 names on those petitions and they were submitted voluntarily. I venture the statement that on a canvas seventy-five per cent of the citizens of Northampton County will endorse that petition.

Mr. JIROLANIO. Mr. Speaker, I would like to again ask the gentleman from Northampton County, Mr. Hoffman, if it is not possible to get an answer from him to my question as to whether or not he would be willing to grant a public hearing if the judges of the county he and I represent desire to have one? I think my qustion is plain and I have stated it three times.

Mr. JOHN N. HOFFMAN. Mr. Speaker, I think I have answered that question by stating that I oppose a public hearing because one of the reasons, as I stated, is that it is not essential to these bills.

Mr. JIROLANIO. Mr. Speaker, I ask the gentleman from Northampton, Mr. Hoffman, whether it is not a fact that the only group that are in favor of the abolition of a Common Pleas Court Judge is the Bankers' Association of Northampton County.

Mr. JOHN N. HOFFMAN. Mr. Speaker, absolutely no.

Mr. JIROLANIO. Mr. Speaker, may I further inquire from the gentleman from Northampton, Mr. Hoffman, whether it is not also a fact that that petition is composed of ninety per cent of either bankers or employes of banks in Northampton County?

Mr. JOHN N. HOFFMAN. Mr. Speaker, I would say no.

Mr. JIROLANIO. Mr. Speaker, doesn't the gentleman know?

Mr. JOHN N. HOFFMAN. Mr. Speaker, I said, "No."

Mr. JIROLANIO. Mr. Speaker, has the gentleman spoken to any lawyer in Northampton County who has stated to him that they are in favor of both bills as they are now before this House?

Mr. JOHN N. HOFFMAN. Mr. Speaker, I might say that I spoke to one of Mr. Jirolanio's colleagues, a prominent attorney in Easton on Saturday, who called me on the telephone and asked me to have these bills passed.

Mr. JIROLANIO. Mr. Speaker, would the gentleman be kind enough to give to the House the name of the gentleman so that we might have it?

Mr. JOHN N. HOFFMAN. Mr. Speaker, I think that if the gentleman who is making this interrogation would circulate among his lawyer friends, he would soon discover that there are only about thirty lawyers who are not interested in this bill.

Mr. JIROLANIO. Mr. Speaker and members of the House, as my colleague, Mr. Hoffman, has stated these bills are companion bills, I feel that both should be discussed at one time.

I appear here before this "mike" not in criticism of these bills. What I am asking the House of Representatives to do is to give these bills a public hearing. As you well know, I am listed in the directory as a member of the bar, and after these bills were introduced the Bar Association met—I might add for the information of the members of the House, that the Bar Association of Northampton County is composed of about sixty-five per cent Republican lawyers and only thirty-five per cent Democratic lawyers. They met in the city of Easton and they considered all of the issues that they had before them. They went on record that at the present time they did not believe it would be to the interest of Northampton County to abolish a Common Pleas Court. They said they would not be against the establishment of an Orphans' Court in Northampton County, and in pursuance of that action, members of the House, the Northampton County Bar Association mailed to every member of the House of Representatives of Northampton County and to the Speaker and to the Chairman of the Judiciary General Committee, a letter protesting against House Bill No. 585, Printer's No. 310, which would abolish a Court of Common Pleas.

I might say to the members of the House of Representatives that in this very hall tonight there is a gentleman, a member of the Bar of Northampton County, who has a message to the members of Northampton County, and who will tell this House and the individual members that the Courts of Northampton County are desirous of having a public hearing. Let me say something to the members of the House. If ever a bill smelled bad, this bill smells bad, because it is an attempt to shove this proposition down the throats of the citizens of Northampton County and this attempt is being made by the Bankers' Association of Northampton County, and in particular the gentleman who is President of a bank in the Borough of Nazareth, County of Northampton.

I say to the members of the House that the judges on the bench of Northampton County and the members of the Bar of that county are only asking this Assembly the right to be heard and to present their facts. I don't think that is an unreasonable request to make of the members of this House. It has always been the custom of the members of the House of Representatives whenever a civic

group, or a group of any nature, asked for a public hearing when it affected them individually, it was given to them, because in the interests of American government we should give to everyone his day to be heard.

All that I ask the members of the House to do for me tonight is to give this bill a chance to go back to committee together with House Bill No. 585, so that the judges of my county, both Republicans and Democrats, and the lawyers of my county and the people of my county, both Republicans and Democrats, can appear before you and prove to you in their humble way whether they feel the abolishment of a Common Pleas Court is advisable or not. I don't ask that you take my word to vote for or against these bills. All I ask, members of the House, is to give my constituents the same privilege you would want give to members of your constituency if they were placed in the same position.

I appeal to you as reasonable Americans and members of the House of Representatives not to "welsh" on people who want to be heard. Let these people be heard. There certainly isn't any danger whatsoever, if the members of the Bar and the people of Northampton County appear before the Judiciary General Committee and there state their views. After you have heard their views, then you can pass them if you wish. I ask in the interest of fair play that this bill be re-committed to the Committee on Judiciary General for the purpose of study and for the purpose of a public hearing.

I have also been told by the co-sponsor of this bill that he is agreeable that the bill be recommitted to the Committee on Judiciary General.

Mr. JOHN N. HOFFMAN. Mr. Speaker and members of the House, it seems strangely queer to me that the gentleman from Northampton, Mr. Jirolanio, has gone to such great length in telling you how necessary it is on behalf of the judges of Northampton County to have a public hearing on this bill. There is nobody who wants to be arbitrary, and I submit to you that there is an ulterior motive behind this suggestion.

The judges of Northampton County are perfectly aware of the fact that this bill has been on first reading. They are perfectly aware of the fact that this bill is up tonight for second reading, and if they had such an intense interest and concern about having a public hearing on this bill, it would be only a small matter for them to telegraph to the members of Northampton County their desires to be heard in connection with the bill. Their silence gives proof of the fact that they are not so intensely interested as our good friend, Mr. Jirolanio, would try to have us believe. Now, the abolishment of one Judge of the Court of Common Pleas and the setting up of a Judge of an Orphan's Court is really to fill a vacancy which will occur as of January 1, 1940, which is the psychological time for this change to be made, and it interferes in no way with the present operation of the judges.

I therefore ask the members of this House to vote down the motion.

Mr. JIROLANIO. Mr. Speaker, I desire to interrogate the gentleman from Northampton, Mr. Hoffman.

The SPEAKER. Will the gentleman from Northampton, Mr. Hoffman, permit himself to be interrogated?

Mr. JOHN N. HOFFMAN. I will, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, I desire to ask the gentleman from Northampton, Mr. Hoffman, whether he will agree to have this bill appear on the second reading postponed calendar, and leave it there, in order that we can contact the judges of Northampton County in the next forty-eight hours?

Mr. JOHN N. HOFFMAN. Mr. Speaker, the gentleman from Northampton County has given this House definite assurance that the judges want a public hearing on this bill. He is not certain now that they do want it. I ask the members of the House to vote the motion down.

Mr. JIROLANIO. Mr. Speaker, I made that suggestion so that any member of this House, if he sees fit, can telephone the Judges of Northampton County at my expense, especially the Chairman of the Committee on Judiciary General, the majority Floor Leader or the Speaker of this House, and I will be bound by what those gentlemen tell me. Only in the interest of fair play do I make that suggestion.

Mr. JOHN N. HOFFMAN. Mr. Speaker, I really think that I have said enough about these two bills although I appreciate that the gentleman from Northampton County is very generous. I call for a vote on the motion and ask the members of the House to vote the motion down.

The yeas and nays were required by Mr. Jirolanio and Mr. Weiss and were as follows:

Messrs. Jirolanio, Weiss and Check asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—65

Achterman,	Cohen, R. E.,	Melchiorre,	Rothenberger,
Allen,	Corrigan,	Mooney,	Sarraf,
Allmond,	Donohoe,	Moran.	Schrope,
Alspach,	Downey,	Munley,	Skale,
Andrews,	Falkenstein,	O'Brien,	Stank,
Atkins,	Fauset,	O'Connor,	Sweeney,
Baker,	Flanagan,	O'Keefe,	Tarr,
Bohn,	Hess,	Ominsky,	Taylor,
Boies,	Hindman,	O'Neill,	Thompson, E. F.,
Boney,	Hoffman, S. K.,	Powers,	Van Belle,
Broad,	Holland,	Readinger.	Walsh,
Brown, H. S.,	Huntley,	Reese, R. E.,	Weiss,
Burns,	Jirolanio,	Regan,	Welsh, E. B.,
Burris,	Keenan,	Reynolds,	Welsh, M. J.,
Check,	Levy,	Rider,	Westrick,
Chervenak,	Lovett,	Rooney,	Williams,
Cohen, H. B.,	Malloy,	Rosenfeld,	

NAYS—97

Ackermann,	Dix,	Johnston,	Royer,
Auker,	Donahue,	Jones,	Sarge,
Bardes,	Eckels,	Kline,	Schrock,
Bennett,	Ely,	Knoble,	Serrill,
Boorse,	Ewing,	Krise,	Shearer,
Boose,	Fisher,	Lee,	Simons,
Bower,	Fiss,	Leisey,	Sloan,
Boyd,	Fleming,	Leydic,	Snyder,
Bronson,	Foor,	Lichtenwalter,	Sollenberger,
Brown, S. W.,	Freed,	Marr,	Stambaugh,
Brunner,	Gillette,	Matthews,	Stewart,
Cadwalader,	Goll,	McClester,	Stockham,
Calvin,	Habbyshaw,	McGarrity,	Terry,
Carpenter,	Haines,	McNally,	Thistle,
Christler,	Hall,	McVay,	Thompson, G. R.,
Clark,	Hamilton,	Montgomery,	Tiemann,
Clearwater,	Harbeson,	Moser, F. S.,	Wagner,
Cook,	Haudenshield,	Muir,	Wilson,
Cooper,	Henry,	O'Dare,	Winner,
Cordier,	Hewitt,	Peale,	Wood, L. H.,
Cortese,	Hocke,	Reagan,	Woodside,
Curran,	Hoffman, J. N.,	Reese, D. P.,	Yeakel,
Dalrymple,	Hoyt,	Riley,	Turner,
Denman,	Imbrie,	Robertson,	Speaker.
Dick,	James,	Rose,	

So the question was determined in the negative and the motion was not agreed to.

MOTION TO POSTPONE

Mr. JIROLANIO. Mr. Speaker, I move that House Bill No. 584, Printer's No. 311, be placed upon the postponed calendar.

On the question,

Will the House agree to the motion?

Mr. JOHN N. HOFFMAN. Mr. Speaker and members of the House, for the same reasons that I have already given I reiterate my opposition to this motion and ask that the members of the House vote the motion down.

Mr. JIROLANIO. Mr. Speaker and members of the House, my purpose in asking to have this bill placed upon the postponed calendar is so that the judges of my County and the citizens of my County can reach you within the next forty-eight hours and prove to you that they do desire a public hearing.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. Jirolanio and Mr. Powers and were as follows:

YEAS—59.

Achterman,	Finnerty,	O'Connor,	Schwab,
Allen,	Gates,	O'Keefe,	Shaw,
Allmond,	Harkins,	Ominsky,	Skale,
Andrews,	Hess,	O'Neill,	Stank,
Baker,	Hindman,	Powers,	Sweeney,
Bohn,	Holland,	Preston,	Tarr,
Boney,	Jirolanio,	Reese, R. E.	Taylor,
Broad,	Keenan,	Regan,	Thompson, E. F.,
Carpenter,	Lovett,	Reynolds,	Tronzo,
Check,	Malloy,	Rider,	Walsh,
Chervenak,	Melchiorre,	Rooney,	Welsh, E. B.,
Corrigan,	Mooney,	Rosenfeld,	Welsh, M. J.,
DeNote,	Moran,	Rothenberger,	Westrick,
Donohoe,	Munley,	Sarraf,	Williams,
Downey,	O'Brien,	Schrope,	

NAYS—96.

Ackermann,	Donahue,	Lichtenwalter,	Shearer,
Alspach,	Eckels,	Lyons,	Simons,
Atkins,	Ewing,	Marr,	Sloan,
Auker,	Foor,	McClester,	Snyder,
Balliet,	Gillan,	McKinney,	Sollenberger,
Bennett,	Gillette,	McNally,	Stambaugh,
Boorse,	Hall,	McVay,	Stewart,
Boose,	Hamilton,	Montgomery,	Stockham,
Boyd,	Harbeson,	Moser, J. L.,	Tahl,
Brown, S. W.,	Haudenshield,	Muir,	Terry,
Brunner,	Henry,	O'Dare,	Thistle,
Cadwalader,	Hewitt,	Peacock,	Thompson, G. R.,
Christler,	Hoyt,	Peale,	Tiemann,
Clark,	Huntley,	Readinger,	VanAllsburg,
Clearwater,	Imbrie,	Reagan,	Wagner,
Cohen, R. E.,	James,	Reese, D. P.,	Webster,
Cook,	Jones,	Riley,	Wilson,
Cordier,	Kline,	Robertson,	Winner,
Cortese,	Knoble,	Rose,	Wood, L. H.,
Curran,	Kowalski,	Roseberry,	Wood, L. H.,
Dalrymple,	Krise,	Royer,	Wood, N.,
Denman,	Lee,	Sarge,	Woodside,
Dick,	Leisey,	Schrock,	Yeakel,
Dix,	Leydic,	Seif,	Turner, Speaker.

So the question was determined in the negative and the motion was not agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 585, as follows:

An Act abolishing the office of one of the judges learned in the law in the third judicial district of this Commonwealth and repealing inconsistent legislation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The office of one of the three judges learned in the law in the common pleas court in the third judicial district of this Commonwealth composed of the county of Northampton as established and created by law is hereby abolished and vacated as of the first Monday in January one thousand nine hundred and forty and thereafter the said third judicial district shall have two judges learned in the law in the common pleas court

Section 2 At the municipal election held in November one thousand nine hundred and thirty-nine in said third judicial district there shall be no person elected to the office of judge in the common pleas court to fill the vacancy that would have occurred on the first Monday of January one thousand nine hundred and forty by reason of the expiration of the term of office of one of the three judges in the said court of common pleas in said district had such office not been abolished

Section 3 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT

Mr. JIROLANIO. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study and a public hearing.

The motion was agreed to.

On the question,

Will the House agree to the motion?

Mr. ANDREWS. Mr. Speaker and members of the House, I would very much like to see this bill placed upon the postponed calendar.

Cambria County has a bill pending, designed to reduce the number of Common Pleas Judges from three to two. Unfortunately, Mr. Speaker, the Republican Executive Committee in Cambria County has not been able to make up its mind as to whether it wants three judges or two. I think if this particular bill were placed on the postponed calendar for a day or two, the Cambria County Executive Committee would be able to make up its mind and in that event it would be possible, Mr. Speaker, with the consent of the sponsor and the consent of the House to amend this bill providing for the elimination of a Common Pleas Judge in Cambria County and a Common Pleas Judge in Northampton County. By so doing, we would be ministering an economy and doing with one bill what would otherwise have to be accomplished with two bills.

Mr. ROSE. Mr. Speaker and members of the House, nobody in this House is more interested in the bill to which my colleague refers than I am, because it is my bill.

I would like to see the bill pass the House. I refrained from offering amendments to this bill for the reason that it was sudden and might embarrass the sponsors of the bill, but I think the proposition is worth consideration, inasmuch as this bill is presented in the interest of economy both to the state and to my County.

I, therefore, join with my colleague from Cambria, Mr. Andrews, in asking that this bill be recommitted for further consideration and possible amendment, which amendment I have already prepared. It is an amendment which will not have to be decided upon instantly and the members of the House will have the benefit of the consideration of the Committee.

Mr. ANDREWS. Mr. Speaker and members of the House, I would like to point out the fact that this bill, if passed, does not go into effect for quite a long time, it does not go into effect until January first next. There is no rush and there is no reason, gentlemen, why you should not accede to the request of my colleague from Cambria, and postpone immediate consideration of this bill for at least a day or two.

Mr. JOHN N. HOFFMAN. Mr. Speaker and members of the House, I have every consideration for any Representative of any county in the great Commonwealth of Pennsylvania who desires to fortify his interests, but I certainly cannot agree with the suggestion of the gentlemen from Cambria to postpone my bill until an amendment can be introduced which would link with this bill a judgeship from another county.

The bill from Northampton County stands upon its own merits. I do not think that the question raised by the gentleman from Cambria, Mr. Rose, has any relevancy to the bill now before the House. If there are any changes to be made in the bill, they can be made later on in the Senate. The gentlemen have come too late with their requests for consideration, which we usually like to extend to our fellow members, but in this present instance I am quite sure that I am doing service in carrying out the best thought of my constituents from Northampton county.

I press for the approval of this bill as presented without amendments, and I respectfully ask the House to vote the motion down.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. Jirolanio and Mr. Weiss and were as follows:

YEAS—51.

Achterman,	Finnerty,	O'Connor,	Scanlon,
Allen,	Hess,	O'Keefe,	Schrope,
Allmond,	Hindman,	Ominsky,	Schwab,
Andrews,	Jirolanio,	O'Neill,	Skale,
Baker,	Keenan,	Powers,	Stank,
Boies,	Leydic,	Preston,	Tarr,
Boney,	Lichtenwalter,	Regan,	Thompson, E. F.,
Check,	Lovett	Reynolds,	Walsh,
Cohen, R. E.	McLane,	Rider,	Weiss,
Corrigan,	Mooney,	Rooney,	Welsh, E. B.,
Denman,	Moran,	Rose,	Welsh, M. J.,
Falkenstein,	Munley	Rosenfeld,	Westrick,
Fauset,	O'Brien,	Rothenberger,	Williams,

NAYS—84.

Ackermann,	Ewing,	Moser, F. S.,	Stewart,
Alspach,	Fisher,	Moser, J. L.,	Stockham,
Auker,	Habbyshaw,	Muir,	Sweeney,
Boorse,	Hall,	O'Dare,	Tahl,
Boose,	Hamilton,	Peacock,	Taylor,
Bower,	Hoffman, J. N.,	Peale,	Terry,
Boyd,	Huntley,	Readinger,	Thistle,
Bronson,	Imbrie,	Reagan,	Thompson, G. R.,
Brunner,	James,	Reese, D. P.,	Tiemann,
Cadwalader,	Jones,	Riley,	Van Allsburg,
Christler,	Kline,	Robertson,	Voorhees,
Clearwater,	Krise,	Royer,	Wagner,
Cooper,	Lee,	Sarge,	Webster,
Cordier,	Leisey,	Schrock,	Wilson,
Cortese,	Marr,	Seif,	Winner,
Curran,	McClester,	Serrill,	Wood, H. M.,
Dalrymple,	McGarrity,	Shearer,	Wood, L. H.,
Dick,	McKinney,	Simons,	Wood, N.,
Dix,	McNally,	Snyder,	Woodside,
Donahue,	McVay,	Sollenberger,	Yeakel,
Ely,	Montgomery,	Stambaugh,	Turner, Speaker.

So the question was determined in the negative and the motion was not agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1138, entitled:

An Act requiring weighers and samplers of cargo of ships at ports in cities of the first class to be residents of such cities and to be licensed and providing penalties

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 No person shall be employed as a weigher or sampler of cargo of ships at any port of any city of the first class unless such person shall be a bona fide resident of such city and shall have first obtained a license from the Department of Wharves Docks and Ferries authorizing him to engage in the business of weighing or sampling the cargo of ships The license fee for any such license shall be five dollars ($5.00) Before any such license shall be issued the Department of Wharves Docks and Ferries shall be satisfied that the person to whom a license is to be issued is qualified by experience and competent to act as a weigher or sampler of cargo of ships and is a person of good moral character

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. LEE. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities—First Class for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 899, as follows:

An Act to amend section 571 of the act approved May first one thousand nine hundred thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended by changing the conditions of the tax collectors bond fixing the time when the same shall be entered into and providing that the bond shall cover the collection of township county and school institution and poor district taxes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section 571 of the act approved May first one thousand nine hundred thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended by the act approved July eighteenth one thousand nine hundred thirty-five (Pamphlet Laws 1205) is hereby further amended to read as follows

Section 571 Oath and Bond The collector of taxes of townships shall before he enters upon the duties of his office take and subscribe an oath of office and file the same in the office of the court of quarter sessions and shall annually before any duplicate is delivered to him for that year enter into [a] lawful fidelity bond to the Commonwealth [as required under existing law or a fidelity bond as the taxing authorities may determine] in not more than the amount of taxes charged and assessed in the duplicates to be delivered to him that year with at least two sufficient sureties or one bonding company The bond shall be approved by the court of quarter sessions and shall be filed in the office of the clerk of said court The condition of the bond shall be that the collector as tax collector of the township county school district poor district and institu-

tion district shall [well and truly] account for and pay over all taxes penalties and interest received and collected by him [and account for the whole amount of taxes charged and assessed in the duplicates which shall be delivered to him by paying over the tax penalties and interest collected less commissions by showing exonerations of unpaid occupation poll and per capita taxes and by making return of unpaid taxes on real estate in accordance with existing law or enter liens therefore in the office of the prothonotary Upon so truthfully accounting for all of the taxes charged in the duplicates the bond of the tax collector shall be discharged] The tax collector and his sureties shall be discharged from further liability on any bond as soon as all tax items contained in the duplicates delivered to him during the year for which the bond was given are either (1) collected and paid over or (2) certified to the taxing authority for entry as liens in the office of the prothonotary or (3) returned to the County Commissioners for sale of real estate by the County Treasurer or (4) in the case of occupation poll and per capita taxes a record of those which remain uncollected is filed with the taxing authority [This bond does not cover the collection and payment over of school taxes] The township treasurer shall be required to give but one bond which shall include his duties as collector of township county school district poor district and institution district taxes Should the township county school district institution or poor district be of the opinion at any time that the bond given is not sufficient additional surety may be required to be given at the expense of the taxing district requiring the same The tax collector shall not in any event be required to give bond or bonds aggregating an amount in excess of the tax to be collected by him The bond or bonds given by the tax collector shall be for the use of the township the county the school district the institution district and the poor district Where the county treasurer is appointed as tax collector if the condition of his bond as county treasurer does not secure the payment over and accounting of moneys other than county moneys the County Commissioners shall fix the amount of the special bond to be given by the county treasurer for payment over and accounting of other than county taxes

Section 2 All acts and parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1259, as follows:

An Act requiring certain taxes of the political subdivisions in counties of the first class to be stricken from the records and prohibiting such taxes from being included in the computation of the solvent debts of such political subdivisions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever the receiver or collector of taxes in any county of the first class shall certify to the Board of Revision of Taxes that the lien upon real estate of any tax levied for county city school or poor purposes has been discharged by operation of law the board may order the receiver or collector of taxes and the taxing authorities and officers in whose possession a record of such tax may be to strike said tax from their records and thereafter the amount of such tax shall not be used in computing the solvent debts of such county city school or poor district

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 732, as follows:

An Act to repeal the act approved the seventh day of June one thousand nine hundred and one (P. L. 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended and extended to certain boroughs incorporated towns and townships of the first class by the act approved the thirty-first day of March one thousand nine hundred thirty-seven (P. L. 168) in so far as the same relates and applies to boroughs incorporated towns and townships of the first class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the seventh day of June one thousand nine hundred and one (P. L. 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended and extended to certain boroughs incorporated towns and townships of the first class by the act approved the thirty-first day of March one thousand nine hundred thirty-seven (P. L. 168) is hereby repealed in so far as the same relates and applies to boroughs incorporated towns and townships of the first class

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1054, as follows:

An Act providing a method of annexation of parts of townships of the first class to contiguous cities of the second class boroughs or other contiguous townships of the first class and regulating the proceedings pertaining thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The court of quarter sessions of the proper county shall have power to change the limits of any first class township within this Commonwealth by detaching therefrom any portion of the territory embraced within said limits and by annexing the same to any contiguous first class township or contiguous borough or city of the second class in accordance with the provisions of this act

Section 2 The application to the said court for the purpose of diminishing the territory of a first class township and annexing the same to any contiguous first class township or contiguous borough or second class city shall be in writing shall contain a description of the part of the township sought to be annexed and shall be signed by eighty per centum of the qualified electors resident only in the territory desired to be detached and annexed and shall be signed by the owners of at least eighty per centum of the assessed valuation of the real estate situate in the territory desired to be so detached and annexed as shown by the last preceding assessed valuation of the taxable property therein

Section 3 The application when signed as aforesaid shall be laid before the annexing city of the second class council borough council or annexing township commissioners of such contiguous second class city borough or contiguous first class township to which said applicants desire to become a part of annexed If such contiguous second class city borough council or contiguous first class township commissioners approve the prayer of the petitioners the application and approval thereof as aforesaid

shall be presented to the court of quarter sessions filed of record in the office of the clerk of courts and written notice thereof served upon the secretary of the township commissioners of the first class township whose residents desire to withdraw which said township may file an answer within ten days from the date of service of the aforesaid notice At the expiration of said ten day period the court shall upon motion of counsel for petitioners fix a date for hearing which date shall be not less than twenty days nor more than thirty days thereafter notice of which shall be served upon all counsel appearing of record for parties in interest If the court is satisfied that the requirements of the law have been complied with it shall make an order altering the boundary lines of such first class township by taking from such first class township the lands described in the petition and adding same to such contiguous city of the second class borougr or other contiguous first class township

Section 4 Where a part of any township of the first class is annexed by a city of the second class borough or other township of the first class the township officers and the council of the annexing city of the second class borough or annexing township shall make a just and proper adjustment and apportionment of the assets and liabilities of said township from which a part is being annexed When making such adjustment and apportionment the annexing city of the second class borough or other township of the first class shall share in a division of the assets and indebtedness of the township from which a part is being annexed in the same proportion that the last preceding assessed valuation of the territory annexed bears to the total last preceding valuation of the entire township from which a part is being annexed The adjustment and appointment as made shall be reduced to writing in proper form to be duly executed and acknowledged by the proper officers of said township from which a part is being annexed and annexing city of the second class borough or other township of the first class and be filed in the office of the clerk of the court of quarter sessions of the county in which said city of the second class borough or other township of the first class is located

Section 5 In the event the council of the annexing city of the second class borough or other township of the first class and said township authorities cannot make such amicable adjustment of the assets and liabilities of the township from which a part is being annexed in compliance with this act within sixty days after such annexation then the council of said city of the second class borough or the proper officers of the annexing township of the first class or a proper officer of the township may present a petition to the court of quarter sessions of the county in which the annexing city of the second class borough or other township of the first class is located wheneupon the court shall appoint disinterested commissioners residents and taxpayers of the county in which the city of the second class borough or other township of the first class is situate not residing in the city of the second class borough or other township of the first class nor in the township from which a part is being annexed who after hearing notice of which shall be given to the city of the second class borough or other township of the first class and township from which a part is being annexed interested as the court shall direct shall make report to the court making an apportionment and adjustment between the township from which a part is being annexed and the city of the second class borough or other township of the first class of all assets and liabilities of the township from which a part is being annexed said report to state the amount if any that shall be due and payable by the city of the second class borough or other township of the first class to the township from which a part is being annexed or by the township to the city of the second class borough or other township of the first class as well as the amount of indebtedness if any that shall be assumed by the city of the second class borough or other township of the first class or by the township from which a part is being annexed or by both or any of them

Section 6 The commissioners will give the city of the second class borough or other township of the first class and the township from which a part is being annexed at least five days' notice of the filing of their report and unless exceptions are filed thereto by the city of the second class borough or other township of the first class or by the township from which a part is being annexed within thirty days after filing thereof the same shall be confirmed by the court absolutely and any sum awarded by said report to the city of the second class borough or other township of the first class or township from which a part is being annexed charged therewith and the amount of debt if any apportioned to any city of the second class borough or other township of the first class or township from which a part is being annexed shall be a legal and valid claim against such city of the second class borough or other township of the first class or township from which a part is being annexed charged therewith any property real or personal given and adjudged to the city of the second class borough or other township of the first class or the township from which a part is being annexed shall become and be the property of the city of the second class borough or other township of the first class or the township from which a part is being annexed to whichever one the same is given and adjudged and upon such report being confirmed such claim or indebtedness charged against any city of the second class borough or other township of the first class or against any township from which a part is being annexed may be collected in the same manner as a judgment is collected against any city of the second class borough or township Such commissioners shall be allowed five dollars per day for each day actually spent by them in the performance of their duties together with their actual necessary expenses All costs and expenses of such proceedings shall be apportioned by the court to and between the city of the second class borough or other township of the first class and the township from which a part is being annexed as it shall deem proper

In case exceptions are filed to the report of such commissioners the court shall dispose of the same taking testimony therein if deemed advisable and the decision of the court thereon shall be final and binding on the city of the second class borough or other township of the first class and township from which a part is being annexed unless an appeal is taken within thirty days to the Superior or Supreme Court as in other cases

Section 7 The act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2803) entitled "An act providing a method of annexation of townships of the first class and parts thereof to cities and boroughs and regulating the proceedings pertaining thereto" is hereby repealed in so far as the provisions thereof are inconsistent herewith and all acts and parts of acts inconsistent herewith are hereby repealed

Section 8 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 841, as follows:

An Act to amend section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by authorizing the designation of certain highways upon which motor traffic may be regulated

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand five hundred two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206)

entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended by adding a new clause thereto to be known as Clause XLVI and to read as follows

XLVI Motor Vehicles To designate certain highways upon which motor vehicles including trucks tractors and trailers or semi-trailers in transportation of property within the limits of the township or between points within the township and points beyond the limits of the township may be operated and to restrict the operation of such motor vehicles to the highways so designated Provided that there shall not be so restricted or designated any state highway routes or any arterial highway within the township and the township shall keep open for passage by such motor vehicles including trucks tractors trailers and semi-trailers in transportation of property for passage through or into the township highways not unreasonably more circuitous than the highways restricted or designated and shall erect and maintain official signs in accordance with the provisions of the Vehicle Code

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 248, entitled:

An Act to protect the public against fraud requiring all real estate brokers and salesmen soliciting accepting or receiving payments of principal or interest on mortgages or judgments as agent employe or attorney-in-fact or another to file a bond with the Department of Public Instruction for the protection of the payers and prescribing penalties

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Hereafter it shall be unlawful for any real estate broker or salesman to solicit accept or receive any payment of interest or principal on any mortgage or judgment as agent employe or attorney in-fact or purported agent employe or attorney-in-fact of the mortgagee or judgment creditor unless said real estate broker or salesman shall have filed with the Department of Public Instruction a bond in an amount sufficient to protect said mortgagors and judgment debtors against any liability whatsoever for failure of such real estate broker or salesman to account for the amount so paid and received or for lack of authority of such real estate broker or salesman to accept or receive such payments

Said bond shall be in such amount and bear such sureties as the Department shall deem reasonably necessary fully to protect all mortgagors and judgment debtors from whom said real estate brokers or salesmen shall accept or receive such payments

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be recommitted to the Committee on Professional Licensure.

On the question,

Will the House agree to the motion?

Mr. CHECK. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. CHECK. Mr. Speaker, will the gentleman from Dauphin please tell the members of the House why he wants this bill recommitted?

Mr. WOODSIDE. Mr. Speaker, this bill is rather radical in its departure from the present law, and it is a matter which we feel should receive further consideration by the Committee.

Mr. CHECK. Mr. Speaker, does the gentleman from Dauphin have any amendments to offer to this bill?

Mr. WOODSIDE. Mr. Speaker, I have not any amendments to offer. If I had amendments I would have offered them instead of having it returned to the Committee.

Mr. CHECK. Mr. Speaker, why does the gentleman from Dauphin wish to recommit this bill if he had no amendments to offer?

Mr. WOODSIDE. Mr. Speaker, for further study of the bill. I did not say that I wanted to recommit it for amendments.

Mr. CHECK. Mr. Speaker, will the gentleman from Dauphin inform the House what he does not know about the bill.

Mr. WOODSIDE. Mr. Speaker, it will not take very long for me to tell what I do know about the bill.

Mr. CHECK. Mr. Speaker, will the gentleman from Dauphin agree to have the bill placed upon the postponed calendar?

Mr. WOODSIDE. Mr. Speaker, I will not.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the noes appeared to have it,

Whereupon, a division was called for, one hundred and fourteen members, or more than a majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1234, as follows:

An Act authorizing counties of the second class to acquire property and erect thereon maintenance warehouses for roads highways bridges and tunnels by purchase or the exercise of the right of eminent domain providing for the acquiring of fee simple title thereto and the issuance of bonds therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It shall be lawful for and the right and power is hereby conferred upon counties of the second class of this Commonwealth to enter upon take use and appropriate by the right of eminent domain and to acquire by purchase lease gift devise or otherwise private property for the purpose of erecting thereon a suitable building or buildings for warehouses for the housing of machinery tools equipment vehicles and the storage of materials for the maintenance of roads highways bridges and tunnels whenever the county commissioners thereupon shall by resolution determine thereon

Section 2 The compensation and damages when not agreed upon shall be ascertained determined awarded and paid in a manner provided in the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto"

Section 3 In every case of the taking of private property by eminent domain thereunder the county shall acquire the entire title either in fee or otherwise held by the owner or owners of said property or of any interest therein

Section 4 For the purpose of acquiring such property and the erection thereon of the buildings aforesaid the county commissioners may borrow money and issue bonds therefor in accordance with present or future laws relating to the issuance of bonds for roads highways tunnels and bridges

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 563, entitled:

An Act to further amend sections eight ten and clause (a) of section fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by providing additional grounds for refusing suspending or revoking licenses further regulating the procedure of the board giving associations of funeral directors the right of appeal in certain cases and extending the power of the board to make rules and regulations

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections eight ten and clause (a) of section fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" as amended by section one of the act approved the nineteenth day of June one thousand nine hundred and thirty-five (P. L. 1324) are hereby further amended to read as follows

Section 8 The board by a majority vote thereof may refuse to grant refuse to renew suspend or revoke a license of any applicant or licensee for the following reasons

(a) The practice of any fraud or deceit in obtaining or attempting to obtain a license

(b) Violation of the health laws of this Commonwealth

(c) The conviction of a crime involving moral turpitude

(d) The use of misleading advertising

(e) Gross incompetency negligence or misconduct in the carrying on of such business or profession

(f) Violation of or non-compliance with the provisions of this act or the rules and regulations of the board

(g) Loaning borrowing or using a license of another or of knowingly aiding or abetting in any way the granting of improper licenses

(h) Soliciting patronage other than by legitimate advertisement or paying a commission or agreeing to pay a commission to any person or persons for soliciting or for business secured or paying any gratuity to any person with intent to have such person aid in securing business or being a party to any arrangement whereby business is obtained through the sale or solicitation of funeral contracts or burial associations or like unprofessional conduct

Section 10 (a) Any applicant or licensee whose license has been refused suspended or revoked by the board shall within thirty days have the right of appeal to the court of common pleas of Dauphin County where the matter shall be heard by the court without a jury The action of said court shall be final The case shall be heard upon the record certified to the court by the board The court may in proper cases remit the record to the board for the taking of further testimony

(b) Any association of funeral directors or any party in interest shall be entitled to be heard by the board The said association of funeral directors or any person having an interest in the controversy may by an action in equity obtain an injunction to prevent the illegal operation of a person firm corporation or establishment in violation of law or the regulations of the board For such purposes the common pleas court of the county where the violations occur or where the defendant may be served shall have jurisdiction

(c) The board shall render a decision in a case heard by it as promptly as possible but not later than thirty days after the hearing Immediate notice of the decision shall be furnished to the parties in interest or their counsel Any association of funeral directors or party in interest being a party to a proceeding before the board shall have the same right of appeal to the court as is allowed to any defendant or respondent and under the same procedure

Section 14 (a) The board shall be charged with the enforcement of this act It shall be empowered to formulate necessary rules and regulations not inconsistent with this act for the proper conduct of the business or profession of undertaking and as may be deemed necessary or proper to safeguard the interests of the public and the standards of the profession and the board may require an embalming school training of apprentices in addition to other requirements It shall also be empowered with the approval of the Secretary of Health to formulate rules and regulations governing interments and disinterments shipment of bodies sanitation facilities preparation of bodies dead of contagious diseases The board shall mail a copy of all regulations to each licensee and registered apprentice annually

On the question,

Will the House agree to the section?

Mr. SEIF. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, line 11, by striking out the word: "June" and inserting in lieu thereof: "July".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

An Act to further amend sections eight, ten, and clause (a) of section fourteen of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons, and providing penalties," by providing additional grounds for refusing, suspending or revoking licenses; further regulating the procedure of the board; giving associations of funeral directors the right to appeal in certain cases; and extending the power of the board to make rules and regulations.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1361, as follows:

An Act to amend clause (10) of section 3 sections 5 and 6 paragraphs (2) (3) (4) (6) and (11) of section 8 sections 9, and 11 paragraph C of section 12 and section 15 of the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2724) entitled "An act relating to soil conservation and soil erosion and regulating land use practices contributing to soil wastage and soil erosion providing for the organization of soil conservation districts as governmental subdivisions of the Commonwealth with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources prescribing the officers and employes thereof and defining their powers and duties creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act providing financial assistance to such soil conservation districts prescribing penalties and making an appropriation" by changing the vote necessary for the establishment of districts the making of regulations and the dissolution of districts and requiring voters to be land owners

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (10) of section 3 sections 5 and 6 paragraph (2) (3) (4) (6) and (11) of section 8 sections 9 and 11 paragraph C of section 12 and section 15 of the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2724) entitled "An act relating to soil conservation and soil erosion and regulating land use practices contributing to soil wastage and soil erosion providing for the organization of soil conservation districts as governmental subdivisions of the Commonwealth with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources prescribing the officers and employes thereof and defining their powers and duties creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act providing financial assistance to such soil conservation districts prescribing penalties and making an appropriation" are hereby amended to read as follows

Section 3 Definitions * * * *

(10) "Land [occupier] owner" or [occupier] "owner of land" includes any person firm or corporation who shall hold title to [or shall be in possession of] any lands lying within a district organized under the provisions of this act [whether as owner lessee renter tenant or otherwise]

* * * *

Section 5 Creation of Soil Conservation Districts Any twenty-five (25) [occupiers] owners of land lying within the limits of the territory proposed to be organized into a district may file a petition with the State Soil Conservation Board asking that a soil conservation district be organized to function in the territory described in the petition Such petition shall set forth

(1) The proposed name of said district

(2) That there is need in the interest of the public health safety and welfare for a soil conservation district to function in the territory described in the petition

(3) A description of the territory proposed to be organized as a district which description shall not be required to be given by metes and bounds or by legal subdivisions but shall be deemed sufficient if generally accurate

(4) A request that the State Soil Conservation Board duly define the boundaries for such district that a referendum be held within the territory so defined on the question of the creation of a soil conservation district in such territory and that the board determine that such a district be created

Where more than one petition is filed covering parts of the same territory the State Soil Conservation Board may consolidate all or any such petitions

B Within thirty (30) days after such a petition has been filed with the State Soil Conservation Board it shall cause due notice to be given of a proposed hearing upon the question of the desirability and necessity in the interest of the public health safety and welfare of the creation of such district upon the question of the appropriate boundaries to be assigned to such district upon the propriety of the petition and other proceedings taken under this act and upon all questions relevant to such inquiries All [occupiers] owners of land within the limits of the territory described in the petition and of lands within any territory considered for addition to such described territory and all other interested parties shall have the right to attend such hearings and to be heard If it shall appear upon the hearing that it may be desirable to include within the proposed district territory outside of the area within which due notice of the hearing has been given the hearing shall be adjourned and due notice of further hearing shall be given throughout the entire area considered for inclusion in the district and such further hearing held After such hearing if the board shall determine upon the facts presented at such hearing and upon such other relevant facts and information as may be available that there is need in the interest of the public health safety and welfare for a soil conservation district to function in the territory considered at the hearing it shall make and record such determination and shall define by metes and bounds or by legal subdivisions the boundaries of such district In making such determination and in defining such boundaries the board shall give due weight and consideration to the topography of the area considered and of the Commonwealth the composition of soils therein the distribution of erosion the prevailing land-use practices the desirability and necessity of including within the boundaries the particular lands under consideration and the benefits such lands may receive from being included within such boundaries the relation of the proposed area to existing watersheds and agricultural regions and to other soil conservation districts already organized or proposed for organization under the provisions of this act and such other physical geographical and economic factors as are relevant having due regard to the legislative determinations set forth in section 2 of this act The territory to be included within such boundaries need not be contiguous If the board shall determine after such hearing after due consideration of the said relevant facts that there is no need for a soil conservation district to function in the territory considered at the hearing it shall make and record such determination and shall deny the petition After six months shall have expired from the date of the denial of any such petition subsequent petitions covering the same or substantially the same territory may be filed as aforesaid and new hearings held and determinations made thereon

C After the board has made and recorded a determination that there is need in the interest of the public health safety and welfare for the organization of a district in a particular territory and has defined the boundaries thereof it shall consider the question whether the operation of a district within such boundaries with the powers conferred upon soil conservation districts in this act is administratively practicable and feasible To assist the board in the determination of such administrative practicability and feasibility it shall be the duty of the board within a reasonable time after entry of the finding that there is need for the organization of the proposed district and the determination of the boundaries thereof to hold a referendum within the proposed district upon the proposition of the creation of the district and to cause due notice of such referendum to be given The question shall be submitted by ballots upon which the words "For creation of a soil conservation district of the lands below described and lying in the county (ies) of ..... and ....." and "against creation of

a soil conservation district of the lands below described and lying in the county (ies) of ..... and ....." shall be printed with a square before each proposition and a direction to insert an X mark in the square before one or the other of said propositions as the voter may favor or oppose creation of such district The ballot shall set forth the boundaries of such proposed district as determined by the board All [occupiers] owners of lands lying within the boundaries of the territory as determined by the State Soil Conservation Board shall be eligible to vote in such referendum Only such land [occupiers] owners shall be eligible to vote

D The board shall pay all expenses for the issuance of such notices and the conduct of such hearings and referenda and shall supervise the conduct of such hearings and referenda It shall issue appropriate regulations governing the conduct of such hearings and referenda and providing for the registration prior to the date of the referendum of all eligible voters or prescribing some other appropriate procedure for the determination of those eligible as voters in such referendum No informalities in the conduct of such referendum or in any matters relating thereto shall invalidate said referendum or the result thereof if notice thereof shall have been given substantially as herein provided and said referendum shall have been fairly conducted

E The board shall publish the result of such referendum and shall thereafter consider and determine whether the operation of the district within the defined boundaries is administratively practicable and feasible If the board shall determine that the operation of such district is not administratively practicable and feasible it shall record such determination and deny the petition If the board shall determine that the operation of such district is administratively practicable and feasible it shall record such determination and shall proceed with the organization of the district in the manner hereinafter provided In making such determination the board shall give due regard and weight to the attitudes of the [occupiers] owners of lands lying within the defined boundaries the number of land [occupiers] owners eligible to vote in such referendum who shall have voted the proportion of the votes cast in such referendum in favor of the creation of the district to the total number of votes cast the approximate wealth and income of the land [occupiers] owners of the proposed district the probable expense of carrying on erosion-control operations within such district and such other economic and social factors as may be relevant to such determination having due regard to the legislative determinations set forth in section 2 of this act Provided however That the board shall not have authority to determine that the operation of the proposed district within the defined boundaries is administrative practicable and feasible unless at least [a majority] sixty-five per centum of the votes cast in the referendum upon the proposition of creation of the district shall have been cast in favor of the creation of such district

F If the board shall determine that the operation of the proposed district within the defined boundaries is administratively practicable and feasible it shall appoint two (2) supervisors to act with the three (3) supervisors elected as provided hereinafter as the governing body of the district such district shall be a governmental subdivision of this Commonwealth and a public body corporate and politic upon the taking of the following proceedings

The two appointed supervisors shall present to the Secretary of the Commonwealth an application signed by them which shall set forth (and such application need contain no detail other than the mere recitals) (1) that a petition for the creation of the district was filed with the State Soil Conservation Board pursuant to the provisions of this act and that the proceedings specified in this act were taken pursuant to such petition that the application is being filed in order to complete the organization of the district as a governmental subdivision and a public body corporate and politic under this act and that the board has appointed them as supervisors (2) the name and official residence of each of the supervisors together with a certified copy of the appointments evidencing their right to office (3) the term of office of each of the supervisors (4) the name which is proposed for the district and (5) the location of the principal office of the supervisors of the district The application shall be subscribed and sworn to by each of the said supervisors before an officer authorized by the laws of this State to take and certify oaths who shall certify upon the application that he personally knows the supervisors and knows them to be the officers as affirmed in the application and that each has subscribed thereto in the officer's presence The application shall be accompanied by a statement by the State Soil Conservation Board which shall certify (and such statement need contain no detail other than the mere recitals) that a petition was filed notice issued and hearings held as aforesaid that the board did duly determine that there is need in the interest of the public health safety and welfare for a soil conservation district to function in the proposed territory and did define the boundaries thereof that notice was given and a referendum held on the question of the creation of such district and that the result of such referendum showed [a majority] sixty-five per centum of the votes cast in such referendum to be in favor of the creation of the district that thereafter the board did duly determine that the operation of the proposed district is administratively practicable and feasible The said statement shall set forth the boundaries of the district as they have been defined by the board

The Secretary of the Commonwealth shall examine the application and statement and if he finds that the name proposed for the district is not identical with that of any other soil conservation district of this Commonwealth or so nearly similar as to lead to confusion or uncertainty he shall receive and file them and shall record them in an appropriate book of record in his office If the Secretary shall find that the name proposed for the district is identical with that of any other soil conservation district of this Commonwealth or so nearly similar as to lead to confusion and uncertainty he shall certify such fact to the State Soil Conservation Board which shall thereupon submit to the Secretary of the Commonwealth a new name for the said district which shall not be subject to such defects Upon receipt of such new name free of such defects the Secretary of the Commonwealth shall record the application and statement with the name so modified in an appropriate book of record in his office When the application and statement have been made filed and recorded as herein provided the district shall constitute a governmental subdivision of this Commonwealth and a public body corporate and politic The Secretary of the Commonwealth shall make and issue to the said supervisors a certificate under the seal of the Commonwealth of the due organization of the said district and shall record such certificate with the application and statement The boundaries of such district shall include the territory as determined by the State Soil Conservation Board as aforesaid but in no event shall they include an area included within the boundaries of another soil conservation district organized under the provisions of this act

G After six (6) months shall have expired from the date of entry of a determination by the State Soil Conservation Board that operation of a proposed district is not administratively practicable and feasible and denial of a petition pursuant to such determination subsequent petitions may be filed as aforesaid and action taken thereon in accordance with the provisions of this act

H Petitions for including additional territory within an existing district may be filed with the State Soil Conservation Board and the proceedings herein provided for in the case of petitions to organize a district shall be observed in the case of petitions for such inclusion The board shall prescribe the form for such petitions which shall be as nearly as may be in the form prescribed in this act for petitions to organize a district Where the total number of land [occupiers] owners in the area proposed for inclusion shall be less than twenty-five the petition may be filed when signed by [a majority] sixty-five per centum of the [occupiers] owners of such area and in such case no referendum need be held In referenda upon petitions for such inclusion all [occupiers] owners of land

lying within the proposed additional area shall be eligible to vote

I In any suit action or proceeding involving the validity or enforcement of or relating to any contract proceeding or action of the district The district shall be deemed to have been established in accordance with the provisions of this act upon proof of the issuance of the aforesaid certificate by the Secretary of the Commonwealth A copy of such certificate duly certified by the Secretary shall be admissible in evidence in any such suit action or proceeding and shall be proof of the filing and contents thereof

Section 6 Election of Three Supervisors for Each District Within thirty (30) days after date of issuance by the Secretary of the Commonwealth of a certificate of organization of a soil conservation district nominating petitions may be filed with the State Soil Conservation Board to nominate candidates for supervisors of such district The board shall have authority to extend the time within which nominating petitions may be filed No such nominating petition shall be accepted by the board unless it shall be subscribed by twenty-five (25) or more [occupiers] owners of land lying within the boundaries of such district Land [occupiers] owners may sign more than one such nominating petition to nominate more than one candidate for supervisor The board shall give due notice of an election to be held for the election of three supervisors for the district The names of all nominees on behalf of whom such nominating petitions have been filed within the time herein designated shall be printed arranged in the alphabetical order of the surnames upon ballots with a square before each name and a direction to insert an X mark in the square before any three names to indicate the voter's preference All [occupiers] owners of lands lying within the district shall be eligible to vote in such election Only such land [occupiers] owners shall be eligible to vote The three candidates who shall receive the largest number respectively of the votes cast in such election shall be the elected supervisors for such district The board shall pay all the expenses of such election shall supervise the conduct thereof shall prescribe regulations governing the conduct of such election and the determination of the eligibility of voters therein and shall publish the results thereof

Section 8 Powers of Districts and Supervisors * * * *

(2) To conduct demonstrational projects within the district on lands owned or controlled by this Commonwealth or any of its agencies with the cooperation of the agency administering and having jurisdiction thereof and on any other lands within the district upon obtaining the consent of the [occupier] owner of such lands or the necessary rights or interests in such lands in order to demonstrate by example the means methods and measures by which soil and soil resources may be conserved and soil erosion in the form of soil blowing and soil washing away may be prevented and controlled

(3) To carry out preventive and control measures within the district including but not limited to engineering operations methods of cultivation the growing of vegetation changes in use of land and the measures listed in subsection C of section 2 of this act on lands owned or controlled by this Commonwealth or any of its agencies with the cooperation of the agency administering and having jurisdiction thereof and on any other lands within the district upon obtaining the consent of the [occupier] owner of such lands or the necessary rights or interests in such lands

(4) To cooperate or enter into agreements with an within the limits of appropriations duly made available to it by law to furnish financial or other aid to any agency governmental or otherwise or any [occupier] owner of lands within the district in the carrying on of erosion-control and prevention operations within the district subject to such conditions as the supervisors may deem necessary to advance the purposes of this act

* * * *

(6) To make available on such terms as it shall prescribe to land [occupiers] owners within the district argicultural and engineering machinery and equipment fertilizer seeds and seedlings and such other material or equipment as will assist such land [occupiers] owners to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion

* * * *

(11) As a condition to the extending of any benefits under this act to or the performance of work upon any lands not owned or controlled by this Commonwealth or any of its agencies the supervisors may require contributions in money services materials or otherwise to any operations conferring such benefits and may require land [occupiers] owners to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon

Section 9 Adoption of Land-use Regulations The supervisors of any district shall have authority to formulate regulations governing the use of lands within the district in the interest of conserving soil and soil resources and preventing and controlling soil erosion The supervisors may conduct such public meetings and public hearings upon tentative regulations as may be necessary to assist them in this work The supervisors shall not have authority to enact such land-use regulations into law until after they shall have caused due notice to be given of their intention to conduct a referendum for submission of such regulations to the [occupiers] owners of lands lying within the boundaries of the district for their indication of approval or disapproval of such proposed regulations and until after the supervisors have considered the result of such referendum The proposed regulations shall be embodied in a proposed ordinance Copies of such proposed ordinance shall be available for the inspection of all eligible voters during the period between publication of such notice and the date of the referendum The notices of the referendum shall recite the contents of such proposed ordinance or shall state where copies of such proposed ordinance may be examined The question shall be submitted by ballots upon which the words "For approval of proposed ordinance Number ..... prescribing land-use regulations for conservation of soil and prevention of erosion" and "Against approval of proposed ordinance Number ..... prescribing land-use regulations for conservation of soil and prevention of erosion" shall be printed with a square before each proposition and a direction to insert an X mark in the square before one or the other of said propositions as the voter may favor or oppose approval of such proposed ordinance The supervisors shall supervise such referendum shall prescribe appropriate regulations governing the conduct thereof and shall publish the result thereof All [occupiers] owners of lands within the district shall be eligible to vote in such referendum Only such land [occupiers] owners shall be eligible to vote No informalities in the conduct of such referendum or in any matters relating thereto shall invalidate said referendum or the result thereof if notice thereof shall have been given substantially as herein provided and said referendum shall have been fairly conducted

The supervisors shall not have authority to enact such proposed ordinance into law unless at least [a majority] sixty-five per centum of the votes cast in such referendum shall have been cast for approval of the said proposed ordinance The approval of the proposed ordinance by a majority of the votes cast in such referendum shall not be deemed to require the supervisors to enact such proposed ordinance into law Land-use regulations prescribed in ordinances adopted pursuant to the provisions of this section by the supervisors of any district shall have the force and effect of law in the said district and shall be binding and obligatory upon all [occupiers] owners of lands within such district

Any [occupier] owner of land within such district may at any time file a petition with the supervisors asking that any or all of the land-use regulations prescribed in any ordnance adopted by the supervisors under this section shall be amended supplemented or repealed Land-use regulations prescribed in any ordinance adopted pursuant to the provisions of this section shall not be amended supplemented or repealed except in accordance with the procedure prescribed in this section for adoption of land-use regulations Referenda on adoption amendment supplemen-

tation or repeal of land-use regulations shall not be held more often than once in six (6) months

The regulations to be adopted by the supervisors under the provisions of this section may include

1 Provisions requiring the carrying out of necessary engineering operations including the construction of terraces terrace outlets check dams dikes ponds ditches and other necessary structures

2 Provisions requiring observance of particular methods of cultivation including contour cultivating contour furrowing lister furrowing sowing planting strip cropping seeding and planting of lands to water-conserving and erosion preventing plants trees and grasses forestation and reforestation

3 Specifications of cropping programs and tillage practices to be observed

4 Provisions requiring the retirement from cultivation of highly erosive areas or of areas on which erosion may not be adequately controlled if cultivation is carried on

5 Provisions for such other means measures operations and programs as may assist conservation of soil resources and prevent or control soil erosion in the district having due regard to the legislative findings set forth in section 2 of this act

The regulations shall be uniform throughout the territory comprised within the district except that the supervisors may classify the lands within the district with reference to such factors as soil type degree of slope degree of erosion threatened or existing cropping and tillage practices in use and other relevant factors and may provide regulations varying with the type or class of land affected but uniform as to all lands within each class or type Copies of land-use regulations adopted under the provisions of this section shall be printed and made available to all [occupiers] owners of land lying within the district

Section 11 Performance of Work under the Regulations by the Supervisors Where the supervisors of any district shall find that any of the provisions of land-use regulations prescribed in an ordinance adopted in accordance with the provisions of section 9 hereof are not being observed on particular lands and that such nonobservance tends to increase erosion on such lands and is interfering with the prevention or control of erosion on other lands within the district the supervisors may present to the court of common pleas of the county wherein such particular land is located a petition duly verified setting forth the adoption of the ordinance prescribing land-use regulations the failure of the defendant land [occupier] owner to observe such regulations and to perform particular work operations or avoidances as required thereby and that such nonobservance tends to increase erosion on such lands and is interfering with the prevention or control of erosion on other lands within the district and praying the court to require the defendant to perform the work operations or avoidance within a reasonable time and to order that if the defendant shall fail to perform the supervisors may go on the land perform the work or other operations or otherwise bring the condition of such lands into conformity with the requirements of such regulations and recover the costs and expenses thereof with interest from the [occupier] owner of such land Upon the presentation of such petition the court shall cause process to be issued against the defendant and shall hear the case If it shall appear to the court that testimony is necessary for the proper disposition of the matter it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of facts and conclusions of law which shall constitute a part of the proceedings upon which the determination of the court shall be made The court may dismiss the petition or it may require the defendant to perform the work operations or avoidances and may provide that upon the failure of the defendant to initiate such performance within the time specified in the order of the court and to prosecute the same to completion with reasonable diligence the supervisors may enter upon the lands involved and perform the work or operations or otherwise bring the conditions of such lands into conformity with the requirements of the regulations and recover the costs and expenses thereof with interest at the rate of five per centum per annum from the [occupier] owner of such lands [In all cases where the person in possession of lands who shall fail to perform such work operations or avoidance shall not be the owner the owner of such lands shall be joined as party defendant]

The court shall retain jurisdiction of the case until after the work has been completed Upon completion of such work pursuant to such order of the court the supervisors may file a petition with the court a copy of which shall be served upon the defendant in the case stating the costs and expenses sustained by them in the performance of the work and praying judgment therefor with interest The court shall have jurisdiction to enter judgment for the amount of such costs and expenses with interest at the rate of five per centum per annum until paid together with the costs of suit including a reasonable attorney's fee to be fixed by the court The amount of such judgment shall be a lien upon such lands until fully paid and satisfied and shall be collected by the supervisors of the district in the same manner and under the same procedure as is provided by law for the collection of municipal claims after they have been reduced to judgment When such judgment shall be paid or collected the proceeds shall be paid over to the district within the boundaries of which the lands shall lie

Section 12 Board of Adjustment

* * * *

C Any land [occupier] owner may file a petition with the board of adjustment alleging that there are great practical difficulties or unnecessary hardships in the way of his carrying out upon his lands the strict letter of the land-use regulations prescribed by ordinance approved by the supervisors and praying the board to authorize a variance from the terms of the land-use regulations in the application of such regulations to the lands occupied by the petitioner Copies of such petition shall be served by the petitioner upon the chairman of the supervisors of the district within which his lands are located and upon the chairman of the State Soil Conservation Board The board of adjustment shall fix a time for the hearing of the petition and cause due notice of such hearing to be given The supervisors of the district and the State Soil Conservation Board shall have the right to appear and be heard at such hearing Any [occupier] owner of lands lying within the district who shall object to the authorizing of the variance prayed for may intervene and become a party to the proceedings Any party to the hearing before the board may appear in person by agent or by attorney If upon the facts presented at such hearing the board shall determine that there are great practical difficulties or unnecessary hardship in the way of applying the strict letter of any of the land-use regulations upon the lands of the petitioner it shall make and record such determination and shall make and record findings of fact as to the specific conditions which establish such great practical difficulties or unnecessary hardship Upon the basis of such findings and determination the board shall have power by order to authorize such variance from the terms of the land-use regulations in their application to the lands of the petitioner as will relieve such great practical difficulties or unnecessary hardship and will not be contrary to the public interest and such that the spirit of the land-use regulations shall be observed the public health safety and welfare secured and substantial justice done

Section 15 Discontinuance of Districts At any time after five (5) years after the organization of a district under the provisions of this act any twenty-five (25) [occupiers] owners of land lying within the boundaries of such district may file a petition with the State Soil Conservation Board praying that the operations of the district be terminated and the existence of the district discontinued The board may conduct such public meetings and public hearings upon such petition as may be necessary to assist it in the consideration thereof Within sixty (60) days after such a petition has been received by the board it shall give due notice of the holding of a referendum and shall supervise such referendum and issue appropriate regula-

tions governing the conduct thereof the question to be submitted by ballots upon which the words "For terminating the existence of the ..... (name of the soil conservation district to be here inserted)" and "Against terminating the existence of the ..... (name of the soil conservation district to be here inserted)" shall be printed with a square before each proposition and a direction to insert an X mark in the square before one or the other of said propositions as the voter may favor or oppose discontinuance of such district All [occupiers] owners of lands lying within the boundaries of the district shall be eligible to vote in such referendum Only such land [occupiers] owners shall be eligible to vote No informalities in the conduct of such referendum or in any matters relating thereto shall invalidate said referendum or the result thereof if notice thereof shall have been given substantially as herein provided and said referendum shall have been fairly conducted

The State Soil Conservation Board shall publish the result of such referendum and shall thereafter consider and determine whether the continued operation of the district within the defined boundaries is administratively practicable and feasible If the board shall determine that the continued operation of such district is administratively practicable and feasible it shall record such determination and deny the petition If the board shall determine that the continued operation of such district is not administratively practicable and feasible it shall record such determination and shall certify such determination to the supervisors of the district In making such determination the board shall give due regard and weight to the attitudes of the [occupiers] owners of lands lying within the district the number of land [occupiers] owners eligible to vote in such referendum who shall have voted the proportion of the votes cast in such referendum in favor of the discontinuance of the district to the total number of votes cast the approximate wealth and income of the land [occupiers] owners of the district the probable expense of carrying on erosion control operations within such district and such other economic and social factors as may be relevant to such determination having due regard to the legislative findings set forth in section 2 of this act Provided however That the board shall not have authority to determine that the continued operation of the district is administratively practicable and feasible unless at least [a majority] sixty-five per centum of the votes cast in the referendum shall have been cast in favor of the continuance of such district

Upon receipt from the State Soil Conservation Board of a certification that the board has determined that the continued operation of the district is not administratively practicable and feasible pursuant to the provisions of this section the supervisors shall forthwith proceed to terminate the affairs of the district The supervisors shall dispose of all property belonging to the district at public auction and shall pay over the proceeds of such sale into the State Treasury through the Department of Revenue The supervisors shall thereupon file an application duly verified with the Secretary of the Commonwealth for the discontinuance of such district and shall transmit with such application the certificate of the State Soil Conservation Board setting forth the determination of the board that the coninued operation of such district is not administratively practicable and feasible The application shall recite that the property of the district has been disposed of and the proceeds paid over as in this section provided and shall set forth a full accounting of such properties and proceeds of the sale The Secretary of the Commonwealth shall issue to the supervisors a certificate of dissolution and shall record such certificate in an appropriate book of record in his office

Upon issuance of a certificate of dissolution under the provisions of this section all ordinances and regulations theretofore adopted and in force within such districts shall be of no further force and effect All contracts theretofore entered into to which the district or supervisors are parties shall remain in force and effect for the period provided in such contracts The State Soil Conservation Board shall be substituted for the district or supervisors as party to such contracts The committee shall be entitled to all benefits and subject to all liabilities under such contracts and shall have the same right and liability to perform to require performance to sue and be sued thereon and to modify or terminate such contracts by mutual consent or otherwise as the supervisors of the district would have had Such dissolution shall not affect the lien of any judgment entered under the provisions of section 11 of this act nor the pendency of any action instituted under the provisions of such section and the board shall succeed to all the rights and obligations of the district or supervisors as to such liens and actions

The State Soil Conservation Board shall not entertain petitions for the discontinuance of any certain district nor conduct referenda upon such petitions nor make determinations pursuant to such petitions in accordance with the provisions of this act more often than once in five (5) years

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 844, as follows:

An Act to amend the first paragraph of section one thousand seven hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by changing the power of commissioners to levy taxes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand seven hundred nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 1709 Tax Levies The board of township commissioners may levy taxes upon all property (and) or upon all occupations or in the discretion of the board upon both property and occupations within the township made taxable for township purposes as ascertained by the valuation for county purposes made by the assessors of the several counties of this Commonwealth for the year for which the township taxes are levied for the purposes and at the rate hereinafter specified Provided however That such valuation shall be subject to correction by the county commissioners of the several counties and to appeal by the taxable persons in accordance with existing laws

Section 2 This act shall become effective immediately upon final eanctment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 820, as follows:

An Act to amend section three of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 485) entitled "An act to provide for the better protection of life and health of the citizen of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" providing for the qualification of additional persons as undertakers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" is hereby amended to read as follows

Section 3 An applicant shall not be entitled to an examination if

(a) The applicant is not a citizen of the United States

(b) The applicant is not at least twenty-one years of age

(c) The applicant is not a graduate of an approved high school of this Commonwealth or has an aducation equivalent thereto under the rules and regulations of the department Provided however That this clause shall not be construed to apply to any person who has been registered as an apprentice with the State Board of Undertakers and has served continuously giving his entire time and attention to the undertaking business with a licensed undertaker any ten consecutive years from January first one thousand nine hundred and twenty to the date of the passage of this act

(d) The applicant has not had practical experience in the business or profession of undertaking for two years continuously as a student apprentice and shall have completely embalmed at least twenty-five bodies

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HABBYSHAW. Mr. Speaker, I move that this bill be recommitted to the Committee on Professional Licensure for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. REGAN. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Habbyshaw.

The SPEAKER. Will the gentleman from Dauphin, Mr. Habbyshaw, permit himself to be interrogated?

Mr. HABBYSHAW. I shall, Mr. Speaker.

Mr. REGAN. Mr. Speaker, will the gentleman from Dauphin tell me for what reason he desires this bill recommitted?

Mr. HABBYSHAW. Mr. Speaker, for further study and possible amendment.

Mr. REGAN. Mr. Speaker, will the gentleman from Dauphin agree to have this bill placed upon the postponed calendar?

Mr. HABBYSHAW. Mr. Speaker, my motion was to recommit the bill to the Committee on Professional Licensure for the purpose of further study and possible amendment.

The SPEAKER. The gentleman from Lackawanna desires to know whether the gentleman from Dauphin will agree to have the bill placed upon the postponed calendar.

Mr. HABBYSHAW. Mr. Speaker, I will not.

Mr. REGAN. Mr. Speaker and members of the House, this bill has been in the Committee on Professional Licensure since March 29th. I believe it has had good consideration by the Committee, and there has been plenty of time for any amendments that might be desired to be offered, and it has had all the consideration that anybody might want to give it. What is more, I wonder whether the members of the House realize that they have a piece of legislation before this House which will allow more people probably to be taken care of as far as employment is concerned. That is the most important question in this piece of legislation, and I believe no matter what your political affiliations may be, you are still interested in employment. I don't think there is a man, regardless of whether he is a member of this House or not, who is not in accord with that thought, and for that reason I ask the members of this House to vote down this motion to recommit.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the ayes appeared to have it.

Whereupon, a division was called for, one hundred and thirteen members or more than a majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1189, as follows:

An Act to amend section six hundred and ten of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing the board of supervisors to pay dues assessed by the State association of township supervisors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six hundred and ten of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 610 State Association Authorized The formation of a State association of township supervisors is hereby authorized The association shall hold annual meetings at such time and place within the Commonwealth as it may designate for the purpose of discussing various questions and subjects pertaining to the duties of township supervisors and for the purpose of devising uniform economical and efficient methods of administering the affairs of townships All dues assessed by the association may be paid by the board of township supervisors

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 565, as follows:

An Act to regulate the practice of the Natural Healing Arts in the State of Pennsylvania to provide for the establishment of a State Board of Natural Healing Arts Examiners to define the powers and duties of said Board of Natural Healing Arts Examiners to provide for the examining and licensing of Natural Healing Arts Practitioners in this State and to provide penalties for the violation of this Act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 There shall be established a Board of Natural Healing Arts Examiners for the State of Pennsylvania

The State Board of Natural Healing Arts Examiners shall consist of the Superintendent of Public Instruction ex officio and five members each of whom shall have

practiced the Natural Healing Arts continuously and exclusively in the Commonwealth of Pennsylvania for a period of not less than ten years immediately prior to their respective appointments and shall not be in any manner financially interested in or connected with the faculty or management of any Natural Healing Arts school or college

The members of the board qualified as aforesaid shall be appointed as follows two from a full list of the members in good standing of the Pennsylvania Society of Drugless Physicians two from a full list of the members in good standing of the Pennsylvania State Society of Naturopaths and one who shall be a member in good standing of both the Pennsylvania Society of Drugless Physicians and the Pennsylvania State Society of Naturopaths The lists of the members in good standing of the Pennsylvania Society of Drugless Physicians and the Pennsylvania State Society of Naturopths shall be furnished to the Governor by the president and secretary of each of the Associations annually In the case of the failure of the Pennsylvania Society of Drugless Physicans and or the Pennsylvania State Society of Naturopaths to submit such a list to the Governor the Governor shall appoint members in good standing of either or both associations as hereinbefore provided

The terms of the members of said Board shall be four years from the respective dates of their appointment with the exception of those first appointed who shall serve as follows namely two for two years two for three years and one for four years from the dates of their respective appointments

Three members of the board shall constitute a quorum and the board shall annually elect from among its number a chairman and shall elect a secretary who need not be a member of the board

The members of the Board other than the Superintendent of Public Instruction shall receive fifteen dollars per diem when actually engaged in the performance of their official duties and the secretary shall receive such reasonable compensation as the board shall determine with the approval of the Superintendent of Public Instruction

Section 2 Within fifteen days after the approval of this Act the secretaries of the Pennsylvania Society of Drugless Physicians and the Pennsylvania State Society of Naturopaths shall transmit to the Governor of this State a full list of the members in good standing of each association who are eligible for licensure under the provisions of this Act and who shall not be in any manner financially interested in or connected with the faculty or management of any Natural Healing Art school or college and who shall have been engaged in the practice of the Natural Healing Arts in this State continuously and exclusively for a period of not less than ten years immediately prior to the passage of this Act Within thirty days from the receipt of said list the Governor shall appoint from said list five persons who shall serve upon the first board as provided in Section 1

The Governor shall in his first appointments designate the number of years for which each appointee shall serve In case of vacancy by death or otherwise there shall be appointed in like manner a person to serve through such unexpired term Each person who shall be appointed to serve on said Board of Natural Healing Acts Examiners shall receive a certificate of appointment from the Secretary of the Commonwealth Each and every member of said board shall within ten days after appointment on being apprised of the same take and subscribe an oath or affirmation before the Secretary of the Commonwealth faithfully and impartially to perform the duties of said office

The board shall be authorized to take testimony concerning all matters within its jurisdiction and the presiding officer for the time being of said board or any of the committees thereof may issue subpoenas and administer oaths to witnesses The Board of Examiners shall make and adopt all necessary rules regulations and by-laws not inconsistent with the Constitution and laws of the State or of the United States whereby to perform the duties and transact the business required under the provisions of this act

Section 3 The first meeting of said Board of Natural Healing Arts Examiners shall be held on the first Tuesday of August one thousand nine hundred and thirty-nine at Harrisburg and subsequent meetings for organization in August annually suitable notice in the usual form being given by the secretary of the board to each of the members thereof specifying the time and place of meeting

At the first meeting of the Board and at each annual meeting in August an organization shall be effected by the election from its membership of a president and a treasurer and a secretary who need not be a member of the board

Section 4 For the purpose of examining applicants for license the said Board of Natural Healing Arts Examiner shall hold two stated meetings in each year due notice of which shall be made public at such times and places as the board may determine At said meetings a majority of the members of the board shall constitute a quorum thereof but the examination may be conducted by a committee of one or more members of the Board of Examiners duly authorized by said board but no license to practice Natural Healing Arts shall be granted on an affirmative vote of less than four Said examinations shall be conducted orally and in writing in accordance with the rules and regulations prescribed by the State Board of Natural Healing Arts Examiners and may be supplemented by practical examinations at the bedside in available eleemosynary or other institutions the laboratory and by practical tests upon the human cadaver and shall embrace the subjects named in section seven of this act After each such examination the committee having charge thereof shall without unnecessary delay act upon the same An official report of such action signed by each acting member of said committee of examiners stating the examination average of each candidate in each branch the general average and the result of the examination whether successful or unsuccessful shall be transmitted to the State Board of Natural Healing Arts Examiners Said report shall embrace all the examination papers questions and answers thereto and such written reports as result from the oral and practical tests as hereinbefore specified All such examination papers and reports shall be kept for reference and inspection for a period of not less than five years The board shall keep a record of its proceedings and a register of all applicants for license giving the name and location of the institution on granting the applicant the degree of doctor of or philosopher in that branch of the Natural Healing Arts taught therein the date of his or her diploma and also whether the applicant was rejected or granted a license and the number of the license granted The record and the register shall be prima facie evidence of all matters recorded therein

Section 5 All fees provided by this act shall be paid in advance to the treasurer of the board to be by him held as a fund for the use of the State Board of Natural Healing Arts Examiners The compensation and expenses of the members and officers of said board and all expenses proper and necessary in the opinion of said board to discharge its duties under and to enforce the law shall be paid out of such fund upon the warrant of the president and the secretary of said board and no expense shall be created to exceed the income of fees and fines as herein provided The salaries shall be fixed by the board but shall not exceed fifteen dollars per day of actual service per member and railroad and hotel expenses

Section 6 Every license to practice the Natural Healing Arts issued under the provisions of this Act shall specify as to whether the applicant is licensed under section 12 sub-section (A) or sub-section (B) and the license so issued shall fully set forth under which subsection of Section 12 the said license shall have been issued

Section 7 Every license to practice the Natural Healing Arts issued under the provisions of this act shall

be signed by each member of the Board of Examiners and shall have affixed to it by the person authorized to affix the same the seal of the State Board of Natural Healing Arts Examiners Before said license shall be issued it shall be recorded in a book to be kept by the Secretary of the Board of Examiners and the number of the books and the page therein containing such recorded copy shall be noted on the face of said license Said records shall under proper restriction for their safe keeping be open to public inspection Provided further that anyone who has been in continuous and exclusive practice of the Natural Healing Arts for ten years in some other State and who has graduated from a legally incorporated and reputable Natural Healing Arts college as provided for in this act may be granted a license without further examination after complying with all the other conditions provided for in the licensing of Natural Healing Arts practitioners in practice in this State at the time of the approval of this act

Section 8 From and after the approval of this act any person not theretofore authorized to practice the Natural Healing Arts in this State and desiring to enter upon such practice may deliver to the secretary of the State Board of Natural Healing Arts Examiners upon the payment of a fee of twenty-five dollars a written application for license together with satisfactory proof that the applicant is more than twenty-one years of age is of good moral character has obtained a preliminary education as hereinafter provided and has received a diploma conferring the degree in Natural Healing Arts as defined in Section 12 of this Act sub-section (A) or subsection (B) from some legally incorporated reputable college of the United States or some foreign country teaching the Natural Healing Arts or any of its branches wherein the course of instruction consists of at least four separate years of not less than thirty-two weeks of not less than thirty-five hours in each week in each separate calendar year Upon the making of said payment and proof the State Board of Natural Healing Arts Examiners if satisfied with the same shall admit said applicant to examination as to his other qualifications for the practice of the Natural Healing Arts which examination shall include the subjects of anatomy physiology chemistry as applied to the Natural Healing Arts toxicology pathology diagnosis hygiene bacteriology symtomatology jurisprudence and therapeutics as applied to the Natural Healing Arts and such other subjects as the board may require On receiving from the committee of examiners delegated to conduct examination as provided for in section four of this act official report of the examination of any applicant for license the said State Board of Natural Healing Arts Examiners shall issue forthwith to each applicant who shall have obtained a general average of not less than seventy-five percentum and therefore has been returned as having successfully passed said examination and who shal have been adjudged by the said State Board of Natural Healing Arts Examiners to be duly qualified to practice the Natural Healing Arts or any of its branches in the Commonwealth of Pennsylvania as provided for in section 12 of this act In case of failure at any such examination the candidate after the expiration of six months and within two years shall have the privilege of a second examination Having failed upon a second examination as herein provided application de novo may be made upon complying with the standard of qualifications both as to character preliminary education and Natural Healing Arts education in force at the time of said application and upon the payment of a fee of twenty-five dollars

Section 9 A school or college of the Natural Healing Arts or any of its branches to be recognized as reputable under the provisions of this act must be legally incorporated maintain a course of study consisting of the time element as provided under the provisions of this act and afford adequate instruction in all the branches of study in which examinations are required for licensure under the provisions of this act subject to the approval and acceptance of a majority of the State Board of Natural Healing Arts Examiners of this Commonwealth Provided that any person who at the time of the passage of this act is a resident practitioner of any of the Natural Healing Arts and who has practiced his or her profession continuously and exclusively in Pennsylvania for a period of ten years immediately prior to the passage of this act including the members of the Board upon furnishing to the said Board satisfactory proof of the above stated data in such form as the Board may require shall receive a certificate of licensure from said Board without examination and provided further that any person who at the time of the passage of this act is a resident practitioner of any of the Natural Healing Arts and who has practiced his or her profession continuously and exclusively in Pennsylvania for a period of less than ten years and more than five years immediately prior to the pasage of this act upon furnishing to the Board satisfactory proof of the above stated data in such form as the Board may require may be admitted to licensure after such examination as the Board may direct and provided further that any person who at the time of the passage of this act is a resident practitioner of any of the Natural Healing Arts and who has practiced his profession continuously and exclusively in Pennsylvania for a period of less than five years and more than three years immediately prior to the passage of this act upon furnishing to said Board satisfactory proof of the above stated data in such form as the Board may require may be admitted to licensure after and submitting to and passing such oral and written examination in accordance with the rules and regulations prescribed by the State Board of Natural Healing Arts Examiner as provided in section four In any case of admission to licensure the fee as provided in section eight of this act shall be paid

Section 10 Applicants examined and licensed by the State Board of Natural Healing Arts Examiners of other States on the payment of a fee of fifty dollars to the State Board of Natural Healing Arts Examiners and the filing in the office of the State Board of Natural Healing Arts Examiners a copy of said license certified by the affidavit of the president and secretary of such board of other States showing also that the standard of requirements adopted by said board of examiners of other States is substantially the same as is provided by section eight of this act may without further examination receive a license conferring on the holder thereof the rights and privileges as provided by section 12 of this act

After the first day of January one thousand nine hundred and forty applicants for licensure under the provisions of this act shall furnish prior to any examination by the State Board of Natural Healing Arts Examiners satisfactory proof that he or she has had a general education of not less than a standard four years' high schol course or its equivalent and such applicants shall have had not less than two years of college credits including one year in each of the subjects chemistry biology and physics all of which have been received before admission to the second year the Therapeutic study

Section 11 Every license to practice as a Natural Healing Arts practitioner issued by the State Board of Natural Healing Arts Examiners shall authorize the holder thereof practice the Natural Healing Arts as provided in Section 12 of this act as the same is therein defined and taught and practiced in the legally incorporated reputable colleges of the Natural Healing Arts any use or practice by Natural Healing Arts practitioners of the agencies or means hereinafter named as embraced within the fundamentals of the principles and practice of the system of the Natural Healing Arts when used for the purpose in the manner and to the extent as taught and practiced in the legally incorporated reputable colleges of the Natural Healing Arts shall not be construed the practice of medicine or osteopathy or deemed to be in violation of or contrary to any of the laws of this Commonwealth relating to the practice of medicine or osteopathy or regulating the public health

Section 12 The words "Natural Healing Arts" as used in this act is (A) a philosophy art and science for the preservation of health and the relief and cure of bodily

disorders embodying a complete system of healing basing its treatment of all physiological disfunctions and abnormal conditions of the body on the natural laws governing the body and maintaining life This system includes the correlation of part with part anatomically physiologically psychologically and chemically It is the treatment of the body by any movements adjustments or manipulations performed by the hands or non surgical instruments or appliances (B) a philosophy art and science for the preservation of health and the relief and cure of bodily disorders embodying a complete system of healing basing its treatment of all physiological disfunctions and abnormal conditions of the body on the natural laws governing the body and maintaining life This system includes the correlation of part with part anatomically physiologically psychologically and chemically It is the treatment of the body by any movements adjustments or manipulations performed by the hands or non surgical instruments or appliances and the use of any physical forces such as air light water heat cold electricity or any of their derivatives phyto-therapy dietetics and exercises or any other system or systems of therapeutics correlated with the above therapeutic measures

Section 13 Natural Healing Arts practitioners shall observe and be subject to all State and Municipal regulations relating to the control of contagious diseases and reporting and certifying deaths and all matters pertaining to public health the same as physicians or practitioners of other schools and all such reports and certificates when made or issued by Natural Healing Arts practitioners licensed under the laws of this Commonwealth shall be accepted by the persons partnerships corporations or by the officers boards bureaus or Departments or the State or of any of its political subdivisions to whom the same are made with the same force and effect as reports or certificates issued by physicians or practitioners of other schools and such Natural Healing Arts practitioners shall be entitled to the same fees and compensation as is provided by law for physicians or practitioners of any other school

Section 14 From and after the approval of this act no person shall enter upon or continue the practice of the Natural Healing Arts in the State of Pennsylvania unless he or she has complied with the provisions of this act except however that this section shall not apply to those persons who under the laws of this Commonwealth in force at the date of the passage of this act have been accorded the right by a licensing certificate to diagnose and treat disease as "Drugless Therapists" It shall be the duty of all persons engaged in the practice of any of the Natural Healing Arts and who shall hereafter be licensed by the State Board of Natural Healing Arts Examiners as provided in Section 12 of this Act to engage in such practice in this Commonwealth to register with the said State Board of Natural Healing Arts Examiners as practitioners on or before the first day of January one thousand nine hundred and forty and thereafter to register with the said board in like manner annually on or before the first day of January of each succeeding year The form of such registration shall be provided for by said Board in such manner as will enable it to carry into effect the purpose of this act Said Board of Natural Healing Arts Examiners shall be entitled to demand for each annual registration a fee of three dollars or such other sum as shall be fixed by the Department of Public Instruction under authority of law The fee shall in all cases accompany the application for such registration All fees received hereunder shall unless otherwise provided by law be used by said board in carrying out the provisions of this act Any person licensed and engaged in the practice of the Natural Healing Arts who shall fail neglect or refuse annually to register with the State Board of Natural Healing Arts Eaminers as above provided shall be subject to a penalty for the first offense not to exceed $25.00 and for any second or subsequent offense to a penalty not exceeding $50.00 such penalties to be fixed by the State Board of Natural Healing Arts Examiners in its rules and regulations

The Board shall notify any person so failing to register by registered mail of any penalties so imposed and if the same is not paid within thirty days after receipt of said notice it may be collected by suit in same manner as debts of like amount are now by law collectible All fines so imposed and collected shall be paid to the Board and shall by it be paid into the State Treasury The State Board of Natural Healing Arts Examiners may also revoke the license to engage in the practice of the Natural Healing Arts of any person who shall fail or refuse to register annually after notice of the imposition of a penalty as above provided

Any person who shall practice or attempt to practice any of the Natural Healing Arts as defined in this act in treating disease or any ailment whatsoever of the human body or who shall use any of the terms or letters Chiropractor Naturopath Neuropath or doctor of either or any of them or D C D N or any other titles or letters under such circumstances as to induce the belief that the person who used such terms is engaged in the practice of the Natural Healing Arts without having first obtained the license herein provided for or contrary to the provisions of this act or who shall under any term or name practice or attempt to practice Natural Healing Arts as defined in this act or who for the purpose of obtaining such license shall falsely represent himself or herself to be the holder of a diploma as herein provided shall be deemed guilty of a misdemeanor and upon conviction thereof in the court of quarter sessions of the county wherein the offense shall have been committed shall pay a fine of not less than $100 nor more than $500.00 or by imprisonment in the county jail for not less than 30 days nor more than 90 days for each offense either or both at the discretion of the court Provided however that nothing contained in this act shall be construed as affecting the so-called practice of medicine or osteopathy

Section 15 On and after the approval of this act the State Board of Natural Healing Arts Examiners shall refuse to grant a license to an applicant to practice Natural Healing Arts in this State and is empowered to revoke a license conferring on a person the right to practice the Natural Healing Arts upon the presentation to said State Board of Natural Healing Arts Examiners of a court record showing the conviction in due course of law of said person for procuring aiding or abetting in producing a criminal abortion or miscarriage by any means whatsoever The State Board of Natural Healing Arts Examiners upon such evidence and proof shall cause the name of said convicted licentiate to be removed from the records in the State The State Board of Natural Healing Arts Examiners may refuse revoke or suspend the right to practice Natural Healing Arts in this State upon any or all of the following reasons to-wit the conviction of a crime involving moral turpitude habitual intemperance in the use of arden spirits or stimulants narcotics or any other substance which impairs intellect and judgment to such an extent as to incapacitate the performance of professional duties the violation of the practice of the principles of the system of Natural Healing Arts as defined in this act misrepresentation unethical conduct or misleading or fraudulent advertising in the practice as determined by the board Any person who is a licentiate under this act or who is an applicant for examination for licensure to practice Natural Healing Arts in this State against whom any of the foregoing charges are preferred for causing the revocation or suspension of license or for causing the refusal of the right to be examined for licensure shall be furnished by the State Board of Natural Healing Arts Examiners with a copy of the complaint and shall have a hearing before said Board in person or by attorney and witnesses may be examined by said Board respecting the guilt or innocence of said accused The suspension of license of any licentiate under this act shall be removed when said narcotic or vicious habit hereinbefore specified shall have been adjudged by the proper authorities to be cured or overcome and said suspended licentiate deemed again capable of practicing the Healing Art

Section 16 The provisions of this act are severable and if any of its provisions are declared unconstitutional the decision so holding shall not be construed as impairing any other provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 17 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. CURRAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Professional Licensure for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 812, (Senate Bill No. 186), entitled:

An Act to amend subsection twelve of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by empowering townships of the second class to prohibit the storage of abandoned and junked automobiles

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 666, (Senate Bill No. 39), entitled:

An Act validating county treasurers sales for deliquent taxes when the reports and returns of such sales were made to the court of common pleas and the deeds thereto were executed and acknowledged by an attache of the office of the county treasurer and not by the county treasurer as required by law.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1184, (Senate Bill No. 147), entitled:

An Act to further amend an act approved the twenty-first day of July one thousand nine hundred and thirteen (P. L. 863) entitled "A supplement to an act approved the eleventh day of June one thousand eight hundred seventy-nine entitled "An act to authorize Cities of the first class to levy and fix a tax rate to fix the time of opening and closing the tax duplicates to regulate the appropriations and expenditures of said cities and prescribing penalties for the violation of the provisions of this act" by providing that the same shall not apply to the books of personal property taxes and to extend the time for the opening of the books and the payment of personal property taxes.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 722, as follows:

An Act to amend section four sections nine ten and fifteen as amended and sections seventeen twenty-one twenty-eight of an act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An Act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such lines and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore asssessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior Acts of Assembly" making additional provisions for the filing and consolidation of tax claims in counties of the first class providing further procedure for preserving such liens and enforcing payment of such claims

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section four of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior Acts of Assembly" as amended is hereby amended to read as follows

Section 4 The lien for taxes shall exist in favor of and the claim therefor may be filed against the property taxed by any municipality to which the tax is payable In counties of the first class any municipality filing its claim may on behalf of any other municipality which has previous thereto given its consent to such action include the claim of such other municipality and the aggregate of all such claims shall be prosecuted and recovered by the municipality filing the claim

The lien for the removal of nuisances shall exist in favor of and the claim therefor may be filed against the property from which it is removed or by which it is caused by any municipality by or for which the nuisance is removed

The lien for grading guttering paving macadamizing or otherwise improving the cartways of any highways for grading curbing recurbing paving repaving constructing or repairing the footways thereof or for laying water pipes gas pipes culverts sewers branch sewers or sewer connections in any highway for assessments for benefits in the opening widening or vacation thereof or in the changing of water courses or construction of sewers through private lands or in highways of townships of the first class or in the acquisition of sewers and drains constructed and owned by individuals or corporations and of rights in and to use the same or for water rates lighting rates or sewer rates or rates for any other service furnished by a municipality shall exist in favor of and the claim therefor may be filed against the property thereby benefitted by the municipality extending the benefit

When the contractor performing the work is to be paid by assessment bills the lien shall exist for and the claim shall be led to his use and he shall under no circum-

stances have recourse to the municipality authorizing the work

Section 2 That section nine of said act as amended by the acts of May 4 1927 (P .L. 729) May 4 1927 (P. L. 733) and July 1 1937 (P. L. 2609) is hereby further amended to read as follows:

Section 9 Claims for taxes water rents or rates lighting rates power rates and sewer rates must be filed in the court of common pleas of the county in which the property is situated on or before the last day of the third calendar year after that in which the taxes or rates are first payable and other municipal claims must be filed in said court within six months from the time the work was done in front of the particular property where the charge against the property is assessed or made at the time the work is authorized within six months after the completion of the improvement where the assessment is made by the municipality upon all the property after the completion of the improvement and within six months after confirmation by the court where confirmation is required by certificate of the surveyor engineer or other officer supervising the improvement filed in the proper office being conclusive of the time of completion thereof but he being personally liable to anyone injured by any false statement therein In case the real estate benefitted by the improvement is sold before the municipal claim is filed the date of completion in said certificate shall determine the liability for the payment of the claim as between buyer and seller unless otherwise agreed upon or as above set forth The legal rate of interest shall be collectable on all municipal claims from the date of the completion of the work after it is filed as a lien

[Claims for taxes may be in the form of written or typewritten lists showing the names of the taxable and descriptions of the properties against which said claims are filed together with the amount of the taxes due such municipality Such lists may be filed on behalf of a single municipality or they may cover the unpaid taxes due any two or more municipalities whose taxes are collected by the same tax collector provided the amounts due each municipality are separately shown All tax claims heretofore filed in such form are hereby ratified confirmed and made valid subsisting liens as of the date of their original filing]

In counties of the first class any municipality may file its claim for taxes and on behalf of any other municipality which has previous thereto given its consent to such action the claim filed may include in addition to the first municipality's own claim the claim of the other municipality A number of years taxes if payable to the claimant or to any other municipality whose claim is included may be set forth in the same claim and recovered in the same proceeding A number of years of the rates of different kinds if payable to the same claimant may be included in one claim When a claim is filed on behalf of two or more municipalities the amount due each municipality shall be separately stated but the aggregate shall be stated in one amount and indexed in the name of the municipality filing the claim Upon recovery of such amount or any part thereof by the municipality filing the claim it shall be distributed by such municipality in accordance with the amounts due the various municipalities as set forth in the claim as filed

[A number of years taxes or rates of different kinds if payable to the same plaintiff may be included in one claim] Municipal claims shall likewise be filed within said period where any appeal is taken from the assessment for the recovery of which such municipal claim is filed In such case the lien filed shall be in the form hereinafter provided except that it shall set forth the amount of the claim as an undetermined amount the amount thereof to be determined by the appeal taken from the assessment upon which such municipal claim is based pending in a certain court (referring to the court and the proceeding where such appeal is pending) Upon the filing of such municipal claim the claim shall be indexed by the prothonotary upon the judgment index and upon the locality index of the court and the amount of the claim set forth therein as an undetermined amount If final judgment is not obtained upon such appeal within five years from the filing of such municipal claim the claimant in the lien shall within such period of five years file a suggestion of nonpayment in the form hereinafter set forth which shall have the effect of continuing the lien thereof for a further period of five years from the date of filing such suggestion Such municipal claim shall be revived in a similar manner during each recurring period of five years thereafter until final judgment is entered upon said appeal and the undetermined amount of such municipal claim is fixed in the manner hereinafter provided

When final judgment is obtained upon such appeal the court in which said municipal claim is pending shall upon the petition of any interested party make an order fixing the undetermined amount claimed in such claim at the amount determined by the final judgment upon said appeal which shall bear interest from the date of the verdict upon which final judgment was entered and thereafter the amount of said claim shall be the sum thus fixed Proceedings upon said municipal claim shall be as in other cases

Where on final judgment upon said appeal it appears that no amount is due upon the assessment for the recovery of which such claim is filed the court in which such municipal claim is pending shall upon the petition of any interested party make an order striking such municipal claim from the record and charge the costs upon such claim to the plaintiff in the claim filed

Where such appeal is discontinued the court in which such municipal claim is pending shall upon the petition of any interested party make an order fixing the undetermined amount claimed at the amount of the original assessment which shall bear interest from the date that such assessment was originally payable and thereafter the amount of such claim shall be the sum thus fixed

Section 3 That section ten of said act as amended by the acts of April 16 1929 (P. L. 526) and July 2 1937 (P. L. 2808) is hereby further amended to read as follows

Section 10 Said claim shall set forth

1 The name of the municipality by which filed

2 The name of the owner of the property against which it is filed

3 A description of the property against which it is filed

4 The authority under or by virtue of which the tax was levied or the work was done

5 The time for which the tax was levied or the date on which the work was completed in front of the particular property against which the claim is filed or the date of completion of the improvement where the assessment is made after completion or the date of confirmation by the court where confirmation is required done

6 If filed to the use of a contractor the date of and parties to the contract for doing said work [and]

7 In other than tax claims the kind and character of the work done for which the claim is filed and if the work be such as to require previous notice to the owner to do it when and how much notice was given [.]

8 If it includes the claim of more than one municipality the name of each municipality together with the amount due shall be set forth separately but the aggregate amounts shall be claimed as one sum by the municipality filing the claims

Said claim shall be signed by or have stamped thereon a fac-simile signature of the solicitor or chief executive officer of the claimant and of all other municipalities whose claims are included therein except where the claim is for county taxes or rates of the different kinds and also is filed in [counties] and by a county having a controller in which case it shall be signed by or have stamped thereon a fac-simile signature of the controller and in the case of a use plaintiff must be accompanied by an affidavit that the facts therein set forth are true to the best of his knowledge information and belief

Section 4 That section fifteen of said act as amended by the acts of May 28 1937 (P. L. 1001) and July 2 1937 (P. L. 2808) is hereby further amended to read as follows

Section 15 Such tax municipal or other claim if filed within the period aforesaid shall remain a lien upon said properties until fully paid and satisfied Provided however That either a suggestion of non-payment and an averment of default in the form hereinafter provided be

filed [in cases of tax Claims] either before or after judgment on the scire facias [and in cases of other than tax claims after judgment on the scire facias] or else a writ of scire facias in the form herein provided be issued to revive the same within each period of five years following (a) the date on which said claim was filed (b) the date on which a writ of scire facias was issued thereon (c) the date on which any judgment was entered thereon (d) the date on which a previous suggestion of nonpayment and default was led thereon or (e) the date on which a judgment of revival was obtained thereon

The suggestion and averment shall be in the following form under the caption of the claim

And now ..... the claimant by ..... its solicitor or controller suggests of record that the above claim is still due and owing to the claimant and avers that the owner is still in default for non-payment thereof The prothonotary is hereby directed to enter this suggestion and averment on the municipal lien or the proper docket of the claim and also to index it upon the judgment index and on the locality index of the court for the purpose of continuing the lien of the claim

Such suggestion and averment shall be signed by or have stamped thereon a fac-simile signature of the solicitor or chief executive officer of the claimant and of all other municipalities whose claims are included therein except where the claim is for county taxes or rates of the different kinds and also is filed in [counties] and by a county having a controller in which case it shall be signed by or have stamped thereon a fac-simile signature of the controller

The prothonotary shall docket and index the suggestion and averments directed therein and for such services shall be entitled to a fee of one dollar to be taxed and collected as other costs in the claim The filing and indexing of such suggestion and averment within five years of filing the claim or the issuing of any writ of scire facias thereon or of any judgment thereon or of the filing of any prior suggestion and averment of default shall have the same force and effect for the purposes of continuing and preserving the lien of the claim as though a writ of scire facias had been issued or a judgment or judgment of revival had been obtained within such period Provided That no writ of levari facias shall be issued upon a claim for the purpose of exposing the property liened to sheriff's sale except after a judgment shall have been duly obtained upon the claim as provided in this section and such judgment must have been obtained within five years of the issuance of the levari facias Whenever the lien of a claim has been revived and continued by the filing and indexing of a suggestion and averment of default the claimant may at any time within five years therefrom issue a writ of scire facias thereon reciting all suggestion and averment of default filed since the filing of the claim and shall proceed thereon in the manner herein provided subject to the right of the owner to raise any defense arising since the last judgment

If a claim be not filed within the time aforesaid or if it be not prosecuted in the manner and at the time aforesaid its lien on real estate shall be wholly lost

Section 5 That section seventeen of said act is hereby amended to read as follows

Section 17 The claim shall be sued by writ of scire facias and the form thereof shall be substantially as follows

The Commonwealth of Pennsylvania to (names of the parties defendant) Greeting

Whereas The (city borough or other municipality as the case may be) for itself and on behalf of (if claim of any other municipality is included add name or names) on the ..... day of ..... A D 1..... filed its claim in our court of common pleas of ..... County at No ..... Term 1 ..... M L D for the sum of $..... with interest from the ..... day of ..... 1.... for (give the improvement or that for which the claim is filed) against the following property situate in (give location and brief description of the property) owned or reputed to be owned by you

And whereas We have been given to understand that said claim is still due and unpaid and remains a lien against the said property

Now you are hereby notified to file your affidavit of defense to said claim if defense you have thereto in the office of the prothonotary of our said court within fifteen days after the service of this writ upon you If no affidavit of defense be filed within said time judgment may be entered against you for the whole claim and the property described in the claim be sold to recover the amount thereof

Witness the Honorable ..... President Judge of our said court this ..... day of ..... A D 1.... .....Prothonotary

(Seal)

The claimant when he files his praecipe for the writ of scire facias may direct the prothonotary to add and insert the names of any persons whom the claimant may know to have an interest in the premises and the scire facias shall be issued containing such additional names But the parties to the claim may agree upon an amicable scire facias upon such terms as may be agreed upon with the same effect as if a scire facias in the form aforesaid had been duly issued served and returned or the defendants or any of them may waive the issue of a scire facias and appear with like effect as if the scire facias had been issued and served

Section 6 That section twenty-one of said act is hereby amended to read as follows

Section 21 The judgment upon said claim may be revived by writ or scire facias in the following form

The Commonwealth of Pennsylvania to C C D and E F Greeting

Whereas A B claimant for itself and on behalf of (if claim of any other municipality is included add name or names) on the ..... day of ..... A D 1.... recovered judgment in the sum of ..... dollars against you that the following described property be sold to satisfy the same

(Here describe property in full)

And whereas We have been given to understand that though judgment as aforesaid was rendered yet the amount thereof is still due and unpaid and remains as a lien against said property Now you are hereby notified to file your affidavit of defense to A B's claim upon said judgment if any defense you have in the office of the prothonotary of our said court within fifteen days after service of this writ upon you If no affidavit of defense be filed within that time said judgment may be revived against you for the amount set forth with interest from the time of its recovery and said property to be sold to recover the whole thereof

Witness the Hon. ..... President Judge of our said court this ..... day of ..... A D 1.... .....Prothonotary

(Seal)

But the parties to the judgment may agree upon an amicable scire facias to revive or to an amicable judgment of revival upon such terms as may be agreed upon with the same effect as if a scire facias in the form aforesaid had been duly issued served and returned

Section 7 That section twenty-eight of said act is hereby amended to read as follows

Section 28 Execution upon any judgment recovered upon such claim except where the properly named is essential to the business of a quasi public corporation shall be by writ of levari facias in the following form

The Commonwealth of Pennsylvania

To the sheriff of ..... County Greeting

Whereas A B claimant for itself and on behalf of (if claim of any other municipality is included add name or names) on the ..... day of ..... Anno Domini 1.... recovered judgment in the sum of ..... dollars with interest from the ..... day of ..... Anno Domini 1.... and the costs amounting to ..... dollars in our court of common pleas of said county of ..... Term ..... No ..... M L D against C D and E F that the following described property in your bailiwick be sold to satisfy the same viz

(Here describe the property in full)

Now this is to command you that you expose the said property to sale by public vendue and outcry after due advertisement according to law and that return of said sale with the moneys realized thereby and this writ you

make to our said court on the ..... day of ..... Anno Domini 1....

Witness the Honorable ..... President Judge of our said court this ..... day of ..... Anno Domini 1....

Advertisement of such sale shall be made and the deed to the purchaser shall be executed acknowledged and delivered as in other real estate sales by the sheriff

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1156, as follows:

An Act relating to the grading and sale of certain farm products providing penalties for violations and imposing duties upon the Department of Agriculture

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The term "closed package" wherever used in this act shall mean a basket box bag or other container the contents of which cannot be adequately inspected without opening it The terms "shipment" or "ship for sale" wherever used in this act shall mean movement to market in a railroad car motor truck or other medium of transportation but shall not be construed to include process of delivery to a local warehouse or shipping station

Section 2 The Secretary of Agriculture of the Department of Agriculture of this Commonwealth is hereby authorized and empowered after investigation to establish and promulgate official standards of quality for grading classifying and packing apples grapes peaches and potatoes packed or repacked within the State and to change any of them from time to time The official standards so established and promulgated shall be the same in their requirements as the requirements of the official standards for corresponding grades of apples grapes peaches or potatoes as promulgated from time to time by the Secretary of Agriculture of the United States which standards are commonly known as "United States Grades"

From and after the establishment of specific grades or standards of quality as hereinbefore provided apples grapes peaches and potatoes in closed packages shall not be shipped for sale or sold or exposed for sale except by the grades or standards so established Provided however That apples grapes peaches and potatoes not graded and classified as to quality may be shipped for sale or sold or exposed for sale as "unclassified" is so marked in a conspicuous manner in accordance with rules to be adopted by the Secretary of Agriculture of the Department of Agriculture of this Commonwealth as hereinafter provided

Section 3 Apples grapes peaches and potatoes in closed packages if not definitely marked as unclassified as hereinbefore provided shall prior to shipment be marked in a plain and conspicuous manner with a statement of (1) the grade (2) the contents in cubic measure weight or count (3) the name and address of the person or association under whose authority the apples grapes peaches or potatoes are packed

In case the marking is changed the person making the same shall cancel the name and address included in the original marking and substitute therefor his own name and address When used containers are subsequently used by any other person than the original packer and the contents thereof are similar to that originally contained therein but are not the same such containers shall not be used for offering for sale or transporting for sale such similar contents unless the markings of the original containers be erased and the words "not original contents" be conspicuously marked thereon in letters one inch or more high

Section 4 (a) No person shall sell expose for sale or transport for sale apples grapes peaches or potatoes in closed packages if the package containing them the label on them or any advertising accompanying them shall bear any statement design or device regarding the apples grapes peaches or potatoes which shall be false or misleading in any particular

4 (b) No person shall sell expose for sale or transport for sale in closed packages apples grapes peaches or potatoes packed in such manner that the face or shown surface shall not be an average of the contents of the package

(c) When apples grapes peaches or potatoes in closed packages are delivered to a common carrier for shipment such delivery shall be presumptive evidence that the apples grapes peaches or potatoes are intended for sale

Section 5 Any person who violates any of the provisions of this act shall upon summary conviction thereof for the first offense be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) and the costs of prosecution and for subsequent offenses be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) and the costs of prosecution or in default of such fine and costs be imprisoned in the county jail for not less than ten (10) days nor more than thirty (30) days All penalties costs and fines collected under this act shall be paid to the Secretary of Agriculture of the Department of Agriculture of this Commonwealth or his agent and by him shall be paid into the State Treasury for the use of the Commonwealth

Section 6 The enforcement of this act shall be vested in the State Department of Agriculture and its officers employes and agents are authorized to enter upon the premises of any person within this State for the purpose of purchasing packages of apples grapes peaches or potatoes and securing evidence of violation of this act and the Secretary of Agriculture of this Commonwealth is hereby authorized to make such rules and regulations as may be necessary for enforcing its provisions

Section 7 The act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws 86) entitled as amended "An act relating to the grading and sale of grapes and potatoes in this Commonwealth providing penalties for violations and imposing certain duties upon the Department of Agriculture" and its amendments is hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 674, entitled:

An Act requiring justices of the peace and aldermen to use only the forms of warrants notices writs and processes as furnished by the county commissioners through the county controllers requiring that records of the issuance thereof be kept and returns be made quarterly to the county controllers and providing penalties

The first and second section were separately read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The county commissioners may prepare and furnish through the controller's office of each county all forms of warrants notices writs and processes relating to or incident to (1) desertion and non-support (2) surety of peace (3) violations of vehicle code (4 criminal offenses (5) juvenile court cases and (6) miscellaneous summary offenses not specifically enumerated above These forms may be prepared and distributed in pads containing fifty forms each and each attached to a stub and consecutively numbered Upon each such form there shall be in addition to the specific number the name of the county and of the offense The county controller shall keep a record of the number of each such form delivered and the

spcific number thereon and the name of the justice of the peace or alderman to whom delivered

Section 2 No justice of the peace or alderman shall issue in any county where such forms are prepared and issued by the county commissioners any warrant notice writ or process governing any of the enumerated offenses as above set forth unless he shall use the forms of warrants notices writs and processes as supplied to him by the controller of the county in which he is a justice of the peace or alderman Each justice of the peace and alderman shall upon preparing such a warrant notice writ or process enter on the stub of such form which stub shall remain in the pad the name and address for whom such warrant notice writ or process was issued and the dates of such issuance and the return thereof

The third section was read as follows:

Section 3 Each justice of the peace and alderman shall on the first day of each January April July and October of each year file a report with the county controller of the number of forms the type of offense and the numbers thereon

On the question,

Will the House agree to the section?

Mr. FLEMING. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 3, page 2, line 25, by inserting after the word "alderman" the following "in any county which has accepted the provisions of this act."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth section was read as follows:

Section 4 Any justice of the peace or aldermen who issues any form of warrant notice writ or process other than that supplied by the county controller or who fails to enter upon the stub of each form as issued the record as required by this act or who fails to file the reports as required and at the times specified upon conviction thereof shall be sentenced to pay a fine of three hundred dollars ($300) or to undergo an imprisonment of thirty (30) days or both in the discretion of the court

On the question,

Will the House agree to the section?

Mr. FLEMING. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 4, page 3, line 1, by inserting after the word "alderman" the following: "in any county which has accepted the provisions of this act."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth section and title was separately read and agreed to as follows:

Section 5 This act shall become effective the first day of January one thousand nine hundred and forty

An Act requiring justices of the peace and aldermen to use only the forms of warrants notices writs and processes as furnished by the county commissioners through the county controllers requiring that records of the issuance thereof be kept and returns be made quarterly thereon to the county controllers and providing penalties

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT

Mr. BOORSE. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. FLEMING. Mr. Speaker and ladies and gentlemen of the House, I rise to oppose this motion. The bill has been in Committee for practically one month. It was amended in Committee. Various members of the Committee on Counties went back to their county governments and got suggestions on it. I know that happened in Allegheny County.

The question was raised as to whether or not it would become mandatory and it was changed to a "may" bill. No county need accept the bill except the counties who want it. There was a further objection raised tonight, and I proposed an amendment which would take care of that suggestion so that it would not make it a mandatory bill in any way, and affected only the counties that wanted it. I, therefore, ask the members of this House to vote against the motion and to leave it out on the floor for a vote.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the nays appeared to have it,

Whereupon a division was called for, sixty-three members having voted in the affirmative and sixty-six in the negative, the question was determined in the negative and the motion was not agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 649, as follows:

An Act to add clause twenty-one to section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing appropriations for the support maintenance discipline and training of units of the National Guard and regulating the expenditure and accounting of such moneys

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended by adding thereto clause twenty-one to read as follows

XXI Support of National Guard Units To appropriate annually a sum not exceeding seven hundred and fifty dollars for the support and maintenance discipline and training of any dismounted company or similar unit of the National Guard and a sum not to exceed fifteen

hundred dollars for the support and maintenance of any mounted or motorized troop or similar unit of the National Guard Where such units are organized as a battalion regiment or similar organization the total amount due may be paid to the commanding officer of the battalion regiment or similar organization Any moneys so appropriated shall be paid by warrant drawn to the order of the commanding officer of such company battalion regiment or similar organization only when it shall be certified to the township by the Adjutant General of the State that the said company or companies have satisfactorily passed the annual inspection provided by law The moneys so appropriated shall be used and expended solely and exclusively for the support and maintenane discipline and training of the said company battalion regiment or similar organization and the commanding officer shall account by the proper vouchers to the said township each year for the expenditure of the money so appropriated and no appropriation shall be made for any subsequent year until the expenditure of the previous year is duly and satisfactorily accounted for

The accounts of such expenditures shall be subject to the inspection of the Department of Military Affairs and shall be audited by the Auditor General in the manner provided by law for the audit of accounts of state moneys

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 484, as follows:

An Act requiring the Department of Revenue to examine and audit the dockets and accounts of justices of the peace aldermen and magistrates and prohibiting any other department officer or agency of the State Government from so doing

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Revenue shall examine and audit the dockets and records of justices of the peace aldermen and magistrates for the purpose of ascertaining whether all moneys due the Commonwealth or any department or agency thereof have been paid over The Department of Revenue shall have this power in all cases and for all purposes where such power has heretofore been conferred upon any other department officer or agency of the State Government and no such other department officer or agency shall hereafter examine or audit any docket or record of any justice of the peace alderman or magistrate for any purpose whatsoever except that the Department of Justice may make any examination of such docket or record in connection with any litigation conducted or contemplated by it

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. HOMER S. BROWN.

The House resumed the consideration on second reading of House Bill No. 589, entitled:

An Act to further amend section three of the act approved the thirty-first day of March one thousand nine hundred twenty-seven (Pamphlet Laws 91) entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties" by providing that the fees imposed by this act shall not be applicable to the issuance of evidences of indebtedness by municipal housing authorities

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the thirty-first day of March one thousand nine hundred and twenty-seven (Pamphlet Laws 91) entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties" as last amended by the act approved the twenty-eighth day of April one thousand nine hundred and thirty-three (Pamphlet Laws 97) is hereby further amended to read as follows

Section 3 The mayor of each city of the third class the burgess of each borough or town the president of the board of county commissioners of each county the president of the township commissioners of each first class township the chairman of the board of township supervisors of each second class township the president of each school board and the president or chairman of the board of poor directors or overseers of each poor district which shall have any proceedings for the incurring or increasing of indebtedness except notes issued in anticipation of revenue for not more than one year shall before any bonds or evidence of indebtedness are actually issued and sold certify to the Department of Internal Affairs a complete and accurate copy of the proceedings had for such incurring or increasing of indebtedness together with the assessed valuation of the property subject to taxation within the respective municipality the total amount of the existing indebtedness the several amounts claimed as permitted deductions in ascertaining the real indebtedness of such municipality and a fee of ten dollars ($10.00) plus an additional fee of one-half of one mill on each dollar of the aggregate par value of bonds certificates or evidences of indebtedness to be issued and sold by such municipality All fees received hereunder shall be paid by the Department of Internal Affairs into the State Treasury through the Department of Revenue Provided however That the provisions of this section relating to the imposition of fees shall not apply to the issuance of bonds certificates or other evidences of indebtedness by any housing authority created pursuant to the Housing Authorities Law of this Commonwealth

Any officer of any such municipality who shall fail or refuse to certify any such proceedings or other facts as required by this section or who shall wilfully certify any such proceedings or facts which are false or inaccurate shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars or to undergo imprisonment for a period not exceeding six months or both

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. HOMER S. BROWN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study.

The motion was agreed to.

MOTION TO RECOMMIT

Mr. HERBERT B. COHEN. Mr. Speaker, I move that House Bill No. 484, Printer's No. 351, entitled:

An Act requiring the Department of Revenue to examine and audit the dockets and accounts of justices of the peace aldermen and magistrates and prohibiting any other department officer or agency of the State Government from so doing

on page 30 of today's calendar, be recommitted to the Committee on State Government for the purpose of determining the doubtful constitutionality of this bill and for further study and possible amendment.

On the question,

Will the House agree to the motion?

The SPEAKER declared the ayes appeared to have it,

Whereupon, a division was called for, forty-one members having voted in the affirmative and one hundred and fourteen in the negative the question was determined in the negative and the motion was not agreed to.

BILLS ON SECOND READING

Mr. TERRY asked and obtained unanimous consent to call up out of order House Bill No. 786, Printer's No. 323, on page 27 of today's calendar, bill on second reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 786, entitled:

An Act relating to and regulating the practice of the healing profession of chiropractic and the licensure and registration of practitioners therein creating a Chiropractic Board of Examination and Licensure in the Department of Public Instruction defining its powers and duties and providing penalties

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whereas The healing art or profession of chiropractic being recognized and patronized by an increasing number o. citizens of Pennsylvania it hereby becomes necessary that there should be regulation of the persons practicing said profession so as to avoid danger to the public health from the pretentions of untrained practitioners holding themselves out as chiropractors therefore

Section 1 Board of Chiropractic Examiners The Chiropractic Board of Examination and Licensure of the Commonwealth of Pennsylvania is hereby created as a departmental administrative board in the Department of Public Instruction

(a) The said board shall consist of seven members none of whom shall be at the time of appointment a member of a faculty of any school or college teaching chiropractic as herein defined nor financially interested therein and of whom five members shall be appointed by the Governor of the Commonwealth within thirty days after the approval of this act as follows The five members so appointed by the Governor shall be doctors of chiropractic in good standing and in active practice for not less than ve years in this Commonwealth In appointing the five members the Governor shall designate three members thereof to serve for the term of three years and two members to serve for the term of two years All subsequent appointments shall be by the Governor and shall be for the term of five years except appointments to fill vacancies The Secretary of the Department of Health or a deputy appointed by him and the Superintendent of Public Instruction or a deputy appointed by him shall also be ex-officio members of the board so created The Governor shall by appointment fill all vacancies occurring on said board The board shall perform such duties and be vested with and exercise such powers relative to the protection of the public health and the control and regulation of the practice of chiropractic in the State of Pennsylvania as shall in this act be prescribed and conferred upon it

(b) Before entering upon the duties of said office the members of the board shall take the constitutional oath of office and shall file the same in the office of the Secretary of the Commonwealth and there shall be issued to each member a commission pursuant to his appointment At its first meeting the five board members appointed by the Governor shall issue to themselves a license under this act to practice chiropractic for which each member shall pay a fee of twenty-five dollars ($25.00)

(c) The board shall immediately after qualifying organize by electing a president vice-president secretary and treasurer from its membership The board shall hold two meetings each year one in May and one in November and on such date as it shall determine Notice of such meetings shall be given to each member two weeks in advance Special meetings may be held at such times and places and upon such notice as the majority of the board may determine The board shall adopt a seal which must be affixed to all licenses issued by it and from time to time shall adopt such rules and regulations not inconsistent with the act as it may deem necessary for the performance of its duties and shall examine and pass upon the qualifications of applicants for licensure as doctors of chiropractic in this State as herein provided The officers of the board shall have power to administer oaths summon witnesses and take testimony as to matters pertaining to its duties A majority of the members of said board shall constitute a quorum for the tranaction of business The secretary shall keep a record of all official actions and proceedings of the board and said records shall be prima facie evidence of matters therein contained

(d) The members of the board when engaged in the performance of their duties thereon shall receive ten dollars ($10.00) per diem in addition to R R fare and not more than five dollars ($5.00) per day for living expenses

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. TERRY. Mr. Speaker, I move that this bill be recommitted to the Committee on Professional Licensure for the purpose of further study and possilbe amendment.

On the question,

Will the House agree to the motion?

Mr. ELLWOOD B. WELSH. Mr. Speaker, I had made a special request that this bill be put over. I had hoped to prepare an amendment for it and I ask a little time and trust that the Chairman of this Committee will permit that condition to prevail.

Mr. TERRY. Mr. Speaker, I would not take any action on the floor of the House except with the consent of every member of the Professional Licensure Committee. That is the reason I am asking for the bill to be returned to the Committee. If the gentleman wishes to offer amendments in Committee he can do so and we will be very glad to accept them. Thanking him in advance for the amendment.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

MOTION TO RECOMMIT

Mr. HERBERT B. COHEN. Mr. Speaker, I move that House Bill No. 732, Printer's No. 324, entitled:

An Act to repeal the act approved the seventh day of June one thousand nine hundred and one (Pamphlet Laws

493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended and extended to certain boroughs, incorporated towns, and townships of the first class by the act approved the thirty-first day of March, one thousand nine hundred thirty-seven (Pamphlet Laws 168), in so far as the same relates and applies to boroughs, incorporated towns and townships of the first class.

on page 23 of today's calendar, be recommitted to the Committee on Professional Licensure.

On the question,

Will the House agree to the motion?

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated.

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to ask the gentleman whether this bill was called up by the sponsor and read the second time.

Mr. HERBERT B. COHEN. Mr. Speaker, I understand it was.

Mr. TERRY. Mr. Speaker, I hate very much to see this bill returned again to the Committee on Professional Licensure. I think every bill that has come out has been returned, and I would like to have one bill stay out.

Mr. HERBERT B. COHEN. Mr. Speaker, I do not think it is the function of this House to justify the action of this Committee if the Committee has been unanimously derelict in the attention which it has given these bills. I would say that if the Committee has been wrong in so many instances, the chances are possibly that they are wrong in this instance, and I ask that the bill be recommitted.

Mr. TERRY. Mr. Speaker, this is certainly a good bill and should be passed by the House. I wish that every member of the House who can conscientiously do so, would refuse to support the motion made by the distinguished gentleman from York.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 610, as follows:

A Supplement to the act approved the second day of July one thousand nine hundred and thirty-seven (Appropriation Acts page 74) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation and reappropriating such lasped moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two thousand seven hundred fifty dollars ($2,750) of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the payment of wages and other compensation of employes for the expenses of members in attending conferences and for the payment of the general expenses necessary for the conduct of the work of the Commission on Interstate Cooperation by the act to which this is a supplement is hereby lapsed and is specifically re-appropriated to the Chief Clerk of the House of Representatives for the payment of wages and other compensation of employes for the expenses of members in attending conferences and for the payment of the general expenses necessary for the proper conduct of the work of the Interstate Commission on the Delaware River Basin created by the Commission on Interstate Cooperation to be paid on warrants of the Auditor General in favor of the Chairman of said Interstate Commission on the Delaware River Basin The Chairman of said Commission shall file an accounting of said expenses with the Auditor General

Section 2 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Eckels,	Lichtenwalter,	Scanlon,
Ackermann,	Ely,	Long,	Schrock,
Allen,	Ewing,	Lovett,	Schrope,
Allmond,	Falkenstein,	Lyons,	Schwab,
Alspach,	Fauset,	Madden,	Seif,
Andrews,	Finnerty,	Malloy,	Serrill,
Atkins,	Fisher,	Marr,	Shaw,
Auker,	Fiss,	Matthews,	Shearer,
Baker,	Flanagan,	McClester,	Simons,
Balliet,	Fleming,	McGarrity,	Skale,
Balthaser,	Foor,	McKinney,	Sloan,
Bardes,	Freed,	McLane,	Snyder,
Bennett,	Fullerton,	McNally,	Sollenberger,
Bohn,	Gates,	McVay,	Stambaugh,
Boles,	Gillan,	Melchiorre,	Stank,
Boney,	Gillette,	Mihm,	Stewart,
Boorse,	Goll,	Montgomery,	Stockham,
Boose,	Gorski,	Mooney,	Sweeney,
Bower,	Habbyshaw,	Moran,	Tahl,
Boyd,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.,
Brunner,	Haudenshield,	O'Connor,	Thompson, G. R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	Ominsky,	Trout,
Calvin,	Hindman,	O'Neill,	VanAllsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clearwater,	Hoyt,	Readinger,	Watkins,
Cohen, H. B.,	Huntley,	Reagan,	Webster,
Cohen, R. E.,	Imbrie,	Reese, D. P.,	Weiss,
Cook,	Irvin,	Reese, R. E.,	Welsh, E. B.,
Cooper,	James,	Regan,	Welsh, M. J.,
Cordier,	Jirolanio,	Reynolds,	Westrick,
Corrigan,	Johnston,	Rider,	Wilkinson,
Cortese,	Jones,	Riley,	Williams,
Curran,	Keenan,	Robertson,	Wilson,
Dalrymple,	Kline,	Rooney,	Winner,
Denman,	Knoble,	Rose,	Wood, H. M.,
DeNote,	Kowalski,	Roseberry,	Wood, L. H.,
Dick,	Krise,	Rosenfeld,	Wood, N.,
Dix,	Lee,	Rothenberger,	Woodside,
Donahue,	Leisey,	Royer,	Yeakel,
Donohoe,	Levy,	Sarge,	Turner,
Downey,	Leydic,	Sarraf,	Speaker.

NAYS—0

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 853, entitled:

An Act to amend clause (c) of section thirty of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers county controllers registrars of vital statistics certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by eliminating certain provisions and requiring municipal officers, departments, bureaus and certain public utility corporations to make certain reports to the registration commission.

RECONSIDERATION OF VOTE

Mr. WOODSIDE. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. HABBYSHAW. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Dauphin, Mr. Woodside, vote on the final passage of this bill?

Mr. WOODSIDE. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Dauphin, Mr. Habbyshaw, vote on the final passage of this bill?

Mr. HABBYSHAW. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be recommitted to the Committee on Elections for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 726, entitled:

An Act to amend the title and section one of the act, approved the fifteenth day of April, one thousand nine hundred and seven (P. L. 62), entitled "An act providing that in certain cases defendants may enter pleas of guilty, and be sentenced forthwith, without a bill of indictment being presented to a grand jury," extending the same to cases where pleas of not guilty are entered.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HOMER S. BROWN. Mr. Speaker and members of the House, it is not my intention to try to convince any member of this House as to the merits of this bill. I have talked with the majority floor leader. I am satisfied, first of all, that the bill has no political significance. It is an attempt to speed up our criminal cases and to that end the bill has, of course, the hearty endorsement of those who are familiar with the amount of time which is now consumed in the trial of criminal cases. However, it does change certain fundamental principles of our law and it ought to be given very, very careful consideration.

There are two questions which are perhaps raised by this bill, which is an amendment to the Act of 1907, P. L. 62. The first change is to allow a defendant the right to waive an indictment found by a grand jury. I do not believe that that is the serious part of the bill. However, there may be some law to sustain the fact that an indictment may be brought in by a district attorney and not by the grand jury. That of course is a very debatable point. If a defendant consents to an indictment being brought in by the district attorney, there may be ample authority, although there are no cases reported that such may be had.

However, the serious part of the bill arises in the amendment at the bottom of page two which can be resolved in this simple question: May a defendant waive an indictment by the grand jury and be tried with or without a jury upon an indictment prepared by the district attorney?

I believe we ought to consider very carefully whether or not a defendant may waive the right of trial by jury. I wish to call to the attention of the House the most learned opinion on this matter, cited in the case of Commonwealth vs. Hall, and reported in Pennsylvania Supreme Court Reports, Volume 291, page 341. In that very, very learned opinion by the Chief Justice, who was then Chief Justice von Moschzisker, decided January 3, 1928, the learned Chief Justice there lays down this premise and I quote from the decision:

> "Under the Constitution and laws of Pennsylvania, a Court of Quarter Sessions has no jurisdiction in a criminal case where the defendant has pleaded not guilty to try the case without a jury, and no waiver on the part of the defendant can confer such jurisdiction."

However, the court in this case left the question open whether or not the Legislature could pass enabling acts to give the Court of Quarter Sessions the right to try a defendant without a jury, and I presume this act is the act that came after this opinion and might be called the enabling act to make way for the Court to decide that which could not be decided by the case of Commonwealth vs. Hall. However, I think we should know, when we are dealing with this very fundamental question; we ought to be certain that we are right, and I simply throw out these challenges. I am sure the Majority Floor Leader can answer them to our satisfaction.

I am for the bill if it can be sustained, but it looks as though, from all the authorities that can be cited, that this bill stands on very dangerous ground.

I call to the attention of the House the fact that Article I, Section 6 of the Pennsylvania Constitution guarantees the right of trial by jury. That has been the organic, fundamental law of this Commonwealth; it was the organic law of Common law, and to change it by legislative enactment is very, very doubtful. However, the Chief Justice in the case of Commonwealth vs. Hall, makes a distinction between a guarantee of trial by jury under the Pennsylvania Constitution and a mandatory trial by jury, which is found in the Constitution of the United States, but at the same time, while making this distinction, he goes on to say that the right of trial by jury as guaranteed under the Constitution of Pennsylvania, is the right which is conferred by the organic, fundamental law of the land. If that is true, it seems hardly possible that such right can be waived by a defendant, notwithstanding the enabling act of this Legislature.

I call also to the attention of the Legislature another section of the Constitution of the Commonwealth of Pennsylvania, which is article V, section 27, which reads as follows:

> "The parties, by agreement filed, may in any civil case dispense with trial by jury, and submit the decision of such case to the court having jurisdiction thereof, and such court shall hear and determine the same: and the judgment thereon shall be subject to writ of error as in other cases."

If it was found advisable, in order to dispense with a trial by jury in a civil case, that an amendment to the Constitution, as is found in article V, section 27, was necessary, I cannot see how we can, by an enabling Act of the Legislature, change our organic law, a fundamental principle that has been established since the founding of this Commonwealth, and by that enabling Act of the Legislature, change the right of trial by jury in criminal cases.

I say this because I feel the bill is a step in the right direction. However, I do not feel that this enabling act will accomplish the purpose which the Majority Floor Leader seeks to accomplish, and I therefore ask the Majority Floor Leader to give us some opinion either from this court or from some other court telling us how he expects this piece of legislation to be sustained by the court.

Mr. WOODSIDE. Mr. Speaker and members of the House, I wish to thank the gentleman from Allegheny for his very diligent research in connection with the principle involved in this bill, and I wish to thank him for the very fine exposition he gave on the constitutional principles involved.

This bill was made possible as the result of legislation passed by a recent session of the Legislative in which the defendant is permitted to plead not guilty before the court, be tried by a judge without a jury. In order to do that, you must have the consent of the court, the defendant and the district attorney, so that there must be an agreement by all the parties who are in any way affected or connected with the case.

I understand in a large number of the counties they have not made very extensive use of this provision but in other counties, including my own, there has been very extensive use made of it, and very many trials have been held before a judge without a jury, and apparently to the full satisfaction of the defendant, the Commonwealth and the court, with a considerable saving of time and expense to the county.

This situation developed and existed, of course, before the passage of this bill but without the possibility of any remedy. We have four sessions of Quarter Sessions Court during the year. Between those sessions, which last only a week or sometimes two weeks, there is no petit jury nor a grand jury in session. As a result some person may be arrested the day after the session of court ends. A poor person who is unable to get bail will thereupon be compelled to remain in jail from the day he is arrested for a period which may be three months until he has an opportunity to be brought to trial. When he is brought to trial he may be found not guilty and immediately discharged. In the meantime he has been in jail for three months in default of bail.

On the other hand he may be found guilty. At the time of trial the offense may have been such that the court would not have sentenced him to three months in jail, nevertheless he has already served three months in jail because of his inability to secure bail.

The provisions of this bill make it possible to handle a case of that type in this manner: A man is charged with a crime and committed to jail without bail. While he is in jail, he can notify the district attorney that he is willing to waive the indictment, plead not guilty before the court and have his trial disposed by the judge in a week or two weeks after he has been arrested and committed to jail. As a result of that the court may try his case, find him not guilty and discharge him, thus preventing the injustice of staying in jail for a period of probably three months waiting for trial which would certainly be an injustice to the defendant.

This bill has been gone over by the Ruth Legislative Commission, the problem studied and this bill recommended. The bill was drafted by the Legislative Reference Bureau. It was subsequently submitted by me to the district attorney of my own county, and to President Judge Hargest. Judge Hargest has been President Judge of the Court of Dauphin County for over fifteen years, was a former deputy attorney general, and is a jurist whose opinion I think is very highly received. He went over the bill very carefully. He had a knowledge of the situation beforehand, because I had discussed it with him, and he stated that in his opinion the bill was constitutional and that it carries out the intention which we proposed to have carried out by it.

If I understood the gentleman from Allegheny correctly, he does not say definitely that he feels the bill is unconstitutional. He feels that it is a good bill and carries out a good purpose, with the exception of the fact that there is some doubt concerning its constitutionality. If any way can be pointed out to me in which the bill can be improved, so that the danger of its unconstitutionality may be removed, I shall be glad to accept amendments. I will be willing to hold the bill on the postponed calendar for several days, and if amendments can be offered which will carry what is intended to be done, I shall be glad to change the bill accordingly, because I think everybody will agree that it intends to carry out a purpose which will do considerable justice, and will save a number of counties a substantial amount in jury fees and expenses by cutting down the time of the petit jury attending Quarter Sessions Court, and enabling cases to be disposed of between sessions of the Quarter Sesions Court where

no jury is required or requested by a defendant. I cannot see how anybody's right will be interfered with, because the consent of all parties and interests, namly, the Commonwealth, the district attorney, the judge and the defendant, is necessary to carry out the provisions.

For that reason I feel that the bill in its present form is as good as we can hope for at the present time. I believe the court after consideration of the bill will find it constitutional, and I ask the members to vote for it unless some member has suggestions whereby the bill may be improved. If he does, I will be glad to place the bill on the postponed calendar.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and where as follows, viz:

YEAS—197

Achterman,	Ewing,	Long,	Scanlon,
Ackermann,	Falkenstein,	Lovett,	Schrock,
Allen,	Fauset,	Lyons,	Schrope,
Allmond,	Finnerty,	Madden,	Self,
Alspach,	Fisher,	Malloy,	Serrill,
Andrews,	Fiss,	Marr,	Shaw,
Atkins,	Flanagan,	Matthews,	Shearer,
Auker,	Fleming,	McClester,	Simons,
Baker,	Foor,	McGarrity,	Skale,
Balliet,	Freed,	McKinney,	Sloan,
Balthaser,	Fullerton,	McLane,	Snyder,
Bardes,	Furman,	McNally,	Sollenberger,
Bennett,	Gates,	McVay,	Stambaugh,
Bohn,	Gillan,	Melchiorre,	Stank,
Boles,	Gillette,	Mihm,	Stewart,
Boney,	Goll,	Montgomery,	Stockham,
Boorse,	Gorski,	Mooney,	Sweeney,
Boose,	Habbyshaw,	Moran,	Tahl,
Bower,	Haines,	Moser, F. S.,	Tarr,
Boyd,	Hall,	Moser, J. L.	Taylor,
Broad,	Hamilton,	Muir,	Terry,
Bronson,	Harbeson,	Munley,	Thistle,
Brown, H. S.,	Harkins,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Connor,	Thompson, G. R.,
Brunner,	Henry,	O'Dare,	Tiemann,
Burns,	Hess,	O'Keefe,	Tronzo,
Burris,	Hewitt,	Ominsky,	Trout,
Calvin,	Hindman,	O'Neill,	VanAllsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clearwater,	Hoyt,	Readinger,	Watkins,
Cohen, H. B.,	Huntley,	Reagan,	Webster,
Cohen, R. E.,	Imbrie,	Reese, D. P.,	Weiss,
Cook,	James,	Reese, R. E.,	Welsh, E. B.,
Cooper,	Jirolanio,	Regan,	Welsh, M. J.,
Cordier,	Johnston,	Reynolds,	Westrick,
Corrigan,	Jones,	Rider,	Wilkinson,
Cortese,	Kane,	Riley,	Williams,
Dalrymple,	Keenan,	Robertson,	Wilson,
Denman,	Kline,	Rooney,	Winner,
DeNote,	Knoble,	Rose,	Wood H. M.,
Dick,	Kowalski,	Roseberry,	Wood, L. H.,
Dix,	Krise,	Rosenfeld,	Wood, N.,
Donahue,	Lee,	Rothenberger,	Woodside,
Donohoe,	Leisey,	Royer,	Yeakel,
Downey,	Levy,	Sarge,	Turner,
Eckels,	Leydic,	Sarraf,	Speaker.
Ely,	Lichtenwalter,		

NAYS—3

Cadwalader,	Curran,	Schwab,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

The SPEAKER. The Chair requests the gentleman from Bucks, Mr. Stockham, to preside.

MR. STOCKHAM IN THE CHAIR.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 854, entitled:

An Act to amend clause (c) of section thirty of the act, approved the first day of June, one thousand nine hundred and thirty-seven (P. L. 1132), entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries, and their enrollment as members of politial parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by eliminating the provisions requiring municipal officers, departments, bureaus and certain public utility corporations to make certain reports to the registration commission.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be recommitted to the Committee on Elections for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 855, entitled:

An Act to amend clause (c) of section thirty of the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," by eliminating the provisions requiring municipal officers, departments, bureaus and certain public utility corporations to make certain reports to the registration commission.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be recommitted to the Committee on Elections for the purpose of further study and possible amendment.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 543, Printer's No. 326, was passed over at the request of Mr. WOODSIDE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 506, as follows:

An Act to further amend section six hundred and nineteen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Deparament of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liabilities for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" removing joint liability in cases of negligence of employes of counties and municipalities or of members of volunteer fire companies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six hundred and nineteen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and agarage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as last amended by section one of the act approved the twenty-ninth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2329) is hereby further amended to read as follows

Section 619 Counties and Municipalities Liable for Negligence of Their Employes Every county city borough incorporated town or township within this Commonwealth employing any person shall be [jointly and severally] liable [with such person] for any damages caused by the negligence of such person while operating a motor vehicle or fire department equipment upon a highway in the [course of their employment and every city borough incorporated town and township shall also be jointly and severally liable with any member of a volunteer fire company of any such city borough incorporated town or township for any damage caused by the negligence of such member while operating a motor vehicle or fire department equipment used by or belonging to such volunteer fire company while going to attending or returning from a fire or while engaged in any other proper use of such motor vehicle or fire department equipment for such volunteer fire company] discharge of his duties and within the scope of his employment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boies,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,
Bower,	Gorski,	Mooney,	Sweeney,
Boyd,	Habbyshaw,	Moran,	Tahl,
Broad,	Haines,	Moser, F. S.,	Tarr,
Bronson,	Hall,	Moser, J. L.,	Taylor,
Brown, H. S.,	Hamilton,	Muir,	Terry,
Brown, S. W.,	Harbeson,	Munley,	Thistle,
Brunner,	Harkins,	O'Brien,	Thompson, E. F.,
Burns,	Haudenshield,	O'Connor,	Thompson, G. R.,
Burris,	Henry,	O'Dare,	Tiemann,
Cadwalader,	Hess,	O'Keefe,	Tronzo,
Calvin,	Hewitt,	Ominsky,	Trout,
Carpenter,	Hindman,	O'Neill,	VanAllsburg,
Check,	Hocke,	Peacock,	Van Belle,
Chervenak,	Hoffman, J. N.,	Peale,	Voorhees,
Christley,	Hoffman, S. K.,	Powers,	Wagner,
Clearwater,	Holland,	Preston,	Walsh,
Cohen, H. B.,	Hoyt,	Readinger,	Watkins,
Cohen, R. E.,	Huntley,	Reagan,	Webster,
Cook,	Imbrie,	Reese, D. P.,	Weiss,
Cooper,	James,	Reese, R. E.,	Welsh, E. B.,
Cordier,	Jirolanio,	Regan,	Welsh, M. J.,
Corrigan,	Johnston,	Reynolds,	Westrick,
Cortese,	Jones,	Rider,	Wilkinson,
Curran,	Kane,	Riley,	Williams,
Dalrymple,	Keenan,	Robertson,	Wilson,
Denman,	Kline,	Rooney,	Winner,
DeNote,	Knoble,	Rose,	Wood, H. M.,
Dick,	Kowalski,	Roseberry,	Wood, L. H.,
Dix,	Krise,	Rosenfeld,	Wood, N.,
Donahue,	Lee,	Rothenberger,	Woodside,
Donohoe,	Leisey,	Royer,	Yeakel,
Downey,	Levy,	Sarge,	Turner,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1057, entitled:

An Act to repeal the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2688) entitled "An act to provide for the conservation protection improvement and profitable use of agricultural land resources in the State of Pennsylvania and for cooperation with the governments and agencies of other states and of the United States pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act to assent to and accept the provisions of said act to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee and in conformity with the provisions of said act to designate and authorize said committee as the State agency of this State in conformity with such provisions to formulate submit to the Secretary of Agriculture of the United States and administer State plans to carry out the provisions of this act to define the powers and duties of said committee as such State agency to provide for the administration of this act and making an appropriation"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Ely,	Lichtenwalter,	Scanlon,
Ackermann,	Ewing,	Long,	Schrock,
Allen,	Falkenstein,	Lovett,	Schrope,
Allmond,	Fauset,	Lyons,	Schwab,
Alspach,	Finnerty,	Madden,	Seif,
Andrews,	Fisher,	Malloy,	Serrill,
Atkins,	Fiss,	Marr,	Shaw,
Auker,	Flanagan,	Matthews,	Shearer,
Baker,	Fleming,	McClester,	Simons,
Balliet,	Foor,	McGarrity,	Skale,
Balthaser,	Freed,	McKinney,	Sloan,
Bardes,	Fullerton,	McLane,	Snyder,
Bennett,	Furman,	McNally,	Sollenberger,
Bohn,	Gates,	McVay,	Stambaugh,
Boies,	Gillan,	Melchiorre,	Stank,
Boney,	Gillette,	Mihm,	Stewart,
Boorse,	Goll,	Montgomery,	Stockham,
Boose,	Gorski,	Mooney,	Sweeney,
Bower,	Habbyshaw,	Moran,	Tahl,
Boyd,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.,
Brunner,	Haudenshield,	O'Connor,	Thompson, G. R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	Ominsky,	Trout,
Calvin,	Hindman,	O'Neill,	Van Allsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clearwater,	Hoyt,	Readinger,	Watkins,
Cohen, H. B.,	Huntley,	Reagan,	Webster,
Cohen, R. E.,	Imbrie,	Reese, D. P.,	Weiss,
Cook,	Irvin,	Reese, R. E.,	Welsh, E. B.,
Cooper,	James,	Regan,	Welsh, M. J.,
Cordier,	Jirolanio,	Reynolds,	Westrick,
Corrigan,	Johnston,	Rider,	Wilkinson,
Cortese,	Jones,	Riley,	Williams,
Curran,	Keenan,	Robertson,	Wilson,
Dalrymple,	Kline,	Rooney,	Winner,
Denman,	Knoble,	Rose,	Wood, H. M.,
DeNote,	Kowalski,	Roseberry,	Wood, L. H.,
Dick,	Krise,	Rosenfeld,	Wood, N.,
Dix,	Lee,	Rothenberger,	Woodside,
Donahue,	Leisey,	Royer,	Yeakel,
Donohoe,	Levy,	Sarge,	Turner,
Downey,	Leydic,	Sarraf,	Speaker.
Eckels,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 194, entitled:

An Act providing for the validation and amendment of defective tax liens and municipal claims heretofore or hereafter entered of record and repealing inconsistent legislation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boies,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,
Bower,	Gorski,	Mooney,	Sweeney,
Boyd,	Habbyshaw,	Moran,	Tahl,
Broad,	Haines,	Moser, F. S.,	Tarr,
Bronson,	Hall,	Moser, J. L.,	Taylor,
Brown, H. S.,	Hamilton,	Muir,	Terry,
Brown, S. W.,	Harbeson,	Munley,	Thistle,
Brunner,	Harkins,	O'Brien,	Thompson, E. F.,
Burns,	Haudenshield,	O'Connor,	Thompson, G. R.,
Burris,	Henry,	O'Dare,	Tiemann,
Cadwalader,	Hess,	O'Keefe,	Tronzo,
Calvin,	Hewitt,	Ominsky,	Trout,
Carpenter,	Hindman,	O'Neill,	Van Allsburg,
Check,	Hocke,	Peacock,	Van Belle,
Chervenak,	Hoffman, J. N.,	Peale,	Voorhees,
Christler,	Hoffman, S. K.,	Powers,	Wagner,
Clearwater,	Holland,	Preston,	Walsh,
Cohen, H. B.,	Hoyt,	Readinger,	Watkins,
Cohen, R. E.,	Huntley,	Reagan,	Webster,
Cook,	Imbrie,	Reese, D. P.,	Weiss,
Cooper,	Irvin,	Reese, R. E.,	Welsh, E. B.,
Cordier,	James,	Regan,	Welsh, M. J.,
Corrigan,	Jirolanio,	Reynolds,	Westrick,
Cortese,	Johnston,	Rider,	Wilkinson,
Curran,	Jones,	Riley,	Williams,
Dalrymple,	Keenan,	Robertson,	Wilson,
Denman,	Kline,	Rooney,	Winner,
DeNote,	Knoble,	Rose,	Wood, H. M.,
Dick,	Kowalski,	Roseberry,	Wood, L. H.,
Dix,	Krise,	Rosenfeld,	Wood, N.,
Donahue,	Lee,	Rothenberger,	Woodside,
Donohoe,	Leisey,	Royer,	Yeakel,
Downey,	Levy,	Sarge,	Turner,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 555, entitled:

An Act abating certain tax penalties interest and costs on county city (except city of the first class) borough town township school district (except school district of the first class) poor district and institution district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Downey,	Leisey,	Sarge,
Ackermann,	Eckels,	Levy,	Sarraf,
Allen,	Ely,	Leydic,	Scanlon,
Allmond,	Ewing,	Lichtenwalter,	Schrock,
Alspach,	Falkenstein,	Long,	Schrope,
Andrews,	Fauset,	Lovett,	Schwab,
Atkins,	Finnerty,	Lyons,	Seif,
Auker,	Fisher,	Madden,	Serrill,
Baker,	Fiss,	Malloy,	Shaw,
Balliet,	Flanagan,	Marr,	Shearer,
Balthaser,	Fleming,	Matthews,	Simons,
Bardes,	Foor,	McClester,	Skale,
Bennett,	Freed,	McGarrity,	Sloan,
Bohn,	Fullerton,	McKinney,	Sollenberger,
Boles,	Furman,	McLane,	Stambaugh,
Boney,	Gates,	McNally,	Stank,
Boorse,	Gillan,	McVay,	Stockham,
Boose,	Gillette,	Melchiorre,	Sweeney,
Bower,	Goll,	Mihm,	Tahl,
Boyd,	Gorski,	Montgomery,	Tarr,
Broad,	Habbyshaw,	Mooney,	Taylor,
Bronson,	Haines,	Moran,	Terry,
Brown, H. S.,	Hall,	Moser, F. S.,	Thistle,
Brown, S. W.,	Hamilton,	Moser, J. L.,	Thompson, E. F.,
Brunner,	Harbeson,	Muir,	Thompson, G. R.,
Burns,	Harkins,	Munley,	Tiemann,
Burris,	Haudenshield,	O'Brien,	Tronzo,
Cadwalader,	Henry,	O'Connor,	Trout,
Calvin,	Hess,	O'Dare,	VanAllsburg,
Carpenter,	Hewitt,	O'Keefe,	Van Belle,
Check,	Hindman,	Ominsky,	Voorhees,
Chervenak,	Hocke,	O'Neill,	Wagner,
Christler,	Hoffman, J. N.,	Peacock,	Walsh,
Clearwater,	Hoffman, S. K.,	Peale,	Watkins,
Cohen H. B.,	Holland,	Powers,	Webster,
Cohen, R. E.,	Hoyt,	Preston,	Weiss,
Cook,	Huntley,	Reagan,	Welsh, E. B.,
Cooper,	Imbrie,	Reese, D. P.,	Welsh, M. J.,
Cordier,	Irvin,	Reese, R. E.	Westrick,
Corrigan,	James,	Regan,	Wilkinson,
Cortese,	Jirolanio,	Reynolds,	Williams,
Curran,	Johnston,	Rider,	Winner,
Dalrymple,	Jones,	Riley,	Wood, H. M.,
Denman,	Keenan,	Robertson,	Wood, L. H.,
DeNote,	Kline,	Rooney,	Wood, N.,
Dick,	Knoble,	Rose,	Woodside,
Dix	Kowalski,	Roseberry,	Yeakel,
Donahue,	Krise,	Rosenfeld,	Turner,
Donohoe,	Lee	Royer,	Speaker.

NAYS—5

Readinger,	Snyder,	Stewart,	Wilson,
Rothenberger,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 698, Printer's No. 328 was passed over at the request of Mr. WOODSIDE.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Bucks, Mr. Stockham.

ADDRESS BY MR. CHECK.

Mr. CHECK asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I wish to bring before you this evening a very vital and important matter, that deals, not only with my county, but with this great Commonwealth of Pennsylvania.

The subject that I wish to discuss deals with our moral and physical well-being. Tuberculosis, I know, has been a matter of great discussion before this House on many occasions, but it comes to me in such a way that I must express myself at this time, and try to prove to you that it is of vital importance to each and every one of us and to every citizen to whom we are indebted.

You all know that the State of Pennsylvania has been very lax so far as institutions for tuberculosis and free medical services are concerned. I understand, and I have heard from competent authority that our Governor has no intention of opening the institution at Butler in the immediate future, an institution which will be completed this year and upon which the state of Pennsylvania has expended great sums of money.

Mr. Speaker and members of the House, I am a resident of the city of Monessen, which is in Westmoreland County, a wholly industrial community. When I return home every week from Harrisburg I see on the streets of Monessen horrible examples of living human beings trotting down the streets half dead and half alive, consumptives. These individuals cast their sputem upon the streets; in that way tuberculosis is contracted by people who would not have been affected had these people been sent to institutions for tuberculars.

I have made several attempts to have a number of citizens in my county hospitalized but to no avail due to lack of quarters, and the very few institutions that we have in Pennsylvania. In all the attempts that I have made the citizens or patients are in dire need of immediate hospitalization or institutional care. This matter has affected me so deeply that I have gone to the trouble and expense of bringing before you this evening the thing that we are confronted with in my district.

Now, Mr. Speaker, with your kind permission, I will ask Mr. Nick Figel, who is in the hall of the House this evening, to rise at this time and face the members of the House.

The SPEAKER. The gentleman is advised by the Chair that such a procedure is out of order.

PARLIAMENTARY INQUIRY

Mr. CHECK. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. CHECK. Mr. Speaker, has it not been in the hall of this House on numerous occasions before that the Speaker recognized certain individuals who were not members of the House?

The SPEAKER. The Chair has on occasion recognized former members who were present, who under the rules, are entitled to the privileges of the floor.

Does the gentleman from Westmoreland desire to interrogate the Chair?

Mr. CHECK. I do not, Mr. Speaker.

The SPEAKER. If the gentleman from Westmoreland desires to ask a parliamentary question, the Chair will be glad to answer it. The Chair, however, feels that the gentleman should not carry on side conversations with other members of the House during that time.

Mr. CHECK. Thank you, Mr. Speaker.

Ladies and gentlemen of the House, I will point to Mr. Figel who is sitting over here. I ask each and every one of you to look at Mr. Figel. I ask each and every one of you members of the House without answering. Is that man a fit person to mingle with society, whether he be in Monesson, in Westmoreland County, or in any other part of the State of Pennsylvania? The man that you now see should be in an institution receiving treatment and care for tuberculosis and not be in direct contact with the general public. The man that you now see has been in the institution for tuberculosis at Cresson for the past several years. He was released from that institution several months ago and was sent to the Westmoreland County Home. Members of the House, can you imagine anything so asinine as to send a tubercular man to a County Home? The men that you now see does not have many days or months to live unless something is done for him. Can you members imagine the relatives and children of this man who have to live under the same roof with him? Without treatment, death is inevitable for Mr. Figel, and that is not the sad part of my plea. The sad part of my plea is that death will strike again in the home of Mr. Figel and in his community and once more the cause will be tuberculosis.

You members who come from the rural districts might not be as interested in tuberculos as we are who come from industrial districts, and that is because tuberculosis and other sickness is not as great in your district as it is in the industrial centers. I ask you to bear along wth me in this fight against Tuberculosis.

Now, in conclusion, members of the House, I ask each and every one of you to contact Governor James for the immediate opening of the institution at Butler upon its completion. Furthermore, if you members permit that man to be without assistance, you will be guilty of murder, murder in the first degree. No, not in the eyes of the law, but in the eyes of moral justice. I thank you.

The SPEAKER. The gentleman from Westmoreland must understand that references of that kind are not in parliamentary language and are not permitted on the floor of the House.

ADDRESS BY MR. WOODSIDE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, in connection with what has just been said by the gentleman on the other side, I wish to state that I have sent for the figures which I hope will be here before I am through with my remarks concerning the situation in relation to the sanitoria, and particularly to Butler.

The facts are that Butler is not today, and the gentleman who has just spoken knows that Butler is not today prepared for occupancy, that it would be impossible to use that institution today. It is being completed and when it is completed there will also have been completed a number of buildings at Hamburg, a number of buildings at Mt. Alto and I think some additional bed space at Cresson. The entire waiting list at the present time, if my recollection is correct, is six hundred and ten. They will be taken care of in the new bed space at Hamburg and at Mt. Alto. Every last man, woman and child in Pennsylvania who is now on the waiting list for admission into a sanitorium for treatment of tuberculosis will be immediately taken care of, whether Butler is or is not opened. There will be in addition space for approximately the same number in addition to those who are now on the waiting list. In other words, if the waiting list does not increase between now and that time, there will be bed space available in these institutions for about six hundred. I wish I had before me the exact figures but I do not have them at the moment. However, the figures which I have given you are approximately correct, so that it isn't a question of whether or not these people will receive treatment. The question of opening Butler is not a question of whether these people in need of treatment will receive it or whether they will not. The facts are that these institutions are being hurried and will be placed in such shape that all of the bed space necessary to take care of the waiting list will be available in the near future.

ADDRESS BY MR. HERBERT B. COHEN

Mr. HERBERT B. COHEN asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I refrained for the past two months from entering the altercation relative to the completion and the occupancy of the Butler sanatorium. I was in this House, and many other members were, and had an opportunity to study the figures that were submitted at that time which clearly indicated the need for extending the tubercular institutions. I was a member of the General State Authority, and to all intents and purposes still am a member, the bill being retained on the third reading calendar in the Senate, but nevertheless as a member of the General State Authority I had an opportunity to study the figures. I cannot understand how our present Secretary of Health arrived at figures that are so diametrically opposite to the figures that have been presented both by previous Republican administrations as well as the past Democratic administration. I cannot conceive that the same plea for the extension of the tubercular institutions should have been made by the previous Republican administration that has been made by the past Democratic administration, and the figures compiled by those two administrations clearly indicate the necessity for the completion of the Butler sanatorium as well as additional bed space in Hamburg, in Cresson and Mt. Alto. I do not by any means or in any manner wish to cast any reflection upon our Secretary of Health but I do say, and I sincerely believe and feel that after the Butler sanatorium is finished and this administration is confronted with the necessity of making a decision whether or not the Butler sanatorium shall be occupied, I feel if a thorough and

honest analysis of the situation on tuberculosis in the Commonwealth of Pennsylvania is made, they will find that the Butler sanitorium of necessity must be occupied.

Tuberculosis is a peculiar disease and treatment in an incipient case is required immediately. It cannot wait for a month or two months or three months, as tubercular have been forced to wait in the Commonwealth of Pennsylvania in the past. When one has the disease immediate hospitalization is the only thing that will prevent an incipient case from turnng into an aggravated and chronic case. If that hospitalization is not available the community loses a citizen, and imposes upon the rest of the people of maintaining that individual in complete disability without the opportunity of rehabilitation, so that he may take his place in society. As I have indicated before, after the completion of the Butler Sanitarium and the other tubercular institutions have been remodeled and enlarged, and honest analysis made by individuals with a humanitarian attitude, rather than a budget secretary's attitude, will find that the Butler sanitarium will have to be occupied.

ADDRESS BY MR. BAKER

Mr. BAKER asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I wish to congratulate the Republican Party and to take some notice of the cure of unemployment and the nation's depression devised by one of that party's most prominent members.

As an American citizen, I suppose I should be overjoyed that at last the party—or a prominent member of the party—has gotten around to trying to do something constructive about the nation's economic problems. After almost 10 years of depression, I had almost given up hope that the Republicans ever would get around to helping us try to better the nation's plight.

I would truly be glad if it were not that the solution is branded with the same arrogant, flagrant and infamous carelessness of democratic and American rights exhibited by that memorable Republican President who called out the troops to drive the American veterans from Washington.

I would welcome any sincere suggestion to help the unemployed other than something indicative of the same vicious social irresponsibility which lead a certain alleged former breaker-boy to promise to cut taxes when he knew he couldn't and to promise to burn all the social legislation which recently civilized the laws of Pennsylvania.

But I cannot welcome the helpfulness of an industrial tycoon who would go whole-hog and deprive men and women of their rights as citizens just because they are poor.

Such a suggestion is worthy of the combined intelligence of Joe Grundy, Ernie Weir, Tom Girdler, Col. Estes, the Texas Bull, Breaker Boy James, Oil Man Pew and other silk-hatted fellow Republicans of the gentleman to whom I refer, A. W. Robertson, chairman of the Board of Westinghouse Electric and Manufacturing Company.

Now you must understand that this Mr. Robertson is quite a fellow. He may be seen any day, if you are a properly registered Republican with properly filled pockets and the proper entree to the so-called "better" clubs and other resorts of the rich.

When you see him you will not notice much difference between him and his companions if, indeed, you notice any.

They are what Mr. Herbert Hoover and probably Governor Arthur James would call the cream of America's rugged individualists.

Mr. Robertson, like Mr. Henry Ford, undoubtedly thinks he knows what is best for America.

Like Mr. Thomas Girdler, Mr. Robertson probably is sure he knows more about the needs of American Workingmen than the workingmen themselves.

And you probably would not have to wait long in his presence, anymore than in the presences of Mr. Hoover, Gov. James, or Messrs. Grundy, Pew, Ford, Girdler, and Weir, to hear him express his highly seasoned opinion of the unemployed.

These imminent leaders of American business and industry and Republican politics undoubtedly would snort in disgust and term the unemployed a "bunch of Communists," a "pack of parasites," or just plain "shiftless stumblebums."

To point my remarks on this subject, which I shall hastily conclude, allow me to call to your attention this Statesman—Robertson's recent suggestion to cure what ails this nation. He would deprive persons on relief of their vote.

He would take from them that very essence of Democracy, that keystone of freedom, the franchise.

Just because new inventions or depressed business had forced honest American workingmen from their jobs, this Mr. Robertson would deprive them of all voice in their own government.

I wonder if Mr. Robertson's new social philosophy is a product of the Union League Club, the Duquesne Club, the American Manufacturer's Association or all three? Or has Mr. Robertson been using one of his firm's new short wave radio receiving sets to listen to Messrs. Hitler and Mussolini?

RESOLUTIONS

RECALLING HOUSE BILL No. 483 FROM THE GOVERNOR

Mr. CORDIER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 24, 1939.

Resolved (if the Senate concur), that House Bill No. 483, Printer's No. 296, entitled "An act regulating the appointment or election of deputy controllers in cities of the second class A and prescribing their powers and duties," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 546 FROM THE GOVERNOR

Mr. TAYLOR offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 24, 1939.

Resolved (if the Senate concur) that House Bill No. 546, Printer's No. 268, entitled "An act to further amend section six of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled 'An act providing for the or-

ganization government discipline maintenance and regulation of the armed land forces of this Commonwealth' by eliminating certain provisions relating to retirement age of a major general in command of the National Guard," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

SYMPATHY EXTENDED

Messrs. FALKENSTEIN and MELCHIORRE offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, April 24, 1939.

Whereas, On April 22, 1939, the father of our colleague, Anna M. Brancato, passed away; and

Whereas, Her father, Joseph Brancato, was engaged in the produce business in South Philadelphia for over forty years, and had won for himself an enviable reputation for industry, honesty, and sobriety, and had consequently the respect and love of every person in his community; and

Whereas, The many virtues of our colleague, are the virtues which she inherited from her father, and the glory which has been hers has been the glory of her father, and she, in that glory, has honored her father through her devoted and wide interest in civic affairs; therefore be it

Resolved, That the House of Representatives hereby expresses to our colleague, their sincere sympathy in these days of her bereavement, and this House does further extend its sympathy to the mother and to the brothers and sisters of the Honorable Anna M. Brancato; and be it further

Resolved, That a copy of this resolution be transcribed and sent to our colleague, the Honorable Anna M. Brancato.

ADDRESS BY MR. HOLLAND

Mr. HOLLAND asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, in seeking permission to address the House tonight, I am asking your indulgence not on my behalf but on behalf of thousands of real estate tax payers throughout this Commonwealth who have expressed themselves in thousands of telegrams and in a petition presented to the Representatives of the 12th Legislative District in the County of Allegheny comprised of names of 700 tax payers, who by the way are not delinquent in taxes.

Before reading to you any farther, I want to first impress upon this House the type of people who have sent the telegrams, and particularly I want to impress upon the Republican rembers this telegram which I now hold in my hands which reads: "We urge that House Bill No. 78 be released from committee" and it is signed by the Northside Chamber of Commerce, P. H. Dillman, Secretary.

The other telegram is from the Hill District Taxpayers Association, William Landon, President, 331 Fourth Avenue, Pittsburgh. There are numerous others from just as prominent people and groups in the city of Pittsburgh.

If we, the Representatives of the people of this State, will not heed to their demands, I feel assured that at the next election there will be many members of this House who shall be asked by these same people to step aside and permit representatives to take their places who believe that the home owners—Pennsylvania manufacturers—and Pennsylvanian coal mine owners should not pay the untilities' share of local government in addition to their own share.

Tonight I am not going to offer you any of my own reasons on why utilities should not pay their just share of real estate taxes for local benefits received from local government. But, I am going to quote from the columns of a financial writer who has been quoted and considered an authority by the Republican party, for in the last campaign this financial writer was quoted time and time again throughout this Commonwealth. And I might add—was quoted throughout the entire nation and his reasonings were given as a basic fact on evils of our present taxation.

On Friday, April 21, B. C. Forbes assailed the tax loss in real estate taxes of the TVA in Tennessee. He states:

> "One upshot apparently was unforeseen and ignored. Investor owned Utilities pay local taxes today—while the government exempts its own projects from taxation."

He estimates that

> "the entire Tennessee tax loss by local governments is approximately $5,000,000 annually."

This loss in utility tax in Pennsylvania has existed one hundred and fourteen years and has amounted into the millions of dollars. And so far in this House no steps have been taken to bring to the floor of the House—House Bill No. 78 ending this tax injustice. Further he states:

> "Deprived of tax receipts formerly paid by private utilities, many counties near the center of TVA operations are faced with outright fiscal disaster and even with the forced closing of schools in some areas."

This same condition exists in Pennsylvania. Thousands of school teachers are teaching without pay and are being carried on relief rolls. Schools are being closed ahead of the usual closing of the school term—and what a disgrace it is to this wealthy State to read that teachers have to threaten strikes to secure wages due them—just because utility lobbies maintained here at Harrisburg are strong enough to kill legislation that is more just and justifiable to the people of Pennsylvania than any other legislation ever to come before this House.

Mr. Forbes further states:

> "The state government can take care of its needs for additional or replacement revenues through its power to tax, but county, school districts, and municipal governments should not be left to shift for themselves. Their only recourse to meet the threatened loss of revenues would be further increase in the already excessive property tax. Taking taxes off electric electric utilities and placing added tax burdens on homes, farms, and all other property would be inequitable and wholly unjustified."

I do not know how I could improve upon the words of this tax expert, Mr. Forbes when he states:

> "Taking taxes off electric utilities and placing added tax burdens on homes, farms, and all other property would be inequitable and wholly unjustified."

This is exactly what has been done in Pennsylvania since 1825. The figures that you have, as I have said before, on exempt utility properties in Pennsylvania are about one third of what they should be. About $22,000,000—exclusive of taxes on railroads—would be close to the amount of taxes collected through counties, cities, boroughs, townships and school districts.

Are you going to sit idly by and permit this evil to continue? Or, are you going to harken to the voice of the real estate tax payer for relief from paying the utilities' share of local taxation? Are you going to permit in order to gain the favor of the utility interests in Pennsylvania the closing of our schools? Are you going to permit Pennsylvania manufacturers to have their real estate taxes increased at the expense of out-of-State owned utilities? Are you going to let the owners of our coal mines to continue to pay their share of taxation and the utilities' share also?

Mr. Speaker and Members of this House—I now present to the gentleman from Bucks County, Mr. Stockman, Chairman of the Public Utility Committee of this House the request of thousands of real estate tax payers of the Commonwealth of Pennsylvania that House Bill No. 78 be reported out of his Committee so that the members of this House can answer to their constituents back home whether or not they are following the utility lobby leadership in Harrisburg or representing the taxpayers back home who sent them here as their representative.

QUESTION OF PERSONAL PRIVILEGE

Mr. LOVETT. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Westmoreland will state his question of personal privilege.

Mr. LOVETT. Mr. Speaker, I received this communication last week. I think it is to my interest and will be of interest to the members of the House and the people of Pennsylvania. I will ask the Clerk to read it and have it recorded in the Legislative Journal.

The SPEAKER. The gentleman has not stated his question of personal privilege.

Mr. LOVETT. Mr. Speaker, I request that it be read by the Clerk for the information of the House. It is of great interest to my district and to the people of the state of Pennsylvania.

The SPEAKER. The Chair feels that the gentleman is out of order on his question of personal privilege in offering a communication and asking that it be read by the Clerk. The letter is in the form of a petition addressed to the gentleman from Westmoreland. If the gentleman from Westmoreland wants to ask for unanimous consent to address the House, and read the communication, he may do so, if he desires.

Mr. LOVETT. I would be very glad to read it myself, Mr. Speaker. The communication is as follows:

"April 15, 1939

"Hon. James E. Lovett
House of Representatives
Harrisburg, Pa.

"Dear Sir:

"At the regular meeting of the Board of Directors of the Westmoreland Public Health Association the following Resolution was unanimously adopted:

"Whereas there were 4800 tuberculosis deaths in Pennsylvania last year and on the basis of nine (9) cases to every death there are approximately 44,000 active cases of tuberculosis in Pennsylvania at the present time and at the most conservative estimate, at least 12,000 of these are in need of hospital treatment and,

"Whereas there are but 4512 beds available in Tuberculosis Hospitals or sanatoria in the State at this time and,

"Whereas it is recognized by authorities on tuberculosis that the minimum requirements are two beds for each annual death, there is a dire need for provision for additional hospital beds and,

"Whereas this is but half of the amount actually needed and,

"Whereas it has been reported that Governor James is considering the curtailment of this program, especially in regard to the opening of the new State Tuberculosis Sanitorium at Butler,

"Be It Hereby Resolved that this association respectfully petition the Governor and his Secretary of Health to reconsider the needs for adequate provision for our tuberculosis sick and that a sufficient sum be included in the budget for the opening of the State Sanatorium at Butler and the proposed additional beds in existing State Sanitoria.

"Resolved, that a copy of this Resolution be sent to the Governor, the Secretary of Health of the Commonwealth of Pennsylvania and to the members of the State Legislature from the Westmoreland District and to State and County Tuberculosis Associations of Pennsylvania.

FRANK B. MILLER. President
JANE S. KENNEDY, Ex. Sec.

ADDRESS BY MR. HINDMAN

Mr. HINDMAN asked and obtained unanimous consent to address the House.

Mr. Speaker and members of this House, I cannot refrain from answering some of the statements made by our esteemed friend, Mr. Woodside, of Dauphin County, regarding this tuberculosis situation. Sometimes we hear indications that a poltical issue is being made of this problem, and I submit to you Mr. Speaker and members of the House, that it is most unfortunate that politics should ever be dreamed of in such a matter as we have before us now, and I am really surprised at Mr. Woodside's submitting the figures that he has tonight.

Mr. Speaker and members of this House, I say to you in all sincerity that in previous talks I gave this House, the figures came from outstanding authorities in this state on tuberculosis, and I defy Mr. Woodside or any member of this House or any man in the state of Pennsylvania to successfully refute those figures. Just a few days ago I was talking to Dr. Harry Noah, who has been the head of the Tuberculosis Clinic in Pittsburgh, the State Clinic for several years. Dr. Noah made the statement to me that there were enough tuberculosis cases in the city of Pittsburgh to fill the five hundred fifty beds in the Butler Hospital immediately.

Ladies and gentlemen of this House, if we have a matter of theology to be determined to whom should we commit it except an expert theologian? If it is a matter involving legal questions, to whom should we commit it but to the leading members of the legal profession? If we have a matter that involves the health of the people of the state, to whom should we go except to the leading authorities of medical science in the state of Pennsylvania, and not only the medical authorities but to those who have specialized along the lines we are discussing, and whom you cannot refute successfully.

I would suggest this: I am willing in support of my statements, for you secure a list of, we will say, half a dozen of the leading authorities, the recognized authorities on tuberculosis in the State of Pennsylvania, and have them come here before this House and tell us what they have to say. Certainly that is a fair proposition, ladies and gentlemen.

I have quoted from Dr. Marcy of the Tuberculosis League of Pittsburgh in my previous talk. Dr. Marcy is a recognized authority. He has been in that work for almost a quarter of a century.

Are you going to turn down facts that he gives you or are you going to listen to some person who insists that a matter of something over six hundred beds is all that is needed in this state?

I want to say to you that the waiting list does not represent the people that should be in a tuberculosis sanitarium. Aliens under the Pennsylvania set-up are not admitted. People past fifty years of age are not admitted. Those are not on the waiting list.

I submit to you the one trouble regarding the waiting list is that these people do not tell you that there are hundreds and hundreds of cases that are not applying for institutional treatment simply because they know they cannot get in. I know absolutely there are some cases that applied last December, and they are still not able to get into the institutions. I would also submit to you the fact that Dr. Apple who in the Pinchot administration was Commissioner of Health, recommended additional beds for these tubercular cases, and he insisted that there should be a sanitarium in the Pittsburgh district, in the western end of the state.

Let us view this matter in its true light, members of the House. I am really surprised. I never thought that we would ever be called upon to defend such a position as this, regarding this matter of tuberculosis. It certainly is beyond me to understand how any individual can get up and take issue with this situation. I cannot for the life of me see why it should be done. It is a matter of such vital interest to a great number of people in this Commonwealth, and I would suggest to you that it has wider implications than the average or casual individual can see.

I submit to the members of the House that the tubercular indigent takes in a much larger field than does the average indigent, the individuals that we regard as indigents. It takes in the great majority of the people of the state, for this reason: If you had, we will say, a man who has an income of one hundred and twenty-five dollars a month, and suppose he has four or five children, and suppose a member of his family developed an acute case of appendicitis. The man I am talking about has never received any charity from any person, the man has taken care of his obligations and taken care of his family. Suppose it costs him a couple hundred dollars to take care of that individual. He will do it. It will crimp the family budget, but he will do it. I submit to you, ladies and gentlemen, that that same man, if tuberculosis developed in his home, it will be economically impossible for him to take care of that because it may last six months or it last a year or it may last three or four years. Not only that, but he is very fortunate indeed if he does not have other cases develop in his family. I submit to you that is one reason why this is such a very important problem. I venture to say that at least seventy-five per cent of the people of Pennsylvania, if they could not have their tubercular cases admitted to such a sanitorium, would be obliged to have them come in simply because of the great expense connected with it.

I would just like to read, in response to what Mr. Woodside said, from Dr. Dexter, but before doing so I submit to you that this arrangement was made when the general State Authority was authorized to build these institutions. They had gone into it at great length, to find the needs of the people of the State. This was not a fly-by-night affair, it was something that was studied out, not only by Dr. Dexter, but by all the authorities she could get. This is what she said:

> "Our 3 Sanatoria at present have a capacity of approximately 2400 beds, and we usually have a waiting list of from 700 to 1000 patients. In order to take care of these, we plan to increase our capacity by 1300 or 1400 beds. This will more than absorb our present waiting list and will provide facilities for the treatment of patients discovered by the new case-finding program in which the Department of Health is engaged.
>
> "Our building program under the State Authority includes a new sanatorium in Western Pennsylvania for 500 adult patients and a wing for 50 children suffering from the adult type tuberculosis."

That report was made after a great deal of study and deliberation. I have had at least two letters from Dr. Dexter in the last three or four weeks, and in one of those letters she informed me that in many of the present institutions some of the shacks that were being used had been condemned a long time age, but on account of the great need for beds they have been using the shacks and small buildings that are absolutely unfit for occupancy.

I do not wish to take any more of your time except to just read a portion of Dr. Marcey's statement, which, if we are going to accept tubercular authority, ladies and gentlemen, should give us the real picture. Dr. Marcy says as follows:

> "April 1, 1939
>
> "Dr. A. O. Hindman,
> House of Representatives,
> Harrisburg, Pennsylvania
>
> "Dear Dr. Hindman:
>
> "The proposal of the Governor not to operate the new institution at Butler came as a shock to Pennsylvania agencies and individuals, professional and other, who have been striving for years to secure provision on the part of the State of more adequate hospital facilities for the tuberculous. As a justification for this decision, it is stated in the Budget Message:
>
> "The entire present waiting list of the sufferer's from tuberculosis can be amply accommodated at the present sanatoria. To occupy the Butler institution would be unjustifiable expense.
>
> "It has been our understanding that approximately 738 new beds are being provided for patients at the Mont Alto and Hamburg hospitals. We have been informed by the Secretary of Health that the waiting list stood at 611 on March first.
>
> "The question occurs—is the size of the waiting list of applicants for admission to State sanatoria an accurate or even safe measure for the needs of hospital beds? We believe most emphatically that it is not and that it should not be so accepted. The number of deaths occurring annually is the guide used by competent public health authorities in determining tuberculosis hospital needs. At least two beds per annual death is regarded as the minimum requirement."

He goes on to say and gives his reason and makes the positive statement, ladies and gentlemen, that three thousand additional beds are needed to meet the standard requirements of two beds for each annual death.

I do not wish to take any more of your time, members of the House, but I do implore you to accept the authorities. As far as I am concerned, it does not matter to me whether the Democratic party or the Republican party or the

Socialist party gets the credit for taking care of the unfortunates in this State. I will be willing to submit this to the leading tubercular authorities of the state and if they tell the members of this House, that a tubercular institution is not needed, why we will have to submit but I do think in all fairness to the members of the House that that is what should be done.

COMMUNICATION

RESIGNATION FROM MILK COMMITTEE

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

Commonwealth of Pennsylvania,
House of Representatives, Harrisburg, April 12, 1939.

Hon. Ellwood J. Turner
Speaker, House of Representatives
Harrisburg, Pennsylvania

Dear Mr. Turner:

I appreciate your kindness in mentioning me for membership on the Committee to study the Milk situation.

I have introduced a Bill to set-up a Commission to study the Administration Law and Procedure and am very anxious to become a member of that Committee, when and if it is appointed.

Therefore, in accordance with my request of yesterday afternoon, I am asking that you substitute someone else in my stead on the Milk Committee.

Very truly yours,
ALFRED C. ALSPACH.

APPOINTMENT TO VACANCY ON MILK COMMITTEE

The SPEAKER. The Chair in granting the request of the gentleman from Lancaster appoints in his place as a member of the Commission the gentleman from Northampton, Mr. Balliet.

ADDRESS BY MR. WOODSIDE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, we have had from the other side a plea to the emotions concerning those suffering from tuberculosis. We have also been told that the bed space necessary in the sanitoria is based on the number of deaths. I think that we ought to get down to a matter of pure arithmetic and find out how many people are seeking admission to the state sanitoria, how much bed space there is now available and how much bed space there will be available, in order that we may know whether there is enough to take care of those people in this Commonwealth who need and desire treatment in these sanitoria.

The facts are that the sanatorium at Butler during the month of March was fifty-five per cent completed. At that time the General State Authority was consulted and it was determined that it could not be finished until late next fall. It was decided to finish the sanatarium at Butler at this time and those plans are being proceeded with, and if conditions warrant at a later date, ways and means will be found to equip and maintain it, if that should be found necessary. At the present time extensions are being made at Mont Alto and Hamburg which will be finished, equipped and ready for occupancy on October 1, 1939.

On March 1, 1939 the waiting list in the state was 611. Using the new buildings and the old buildings, with the exception of the children's hospital at the Mt. Alto Sanatorium, the Hamburg Sanatorium with its new extensions and the Cresson Sanatorium will give us a bed capacity on October 1, 1939 of 3,511. The present capacity of existing buildings at the three institutions plus the waiting list of 611 makes a total of 2,995 patients. Thus we will absorb the waiting list as of March 1, 1939 and still have 516 beds for any additional waiting list that may arise in the future months without considering the 550 bed capacity at Butler.

In regard to the quotations given by the gentleman in referring to the remarks of Dr. Dexter, I think some time ago she admitted that the bed capacity would more than absorb the waiting list that existed in the sanatoria. I think that clearly shows that at the present time it is not necessary to furnish and equip and operate Butler, but if it is found necessary at a future date, in order to take care of those who are suffering with tuberculosis, I am sure that the Commonwealth of Pennsylvania will meet that necessity. At the present time with the vast extensions which have been made to the other sanatoria and the additional bed space, taking into consideration too the fact that this additional bed space in these other sanatoria can be operated in a much more efficient manner than can be done by opening a smaller institution with only 550 beds, it seems to me perfectly clear that upon the completion of the additions being made to Hamburg and Mt. Alto there will be enough space to take care of all of those who seek immediate treatment in these sanatoria.

COMMITTEE MEETINGS

There will be meetings of the Committees on:

Agriculture, Tuesday, April 25th at 9:30 a. m., in Room 325.

Banking, Tuesday, April 25th at 12:30 p. m., in Room 324.

Cities—First Class, Tuesday, April 25th at 12 noon in Room 546.

Education, Tuesday, April 25th at 12 noon in Room 323.

Game, Wednesday, April 26th at 9 a. m., in Room 325.

Insurance, Thursday, April 27th at 10:30 a. m., in Room 323.

Judiciary General, Tuesday, April 25th at 11 a. m., in Room A.

Judiciary Special, Tuesday, April 25th at 12 noon in Room 333.

Liquor Control, Tuesday, April 25th at 9:30 a. m., in Room 147.

Municipal Corporations, Tuesday, April 25th, immediately after Session, in Room 546.

Public Utilities, Wednesday, April 26th at 11 a. m., in Room 100.

Townships, Tuesday, April 25th, immediately after Session, in Room 418.

Sub-committee of the Committee on Welfare Tuesday, April 25th at 9 a. m., in Room 323.

There will be a Republican Caucus in the House Caucus Room at 10:30 a. m., on Tuesday, April 25th.

The SPEAKER. The newspaper correspondents desire the Chair to remind the members that Wednesday night is the big night. Get your tickets early.

Mr. HINDMAN. Mr. Speaker—

The SPEAKER. The Chair would say to the gentleman from Washington, Mr. Hindman, he does not like to deny the gentleman recognition, he feels however that the matter has been extensively debated. The hour is now midnight. If the gentleman desires to make a statement at some other time he may do so. I feel that the gentleman

should accede to the convenience of the members of the House.

Mr. HINDMAN. I thank the Speaker for his courtesy in the matter. I have just now realized that the hour is very late. I know quite a number of the members of the House are accustomed to going to bed very early so I do not wish to keep them here any longer. I would like however at some future time and answer the statement made by the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. The Chair will be glad to recognize the gentleman and feels certain that the House will give its unanimous consent.

ADJOURNMENT

Mr. ROSEBERRY. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1 p. m.

The motion was agreed to, and (at 11:56 p. m.) the House adjourned until Tuesday, April 25, 1939, at 1 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1939. 133d of the General Assembly.

Vol. 23 HARRISBURG, PA., TUESDAY, APRIL 25, 1939. No. 42.

SENATE

TUESDAY, April 25, 1939

The Senate met at 4:00 o'clock p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

O Father of love, Thou hast said in Thy Holy Word: "Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of sinners, nor sitteth in the seat of the scornful. But his delight is in the law of the Lord; and in his law doth he meditate day and night."

May our greatest delight today be in the "law of the Lord" and wilt Thou bless by the spirit of Thy law each member of the General Assembly of Pennsylvania. They are confronted by gigantic problems of economics and industry and unemployment and human need. They have been chosen by our people to guide our Ship of State into a more desired haven. O God of infinite power, give each member a deep sense of this great task.

Bless, with Thy presence of infinite wisdom, the chief helsman of our State, the Governor of this Commonwealth. Give him guidance in the faithful discharge of his arduous duties.

Bless the Lieutenant Governor, the presiding officer of this honorable body, that he may continue to direct its affairs with fairness and dispatch.

And, Our Father, may peace and harmony prevail this day in all our reliberations. We may have differences of opinion but one purpose. We may be motivated by various convictions but we labor for but one cause. This purpose and cause dare only be the well-being of all our people; we seek no other. We pray in the name of Thy Christ. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. WALKER, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

JUSTICE OF PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 25, 1939

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of William S. Hall, Trexlertown, Lehigh County, as Justice of the Peace in the Township of Upper Macungie, Lehigh County, until the first Monday in January, 1940, vice Harvey A. Walbert, deceased.

ARTHUR H. JAMES.

NOTARIES PUBLIC

He also presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 194, (Senate Bill No. 663), entitled:

An Act providing for the validation and amendment of defective tax liens and municipal claims heretofore or hereafter entered of record.

Which was committed to the Committee on Municipal Government.

House Bill No. 506, (Senate Bill No. 664), entitled:

An Act to further amend section six hundred and nineteen of the act approved the first day of May, one thousand nine hundred and twenty-nine, (P. L. 905), entitled "Vehicle Code," by making political subdivisions of the State liable for the negligence of their employes.

Which was committed to the Committee on Highways.

House Bill No. 555, (Senate Bill No. 665), entitled:

An Act authorizing the abatement of certain tax penalties, interest and costs on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), poor district and institution district taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

Which was committed to the Committee on Municipal Government.

House Bill No. 726, (Senate Bill No. 666), entitled:

An Act to amend the title and section one of the act approved the fifteenth day of April one thousand nine hundred and seven (P. L. 62) entitled "An act providing that in certain cases defendants may enter pleas of guilty and be sentenced forthwith without a bill of indictment being presented to a grand jury" extending the same to cases where pleas of not guilty are entered

Which was committed to the Committee on Judiciary General.

House Bill No. 1057, (Senate Bill No. 667), entitled:

An Act to repeal the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2688), entitled "Pennsylvania Agricultural Conservation and Adjustment Act."

Which was committed to the Committee on Agriculture.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 383, entitled:

An Act to amend the title and the act approved the sixteenth day of May, one thousand nine hundred and thirty-five (P. L. 176) entitled "An act requiring cities of the second and third class to allow members of the police departments, twenty-four consecutive hours of rest each week, and fourteen days vacation, each year, except in emergency cases," extending the provisions of said act to cities of the second class A.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGES

AMENDMENT TO HOUSE BILL NO. 610 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 610, entitled:

A Supplement to the act, approved the twenty-first day of July, one thousand nine hundred and thirty-seven (Appropriation Acts page 74), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven." by lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation, and reappropriating such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendments, having been printed as required by the Constitution, were twice read, and will be voted on tomorrow's Calendar.

REPORTS FROM COMMITTEES

Mr. WOODWARD, from the Committee on Municipal Government, reported as amended, Senate Bill No. 2, entitled:

An act for the better government of cities of the first class of the Commonwealth by providing, among other things, for a councilmanic form of government with a council elected by proportional representation and with a city manager selected by council; the creation, abolition and change of departments and the addition to departments of certain functions pertaining to parks, detention and correction, planning within the city, weights and measures, and dependent, negelected, incorrigible and delinquent children transferred from certain county offices to the extent of the performance of such functious within such cities improvement of the civil service; increased control over finances by requiring balanced current and capital budgets and by greater control over the collection of charges, fees and taxes, and over payments of salaries and other expenditures out of the city treasury; improvements in the making and revision of assessments; the grant of home rule to such cities; and penalties.

Mr. SHAPIRO, from the Committee on Municipal Government, reported as amended, Senate Bill No. 1, entitled:

An Act to amend sections three and eight of the act, approved the thirtieth day of March, one thousand nine hundred and thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioner, registrars, inspector of registration, and other appointees of registration commission, election officers, municipal, officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," by providing that the registration commission is to consist of the county commissioners instead of appointed commissioners and by providing that appropriations to carry out the act are to be made in the same manner as other appropriations are made.

Mr. MILLER, from the Committee on State Government reported as committed, Senate Bill No. 499, (House Bill No. 437), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for

the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by establishing a Department of Commerce and defining its powers and duties placing the State Planning Board within the department as a departmental administrative board making certain changes in its membership and defining its powers and duties making available to the department for the use of the board the current appropriation to the board and repealing inconsistent acts or parts of acts

He also reported, from the Committee on State Government, reported as committed, Senate Bill No. 498, (House Bill No. 436), entitled:

An Act relating to, and providing for, the promotion and development of business, industry and commerce in the Commonwealth; conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth; abolishing the Pennsylvania State Publicity Commission, terminating the terms of its members and conferring its powers upon, and transferring and appropriating the balance of its current appropriation to, the Department of Commerce; and repealing certain laws.

Mr. DEITRICK, from the Committee on Public Health, reported as committed, Senate Bill No. 661, entitled:

An Act for the prevention of congenital syphilis; providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children; imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child, and imposing penalties.

He also, from the Committee on Public Health reported as committed, Senate Bill No. 662, entitled:

An Act regulating the issuance of marriage licenses; prohibiting the issuance thereof to persons infected with syphilis in certain stages; requiring each applicant to produce certain evidence of freedom from such disease; imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties.

Mr. WOLFENDEN, from the Committee on Highways reported as committed, Senate Bill No. 84, entitled:

An Act to further amend subsection (b) of section one thousand and two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators therof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds" restricting speed of vehicles within public park areas.

Mr. DANDO, from the Committee on Municipal Government, reported as amended, Senate Bill No. 561, entitled

An Act to amend section two of the act, approved the ninth day of July, one thousand eight hundred and ninety-seven (P. L. 219), entitled "An act providing for the classification of read estate and other property for purposes of taxation, and for the election of assessors and prescribing the duties thereof in cities of the second class," by providing for refund of taxes paid on assessments reduced after appeal.

Mr. KILGALLEN, from the Committee on Municipal Government, reported as committed, Senate Bill No. 444, (House Bill No. 632), entitled:

An Act to amend section ten of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamplet Laws 1011) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March Anno Domini one thousand nine hundred and one creating a department of city planning providing for its organization and powers regulating the platting of ground prohibiting the recording of plans and sales of lots therein before their approval under penalties making it a misdemeanor for the recorder of deeds to record an unapproved plan restricting accepting laying out opening and improving private streets prohibiting the erection of buildings on land not abutting on public streets not shown on the official master plan or an approved plat transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same the preparation and compilation of an official street map providing penalties for the violation of this act and repealing certain statutes" further defining the powers of the planning commission in cities of the second class.

Mr. SHAPIRO, from the Committee on Municipal Government, reported as committed, Senate Bill No. 569, (House Bill No. 733), entitled:

An Act defining the civil service status of certain persons employed by fire departments in cities of the second class.

Mr. TALLMAN, from the Committee on Municipal Government, reported as amended, Senate Bill No. 308, (House Bill No. 480), entitled:

An Act regulating the appointment, promotion, suspension, reduction, removal, and reinstatement of employes (except chiefs, deputy chiefs and chief clerks) in bureaus of fire; and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class; defining the powers and duties of Civil Service Commissions for such purpose in said cities; and repealing inconsistent legislation.

Mr. STEVENSON, from the Committee on Municipal Government, reported as committed, Senate Bill No. 218, entitled:

An Act for the better government of cities of the second class of the Commonwealth by providing among other things for a councilmanic form of government with a council elected by proportional representation and with a city manager selected by council the creation, abolition and change of departments and the addition to departments of certain functions pertaining to parks planning within the city improvement of the civil service, increased control over finance by requiring balanced current and capital budgets and by greater control over the collection of charges, fees and taxes and over payments of salaries and other expenditures out of the city treasury, abolishing Property Assessment as a city function and the grant of home rule to such cities and penalties.

BILLS INTRODUCED

Mr. FARRELL read in his place and presented to the Chair, Senate Bill No. 668, entitled:

An Act relating to cities of the first class; authorizing the issuance of non-debt gas revenue bonds; and providing for the application of the proceeds thereof.

Which was committed to the Committee on Municipal Government.

He also read in his place and presented to the Chair, Senate Bill No. 669, entitled:

An Act to amend section four hundred eighteen of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicles and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates, providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," changing the restrictions against public utilities where cooperative associations file with the Public Utility Commission maps of territory to be served by such associations.

Which was committed to the Committee on Public Utilities.

He also read in his place and presented to the Chair, Senate Bill No. 670, entitled:

An Act to amend sub-section eight of section two and sub-section twelve of section three of the act, approved the twenty-first day of June, one thousand nine hundred thirty-seven (P. L. 1969), entitled "An act relating to nonprofit cooperative corporations organized to engage in rural electrification, providing for the organization, consolidation and dissolution of such corporations; prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing cooperative or nonprofit corporations and and associations within the provisions of this act; conferring powers, and imposing duties on certain State departments, commissions and officers; fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms in the corporate names of other taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission, and from the provisions of the Securities Act," by re-defining "rural area" and limiting the exercise of the power of eminent domain.

Which was committed to the Committee on Public Utilities.

Mr. WOODWARD read in his place and presented to the Chair, Senate Bill No. 671, entitled:

An Act to repeal section six hundred and one of the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897—1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties."

Which was committed to the Committee on Insurance.

He also read in his place and presented to the Chair Senate Bill No. 672, entitled:

An Act to amend section two of the act, approved the eleventh day of July, one thousand nine hundred and seventeen (P. L. 769), entitled "An act to regulate the importation into the State of Pennsylvania of dependent, delinquent, or defective children; and providing a penalty for the violation thereof," as amended, providing that agencies importing children into the Commonwealth shall give such guarantee to the Department of Welfare as it may require.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

Mr. CHAPMAN, by request, read in his place and presented to the Chair Senate Bill No. 673, entitled:

An Act to amend Section one of the Act approved the first day of December, one thousand nine hundred and thirty-eight (P. L. 111), entitled "An act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires, except by written contract, conferrnig and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for, or intended to be used for, the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the dsapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes

other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal," by excluding therefrom private wires used for fire and burglar alarm purposes, telegraph messenger call boxes and associated circuit time clock circuits, and certain telegraph teleprinters.

Which was committed to the Committee on Public Utilities.

Mr. EDMONDS. Mr. President, I am at the request of the Federal Housing Authorities introducing the following eleven bills.

Mr. EDMONDS, read in his place and presented to the Chair Senate Bill No. 674, entitled:

An Act constituting a commission to examine the tax laws of the Commonwealth and of other States and countries, and to prepare and submit bills to carry into effect its recommendations; prescribing the powers and duties of said commission; and making an approriation.

Which was committed to the Committee on Finance.

He also read in his place and presented to the Chair Senate Bill No. 675, entitled:

An Act for the registration and regulation of certain individuals and entitle selling, contracting to sell or dispose of, attempting or offering to dispose of, soliciting offers to buy, or inducing holders thereof to exchange, securities defined herein, including securities issude by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registrations; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania conferring jursidiction upon the several courts of common pleas to issue injunctions against violations of the act; and prescribing fees and penalties.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 676, entitled:

An Act to further amend clause (8), and to add clause (9) to subsection A of section one thousand two hundred eight of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licsening of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," revising the authorized investments of savings banks not under special charter.

Which was committed to the Committee on Banking.

He also read in his place and presented to the Chair Senate Bill No. 677, entitled:

An Act authorizing counties of the third class to enter into agreements with certain hospitals for the care of contagious disease cases; and authorizing such counties to make appropriations therefor.

Which was committed to the Committee on County Government.

He also, by request, read in his place and presented to the Chair Senate Bill No. 678, entitled:

An Act to further amend subsection A of section one thousand twelve of the act, approved the fifteenth day of May, one thousanl nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversation of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authoried to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts," revising authoried loans and investments for banks and bank and trust companies.

Which was committed to the Committee on Banking.

He also, by request, read in his place and presented to the Chair Senate Bill No. 679, entitled:

An Act to further amend the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 382), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulaton, supervision, and protection of home and foreign insurance companies, Lloyd associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workme's Insurance Fund; providing penalties; and repealing existing laws" authorizing insurance companies associations and exchanges to apply for and obtain insurance of mortgages by the Federal Housing Administrator, and to invest capital reserve and surplus funds issued by certain federal agencies.

Which was committed to the Committee on Insurance.

He also, by request, read in his place and presented to the Chair Senate Bill No. 680, entitled:

An Act to permit public and other fiduciary funds to be invested in securities issued or insured under the provisions of the National Housing Act, and to permit such securities to be used for deposit or reserve purposes.

Which was committed to the Committee on Banking.

He also, by request, read in his place and presented to the Chair Senate Bill No. 681, entitled:

An Act to further amend subsection A of section one thousand one of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three, (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers, and of banking corporations with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothontaries, recoders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," extending the powers of banks, bank and trust companies and trust companies.

Which was committed to the Committee on Banking.

He also, by request, read in his place and presented to the Chair Senate Bill No. 682, entitled:

An Act to amend clause (2) of subsection B, and subsection E of section one thousand one hundred nine—two as added to the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624), entitled "An Act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations with or without fiduciary powers including the conversion of National Banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," revising authorized investments for bank and trust companies and trust companies.

Which was committed to the Committee on Banking.

He also, by request, read in his place and presented to the Chair Senate Bill No. 683, entitled:

An Act to further amend section one thousand two hundred and nine of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions's and officers; imposing penalties; and repealing certain acts ad parts of acts," revising the authorized investments of special charter savings banks.

Which was committed to the Committee on Banking.

He also, by request, read in his place and presented to the Chair Senate Bill No. 684, entitled:

An Act to further amend subsections eleven and twelve of section forty-one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled, as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents, widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," revising legal investments for fiduciaries.

Which was committed to the Committee on Banking.

Mr. WALKER, by request, read in his place and presented to the Chair Senate Bill No. 685, entitled:

An Act to further amend section nine of the act, approved the thirtieth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making certain exceptions; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith." further regulating the granting, suspension and revocation of the licenses of optometrists.

Which was committed to the Committee on Public Health.

He also, by request, read in his place and presented to the Chair Senate Bill No. 686, entitled:

An Act to amend the act, approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the

Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," increasing population requirement for school districts of the first class; creating school districts of the first class A; and conferring powers and imposing duites thereon.

Which was committed to the Committee on Education.

Mr. REED. Mr. President, on behalf of my colleague, Senator Coleman, and myself, I rise in my place and present a bill referring to the treasurer's adjournment of county treasury sales. I might say, Mr. President, that this bill will stop the wholesale sales of real estate until the first Monday in August, 1941, but it will permit county treasurers to sell certain properties for the non-payment of taxes for certain years within the period prescribed.

Messrs. COLEMAN and REED read in their place and presented to the Chair Senate Bill No. 687, entitled:

An Act requiring the county treasurer to adjourn county treasurers' sales of seated and unseated lands for nonpayment of taxes in all counties except counties of the first class; and preserving the lien of all taxes on such lands.

Which was committed to the Committee on County Government.

Mr. SHAPIRO read in his place and presented to the Chair Senate Bill No. 688, entitled:

An act making an appropriation to the Baby Welfare Association of Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. WOLFENDEN read in his place and presented to the Chair Senate Bill No. 689, entitled:

An Act to further amend sections five hundred one and five hundred two of, and to add section five hundred four to article five of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties." providing for local option in residence districts only; defining residence district and fixing the number of petitioners required to submit local option to voters.

Which was committed to the Committee on Law and Order.

He also read in his place and presented to the Chair Senate Bill No. 690, entitled:

An Act to further amend sections five hundred one, and five hundred two of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed breverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State store for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties." providing for local option in counties only; and fixing the number of petitioners required to submit local option to voters.

Which was committed to the Committee on Law and Order.

He also read in his place and presented to the Chair Senate Bill No. 691, entitled:

An Act to further amend section thirty-one as renumbered section thirty-two of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled, as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufactures, transportation, sale and distribution of such beverages: imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts." providing for local option in residence districts only; defining residence district, and fixing the number of petitioners required to submit local option to voters.

Which was committed to the Committee on Law and Order.

He also read in his place and presented to the Chair Senate Bill No. 692, entitled:

An Act to further amend section thirty-one as renumbered section thirty-two of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages: imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions court, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," providing for local option in counties only, and fixing the number of petitioners required to submit local option to voters.

Which was committed to the Committee on Law and Order.

He also read in his place and presented to the Chair Senate Bill No. 693, entitled:

An Act to further amend sections five hundred one and five hundred two of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in and use of alcohol, and alcoholic and malt or brewed beverages; confrering powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties, changing the date for the exercise of local option.

Which was committed to the Committee on Law and Order.

He also read in his place and presented to the Chair Senate Bill No. 694, entitled:

An Act to further amend section thirty-one, as renumbered section thirty-two, of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivision of the State, and election officers; providing penalties; and repealing existing acts," changing the date for the exercise of local option.

Which was committed to the Committee on Law and Order.

Mr. DANDO read in his place and presented to the Chair Senate Bill No. 695, entitled:

An Act to deny a right of action, and to relieve counties of liability, for damages for injury to or destruction of property by action of a mob or in consequence of a riot; and repealing inconsistent acts.

Which was committed to the Committee on Judiciary General.

Mr. EROE read in his place and presented to the Chair Senate Bill No. 696, entitled:

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in broughs and incorported towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing an additional route in the Borough of Shippingport, Beaver County.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 697, entitled:

A supplpement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing additional routes in the County of Beaver.

Which was committed to the Committee on Highways.

Mr. BARTLETT, by request, read in his place and presented to the Chair Senate Bill No. 698 entitled:

An Act relating to the use and furnishing of stamps, coupons, tickets, certificates, cards or other similar devices for or with the sale of goods, ware and merchandise; requiring the securing of licenses from the county treasurer, and fixing the license fee therefor; and providing a penalty for violation thereof.

Which was committed to the Committee on Judiciary Special.

Mr. HALUSKA read in his place and presented to the Chair Senate Bill No. 699 entitled:

An Act providing for the acquisition of the Admiral Peary Memorial Park by the Department of Property and Supplies and for its mangement and development by the Pennsylvania Historical Commission; imposing certain duties upon the Department of Justice; and making an appropriation.

Which was committed to the Committee on Appropriations.

Mr. PIERSON read in his place and presented to the Chair Senate Bill No. 700 entitled:

An Act authorizing and directing the Department of Highways to erect and construct, a bridge over the Susquehanna River between a point in or near the Borough of Bainbridge, Lancaster County, and a point in or near the Borough of Manchester, York County, and to provide the necessary approaches and connections with State highways providing for the acceptance of Federal aid; empowering counties to pay certain damages; providing for the collection of tolls on such bridge; and making an appropriation.

Which was committed to the Committee on Highways.

Mr. MALLERY read in his place and presented to the Chair Senate Bill No. 701 entitled:

An Act to amend section two of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 599), entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitors and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and re-

pealing inconsistent laws," by prohibiting the admission of certain children to motion picture exhibitions on Sunday.

Which was committed to the Committee on Law and Order.

He also read in his place and presented to the Chair Senate Bill No. 702 entitled:

An Act to repeal the act, approved the second day of May, one thousand nine hundred and seven (P. L. 157), entitled "An act requiring all newspapers published in this Commonwealth to print, in a conspicuous place, in every isssue, the names of the owners, proprietors, or publishers. and the manging editors of the same; and making a violation of this act a misdemeanor and fixing the penalty therefor."

Which was committed to the Committee on Judiciary General

He also read in his place and presented to the Chair Senate Bill No. 703 entitled:

An Act giving landlords a preference where goods are sold upon a landlord's warrant or upon execution of a judgment obtained by a landlord for rent.

Which was committed to the Committee on Judiciary General.

Mr. OWLETT read in his place and presented to the Chair Senate Bill No. 704 entitled:

An Act to amend section six hundred three of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending revising, consolidating, and changing the law relating thereto," by making it lawful to use a snare for taking and killing predator animals under certain conditions determined by the commission.

Which was committed to the Committee on Forestry, Game and Fish.

URGING HOSPITALS TO COMMEMORATE BIRTHDAY OF FLORENCE NIGHTINGALE ON MAY 12.

Mr. HALUSKA and Mr. MALLERY offered the following resolution which was twice read, considered, and agreed to:

Whereas, Florence Nightingale was born May 12, 1820 and devoted the greater part of her natural life to alleviate the suffering of human beings by promoting the organization of Red Cross Units through the entire world, in time of war and as well as in time of peace, and

Whereas, Her devotion to such cause has contributed incalculably to the alleviation of suffering of human beings in the Hospitals and other similar institutions throughout the world, and

Whereas, The date of her birth is marked with memorial activities in Hospitals throughout many states of this United States, and

Whereas, It is fitting and proper that Hospitals and other similar institutions in this Commonwealth of Pennsylvania should in some degree commemorate her natal day as a tribute to her sacrifices.

Therefore Be It Resolved, (if the House of Representatives concur), That the General Assembly of the Commonwealth of Pennsylvania urges the setting aside of May 12, as Hospital Day for the commemoration of the birth of Florence Nightingale and urges upon all Hospitals the planning of its celebration in a manner expedient and fitting, and

Be It Further Resolved, That the Governor of the Commonwealth of Pennsylvania is hereby urged to issue his proclamation further urging the Hospitals of the Commonwealth of Pennsylvania to join in such commemoration of Hospital Day.

Mr. HALUSKA. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection.

The Chair hears none.

On the question,

Will the Senate agree to the resolution,

It was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrance.

TIME OF NEXT MEETING

Mr. HOMSHER offered the following resolution which was twice read considered, and agreed to:

In the Senate, April 25, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, May 1, 1939, at eight o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, May 1, 1939, at eight o'clock, Eastern Standard Time.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

REQUESTING USE OF SENATE FOR ADMINISTERING OATH OF OFFICE TO HONORABLE W. S. LIVENGOOD

Mr. OWLETT offered the following resolution which was twice read, considered, and agreed to:

In the Senate, April 25, 1939.

Resolved, That the use of the Hall of the Senate be granted for Tuesday, May 2, 1939, at 12:00 noon for administering the oath of office to Honorable W. S. Livengood, Secretary of Internal Affairs Elect.

RESOLUTION URGING RECALL OF ORDER ISSUED BY MILK CONTROL BOARD

Mr. DENT. Mr. President, before offering this resolution, I desire to read into the record a resolution received by myself, as well as the chairman of the Legislative Committee investigating the milk question in Pennsylvania.

I desire to do this because I do not want any misunderstanding when I ask for immediate consideration of this resolution.

I have here a letter from Mr. Harry A. Rhodes, President of the Pennsylvania Milk Producers Association, substantiating his remarks before the Commission on Monday afternoon, which in itself is a resolution passed by that association.

Whereas, The Milk Control Commission has called a public hearing to be held at the Benjamin-Franklin Hotel in Philadelphia on Wednesday, May 3, 1939, and

Whereas, Information has come to us that the Milk Control Commission proposes, among other things, to reduce the price paid producers for milk supplying the Philadelphia Milk Marketing Area, abolish the store differential, reinstate the "Basic Surplus Plan," which has proven to be so ruinous to dairy farmers in the past, and do other things which in our opinion are to the financial detriment of the dairy farmers and unfair to the independent milk distributors and milk manufacturers operating in that area,

Therefore, be it Resolved, That we request the Chairman

of the Joint Legislative Committee set up to investigate the activities of the Milk Control Commission, the Chairman of the Agriculture Committee in the Senate and the Chairman of the Dairy Industries Committee in the House of Representatives to use their influence with the Honorable Arthur H. James to the end that the said hearing to be held in Philadelphia be postponed until after the Joint Legislative Committee completes its investigation into the activities of the Milk Control Commission, and

Further, Be it Resolved, That the Governor be requested to refrain from signing any further milk price orders until after the Committee completes its investigation.

Respectfully submitted,

Harry A. Rhodes, President
Pennsylvania Milk Producers Association.

Mr. President, and members of the Senate, this relates to the Philadelphia area. On February 16th an order was signed affecting the Pittsburgh district, and on April 1st an order was signed affecting the Scranton district. I believe that those orders are extremely unfair, just as the Philadelphia producers are anxious that they not be saddled with a ruinous order, and I am therefore, presenting the following resolution and ask immediate consideration of the Senate on the resolution, which I will now read.

Mr. DENT offered the following resolution which was twice read as follows:

Whereas, There were recently put into effect certain orders by the Milk Control with the consent and approval of the Governor which have materially and drastically reduced the income of the Farmer-Producer of milk in Western and Central Pennsylvania and said orders are causing hardship and privation amongst this group of worthy citizens, and

Whereas, The aforementioned orders A-35, A-36, effective February 16, in the Pittsburgh Area, and A-37 effective April 1, in the Scranton Area, while cutting the price of milk to the consumers have taken the large percentage of the reduction from the farmer, producers and a very low percentage from the retailer dealer and that such a proposition is both unfair and unreasonable, and

Whereas, The Legislature has named a committee to study the various problems affecting the milk production and distribution in Pennsylvania and this committee is at this time studying this problem and all its ramifications therefore,

Be It Resolved and It Is Resolved, (if the House concur) that the Milk Control Board recall said orders pending the outcome of the Legislative inquiry, and

Further Be It Resolved, That copies of this resolution be forwarded immediately to the Milk Control Board and his excellency the Governor.

Mr. DENT. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. OWLETT. Mr. President, I object.

The PRESIDENT. Objection is made and the resolution will be referred to the Committee on Agriculture.

Mr. DENT. Mr. President, I should like to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. DENT. Mr. President, will the Senator from Tioga kindly tell me just what is the reason for his objection.

Mr. OWLETT. Mr. President, because we have not had a chance to consider the resolution and it has so many whereas clauses in it, and we do not know whether they state the truth or not.

Mr. DENT. Mr. President, we have been considering this problem and it has been before the Senate since February 16th. There are numerous resolutions in the history that have come before the Senate, introduced by various members of the Senate, relative to this problem. I want you to know that this is a resolution sponsored by me at the request of the farmer producers of my district. I do not think they lied to me. I have read into the record here on previous occasions just how drastically this cut has reduced the income of the farmers.

I do not believe the objection comes in good grace when the Senator from Tioga says there are too many whereas clauses in the resolution, when there are only two whereas clauses in it. I will gladly give the Senator from Tioga a copy of the resolution if he will consent to lay the resolution on the table until we can discuss the matter more fully later on.

Mr. OWLETT. Mr. President, I believe that there is nobody in this Senate that has anymore producers of milk in his Senatorial district than I have. I live in a dairy section of the State, and I am as keenly aware of the problems which the senator mentions, and the distressingly low prices that the farmers are receiving for their milk a anyone here.

It is a really acute situation in the dairy sections of Pennsylvania; but the regular procedure of this Senate is that a resolution which—at least, if it contains, as does this resolution, a number of whereas clauses making statements of fact and involving, as this does, a controversial matter, that such a resolution be studied by a committee.

I want to assure the Senator from Westmoreland that I am sympathetic with the object of his resolution, and if there is anything in the world this Senate can do, or this Administration, in helping with the price of milk it ought to be done. I want to say that you can count on my support and I would suggest to the Senator from Westmoreland that we should not spend the time at this late date in a long discussion of this matter.

I, therefore, think that this resolution should be referred to a committee and be studied; and if the committee considers the resolution proper it can be promptly reported out. That is regular procedure in this Senate, and I do not see how it is going to avail anything, Mr. President, now to enter into a long discussion of the milk problem which we all know is a pressing matter now.

We have a committee of this Senate considering this matter, which I understand heard a number of people this week that have come before this committee investigating this whole problem. I do not think anything is going to be accomplished by having a long controversy here on the floor of the Senate on this milk question today; and I say that in all sincerity.

Mr. DENT. Mr. President, I believe the Senator from Tioga and I do not want to delay the workings of the Senate. However, I want to call the attention of the Senator from Tioga to the fact that the farmers in his district are not affected by this order, this seventy-six cent per hundredweight which affects the farmers out in my district. The farmers of the Senator from Tioga are not affected by that order and if they were affected the Senator from Tioga would probably be receiving the same type of complaint I am receiving.

The Senator from Tioga asks what good will it do. It will save the farmers in my area seventy-six cents a

hundredweight for every hundredweight of grade-A milk; and I think that that is sufficient and that this resolution should be considered immediately.

I know what will happen to this resolution in committee. Our history book is full of resolutions. I put one in not long ago relative to a five thousand dollar bond and that resolution is still in committee. People are being forced to sign a bond, although many of the Senators on both sides of the house have told me personally that they do not agree with the Public Assistance Board in its procedure; but the resolution is still buried in committee.

When this resolution goes to the committee it costs every farmer in my community seventy-six cents per hundredweight on milk, and I say we are unfair to the farmer not to pass this resolution immediately.

Mr. OWLETT. Mr. President, I have too much respect for the ability of the Senator from Westmoreland to believe he believes that the passage of a resolution in this Senate is going to add seventy-six cents per hundredweight to any farmer's milk check.

Now, this problem is too big to be solved by the passage of a resolution in this Senate. Now, let us not, I beg the Senator, get into a discussion of this milk question now, which will consume the rest of the day, and when we are through we will not have helped the milk producer at all.

Personally, Mr. President, I do not see how anybody can vote for a resolution which is predicated upon a statement that the Governor approved of an order reducing the price of milk. Now, that resolution indicates that this was a scheme by the Governor to cut down the farmer's price of milk. We all know that is not so, and that is why I think the resolution ought to be studied by a committee so that we can alter the form of it or amend it so that we can all vote for it.

I say again, Mr. President, nothing is going to be accomplished here this afternoon by a long discussion on this matter. I appreciate that every Senator from a dairy district has, as I have, producers that are suffering because they cannot get a decent price for milk. He can make a speech of this kind on the milk question, send it home and get a lot of votes by it. We all have farmers who are affected in this manner.

The Senator from Westmoreland says the farmers in my district are not affected by this order. They are affected by the price that is being paid for butter, which is the lowest it has been for a number of years. The farmers are not, in any place, getting enough for their milk. Of course, they are not, but I say we are not going to accomplish anything on that grave problem by passing a resolution here this afternoon.

Mr. DENT. Mr. President, I stated in the first whereas clause that the Milk Control Board orders had the approval of the Governor. That is according to the law, and the Governor did approve those orders. That is not political, it is a fact. I stated that the farmers in the district of the Senator from Tioga did not receive the cut made effective by this particular order. That is also a fact. They did not receive the cut.

This resolution will serve the purpose of recalling those orders. It is nothing but an executive order of the Milk Control Board. The resolution will serve that purpose. The very passage of this resolution recalling those orders gives my farmers seventy-six cents per hundredweight regardless of how much talking the gentleman from Tioga will do. I know the gentleman from Tioga can out-vote me but he cannot out-argue a true fact.

BILL INTRODUCED

Mr. MALLERY. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY read in place and present to the Chair Senate Bill No. 705, entitled:

An Act to amend paragraph (a) of section one thousand two hundred one, as amended, and section one thousand two hundred four, and to add section one thousand two hundred five to
of the act, approved the twenty-eight day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulation rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act."
by establishing a revolving fund for the purpose of maintaining a permanent staff of employes, to be paid from such fund, to perform certain duties under the act, and providing for certain payments into the fund by public utilities.

Which was committed to the Committee on Public Utilities.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. Will the Senator from Washington state his question of personal privilege.

Mr. REED. Mr. President, last night there were introduced, in the Senate, revenue raising measures. They are on the calendar today. A long and interesting discussion was had last night concerning the question of finance and taxation, and I must say that the President was very patient in that discussion.

I wanted to add a few remarks to those made last night, but as the hour became very late I decided that I would put that task off until today.

With the permission of the Chair, I would like to say a few things on the question that was discussed last night.

Of course, as we all know, the fundamental question under our basic law is the welfare of the people. That should be the first consideration when we start out to raise money. Now, I have noticed in this Senate that every time this question comes up there is a corollary raised to that discussion, the basis of which is the flight of industry from the Commonwealth of Pennsylvania; and that has been the cry for some years.

Now, I have given this matter some consideration and in order to treat it properly you must divide industry into two classes. I got a very true picture of this situation yesterday when I sat with my friend, the Senator from Delaware, Mr. Heyburn, and others, down in the Senate caucus room and heard farmer after farmer come in before that Committee and tell their tales of woe, how they were three to five years back with their taxes, how they were about ready for bankruptcy because of the fact that the milk they were selling had come down to such a price that it did not pay them to put any energy into the subject at all.

Now, Mr. President, I say we must divide industry into two classes. There is one class that operates as the milk industry does in this Commonwealth. It was told there yesterday that the milk industry in Pennsylvania is not controlled by Pennsylvania industry, but that it is controlled by people in the city of New York, Borden and Company, the National Dairy Company, and one or two other large milk companies. Now, why do I mention that? Their operations are entirely selfish. They do not care for the farmer of Pennsylvania. They have no interest in the welfare of the people of Pennsylvania. Their sole interest is to pile up huge profits, which go to New York and into the coffers of certain people there.

Now, there is another industry that we must consider. When I was a young man in Washington County, along the Monogahela river, we had some small industries; and by degrees those industries have disappeared. Why? Because of such large consolidations that I spoke of, as applied to the milk industry—they have either driven those little industries out of business, or else they have drawn them into their own consolidated corporations.

Now, Mr. President, I say this: that the little industrialist should be protected because that industry is vital to the people of Pennsylvania. The little industry that I remember particularly was a little foundry that used to employ two or three hundred men. The man who ran that and controlled that little industry knew every working man that was in his employ. He tried the best he could to take care of the best interest of every one of his employees, and they all were intersted in the community. I can go on and cite other cases of little industries that used to be seen along the Monongahela river from Pittsburgh to Brownsville. They have all disappeared, and the communities in those sections have suffered very greatly.

I passed down the street in a town where there was at one time a fine butcher shop. It had been there for twenty-five years; and I made inquiry as to where that gentleman had gone. Just a short time ago a large food market opened across the street, controlled by people in New York, and this little man, who had been in that business twenty-five years, who had paid taxes consistently in that town, who had helped to build the town, who had helped maintain the town, who had helped with the schools and churches and everything that went into the welfare of that community, had to go out of business.

You might say, could not he have protected himself. He protected himself for years. He had raised a little bank account; but from day to day that bank account dwindled until he was forced out of business. No one in his capacity could have withstood the competition that was brought in and maintained across the street, because that is one of the industries that is injurious and detrimental to the people of Pennsylvania; and that industry has just one thought in mind, and that is huge profits. That industry has no interest in the community itself other than to get what it could of the people's money and to swell its profits in order that they might be sent to New York.

Now, I say to my colleagues, those are the industries, the little industry is the industry we must protect today. The big industry will protect itself. It is not flying from Pennsylvania—that is a myth. If you go into the state of North Carolina they will tell you the same thing; in the sister state of Ohio they will tell you the same story; if you go up to New York they will tell you the same thing there. I repeat, it is a myth. The only industries that are flying around Pennsylvania are those huge industries that are in New York and have their tentacles all through Pennsylvania in order to grab up the profits that are created by the people of this great Commonwealth.

We say, who is bearing the tax today? Is it the little industry or is it the big industry? The little industry has little protection; the big industry has the best lawyers and the best lobbyists and the best protectors, not only in the state but in the nation; and every day their power becomes greater, and I say, frankly, unless something is done to curb those huge monopolies, those powerful trusts, we have nothing else left to do in Pennsylvania but fold up and quit.

I have been reading with much interest the report of the oil industry in Pennsylvania, and I can say, frankly, that that falls within the same category. I read in this report that there are two huge oil trusts controlling the price of petroleum in Pennsylvania today—14,000 producers, most of them on the border line of ruin, in the western part of Pennsylvania, because they must be subservient, they must be slaves to those two huge oil monopolies that tell them what they must sell their oil for.

Now, those are some of the things, my friends, that we must consider, and it is a serious problem.

And, referring to taxation, Mr. President, I never couldd

understand when the Democrats were in power why the amusement tax was always left out of the program. I cannot understand that today under the Republican regime, why the amusement tax is left out of the program. They work seven days a week, and yet, rather than take some of the huge profits they make, we take the profit from the farmer in the form of a gasoline tax, or from some poor little widow back in the country who has a $2,000 mortgage or a note in the form of personal property tax.

Mr. President, I just want to read, with your consent, a schedule taken from the Pittsburgh Press recently as to the salaries that come out of the moving picture industry.

Louis B. Mayer, motion picture executive, was the highest paid American in 1937. He received $1,296,503, one of the largest individual salaries ever reported. This was reported out by the House Ways and Means Committee. Mr. Mayer's compensation topped a list studded with notables from Hollywood and other industries.

Listen to this: of the ten highest salaries, seven were paid in the motion picture and entertainment world; of the top twenty, fifteen went to actors and actresses, motion picture and entertainment executives.

Now, Mr. President, if that industry can pay that kind of salaries, I would like someone in this chamber to tell me why that industry, with all its huge profits, cannot pay some part of this tax that is so badly needed in this Commonwealth today.

It is astounding. when we read that list of salaries, and there are many others in that list that I wish I had the time to read, when we read that list of salaries, when we consider that business, and at the same time consider the farmer, who rises before daylight and works till after dark, who is taxed, he has no protection; and here is an industry piling up money from the people of Pennsylvania, in the State of New York, and that industry pays no tax under our program.

I repeat again, I could not learn from the Democratic politicians in 1937 why we had no amusement tax and I would like to know today, from this administration, why this huge industry, that pays such powerful profits is not in the tax program of this administration.

Now, Mr. President, the tax on the little man is becoming serious; the tax on the little industry is becoming serious; and, unless some protection is afforded, I say that the whole structure of our State Government will collapse and break down. I was greatly worried last night, after I heard the statements some of those good Pennsylvania farmers made at this hearing yesterday.

This matter is serious and unless we can give those people who make Pennsylvania some relief and some protection, I say that the end is not far distant.

Today, Mr. Pesident, many of our people in the United States are seeking homes in Canada; and by the way, Mr.. President, while this nation is so interested in England's situation abroad, and while England is so charitable towards this country, and when so many of our people are going north to Canada, it may be a good thing in this country to make arrangement whereby England will give the United States Canada for the large war debt that she owes us. And, Mr. President, many other American citizens are beginning to inquire about homes in South America. That shows Mr. President, the serious situation that exists in this nation today, and we must lay aside many of the partisan difficulties, much of the partisan division, and many of the difficulties that rise up between parties and consider these basic and fundamental problems ere it is too late.

O tempora! O mores!

BILL INTRODUCED

Mr. STIEFEL. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL read in place and presented to the Chair Senate Bill No. 706, entitled:

An Act to amend section five (a) as added to and section nine as amended of the act approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 224), entitled "An act preventing the manufacture, sale or transportation within the Commonwealth of adulterated or misbranded paris green, lead arsenates, lime-sulphur compounds and other insecticides and fungicides by manufacturers outside of the Commonwealth and changing penalties.

Which was committed to the Committee on Agriculture.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, this has nothing to do with the calendar, but I did not want to allow this occasion to go by.

I want to ask my colleague, the Senator from Washington, Mr. Reed, if he would not consider an amendment to his suggestion about Canada so that maybe we can trade Maine and Vermont for Canada.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate bill No. 518 as follows:

An Act to further amend section one and a part of section two of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" changing the membership of the board and the functions of the Secretary of Health with reference thereto requiring audits by the Auditor General and reports of the activities of the board and increasing the maximum amount that may be expended for burial of unclaimed bodies unfit for anatomical purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one and the third paragraph of section two of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" as last amended by sections one and two respectively of the act approved the twenty-second day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 411) are hereby further amended to read as follows

Section 1 The professors associate professors and assistant professors in the department of anatomy [the professors of surgery and of pathology of the] the head of the department of surgery and the head of the department of pathology of each medical and dental [schools and the] school and each medical and dental [colleges] college of this Commonwealth which [are] is now or may hereafter become incorporated and the Secretary of Health of this Commonwealth shall be and hereby are constituted a board for the distribution and delivery of dead human bodies hereinafter described to and among such institutions and persons as under the provisions of this act are entitled thereto

The said board shall have full power to establish rules and regulations for its government and to appoint and remove proper officers except that the Secretary of Health shall always be a member of the executive committee of said board and shall keep full and complete minutes of its transactions and records shall also be kept under its direction of all bodies receiverd and distributed by said board and of the persons to whom the same may be distributed which minutes and records shall be open at all times to the inspection of each member of said board and of any district attorney of any county within this Commonwealth The said board shall have full power to enter into contracts make purchases and perform such other acts as are necessary for the proper performance of its duties All financial transactions of said board shall be audited annually by authority of and by the Auditor General of the Commonwealth A report of the activities of said board shall be made annually to the Secretary of Health of the Commonwealth and to the deans of the medical and dental colleges represented in said board

The name of said board of distribution shall be Anatomical Board of the State of Pennsylvania

Section 2 * * * *

In case of the death of any person whose body is required to be buried at the public expense and the duly authorized officer or agent of the board deems such body unfit for anatomical purposes he shall notify in writing [the poor directors overseers or in counties in which there are no poor directors or overseers then] the county commissioners of the county where such person died except that in counties of the first class it shall be the coroner instead of the county commissioners who shall direct some person to take charge of the body of such deceased indigent person and cause it to be buried and draw warrants upon the treasurer of their county for payment of such expenses which expenses shall not be less than thirty-five dollars nor more than fifty dollars on each body buried in accordance with the provisions of this act Such warrants shall be made payable to the persons so authorized and directed who shall have buried the bodies for which said warrants are to be drawn No warrants for the payment of the expenses of the burial of any person whose body is required to be buried at the public expense shall be drawn or paid except upon the certificate of the duly authorized officer or agent of the board to the effect that such body is unfit for anatomical purposes or that the body is that of a soldier sailor or marine of the United States or of the militia of the State of Pennsylvania required to be buried at the public expense and that the provisions of this act have been complied with

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bartlett,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Sipe,
Crowe,	Gilson,	McCreesh,	Snowden,
Dando,	Haluska,	McGinnis,	Stevenson,
Deitrick,	Heyburn,	Miller,	Stiefel,
Dent,	Homsher,	Mundy,	Tallman,
DiSilvestro,	Jacobs,	Owlett,	Thomas,
Ealy,	James,	Pierson,	Walker,
Edmonds,	Jaspan,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Farrell,	Kunkel,	Ruth,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 214 entitled:

An Act requiring retail dealers in liquid fuels to display the price of liquid fuels on signs; specifying the location thereof, maximum size thereof, minimum size of lettering and figures thereon, conferring powers and duties upon the Department of Revenue; and imposing penalties.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, this bill, in my opinion, is the kind of bill that ordinarily would be declared unconstitutional. I do not want to say that this bill is unconstitutional, because I have given up saying that; but this bill provides, as I stated last week, that signs on the highway, on oil stations, rather, shall be no more than 8 by 10 inches. It is designed as a bill to protect pedestrians using the highway.

In 1937 we passed an act which provided that signs must be placed in a conspicuous place on the station and they must be sufficiently large so that anyone can see them.

We regulate the fact that the price shall be so stated on the station; that it must be visible and plain.

That was the act of July 2, 1937, pamphlet laws no. 1193.

This bill can only help the large industries that my friend from Washington, Senator Reed, spoke of just now: and must of necessity affect injuriously, and to disadvantage, the small independent dealer. There is no reason and no good purpose for this bill.

I am quite sure that the citizens of the Commonwealth of Pennsylvania, the independent oil dealer, and the public in general, would go on as usual if this bill were not passed; and I am equally certain that the business of some of those small places, to which my colleague, Senator Reed, has referred, will not go on as usual, but will be interferred with.

I complained about the Republican organization not carrying out its promises. My final word on this bill is, that this bill is the first promise the Republican organization is carrying out; the promise to the oil industries to protect them.

This bill, plus the following bill on the calendar, means the keeping of the first promise; and I call that kind of keeping promises to the attention of the citizens of the Commonwealth of Pennsylvania.

Mr. WALKER. Mr. President, during the four months it has been our pleasure to have been in session here most of the bills have been for the purpose of saving the City of Philadelphia. Unfortunately, I understand, and I tell my colleagues from Philadelphia, this bill will not save Philadelphia. This bill will save the little, small independent gasoline dealers back in the State of Allegheny that are interested in this bill. A great many of the small gasoline dealers, the home owner that has a gasoline station in the front yard, is interested and has asked us to pass this bill. They think that this bill will eliminate or tend to eliminate the gasoline wars in Allegheny County. This bill has received any number of endorsements of the independent dealers of our county.

Now, I do not know how it will affect big industry because we do not have many big industries. We have little industries in our county. I do not know how the bill will affect Philadelphia but this is the first bill that will not save Philadelphia; and I certainly urge its passage on behalf of the independent dealers.

Mr. CAVALCANTE. Mr. President, it is difficult to see how this bill is going to help the little gasoline dealer at all. You take the big concerns, like Gulf, Atlantic, Standard, and that bunch, they can afford to pay as high as fifteen hundred dollars a week to advertise their Sunoco, and everything else, over a radio program. They can spend thousands of dollars every week to advertise in newspapers —these fine newspapers that are giving the Republican party such a send-off now, who fit right in the picture of closing doors so that the public cannot get in to inquire or see what is going on—so that the newspapers can only print what has been beneficial to the Republican party. That all fits in, the thousands of dollars that are paid by the big dealer to the newspapers for advertisement; but the poor little fellow who has a small station along the way, the only method that he has of advertising and to attract trade is to put up a big sign in front of his place, big enough so that it will attract attention, the price of his product, his gasoline.

Now, you can laugh all you want but you cannot fool all of us. We have not just been born yesterday. We are very familiar with these very subtle arguments and we know just exactly what you are driving at. This bill prevents the little man from putting his advertisements out. You are not ready to pass a bill limiting Sunoco or Gulf from spending thousands and thousands of dollars for their advertisements, big advertisements in the newspapers and over the radio. It is hard to see, and we say to you very sincerely, to the gentleman from Allegheny, who was so much interested in this bill, we fail to see how this bill helps the little man. If you would say it gives him a boot in the pants, we can understand that; because the bill is aimed at that and does that very thing.

Mr. WALKER. Mr. President, I can readily understand how the Senator from Fayette, Mr. Cavalcante, can say it gives a man a boot in the pants, if he does not understand what we are talking about.

I say what this bill proposes to do is to eliminate gasoline wars—that is what we are talking about. The big gasoline companies, so favorably mentioned by the Senator from Fayette—they are in a much better position to stand the gasoline wars than the little dealer; it is the little fellow, who cannot stand the gasoline wars, who is hurt by them; and this bill is for the protection of the little independent dealer, not for the protection of the big oil dealers who are being so bothered, according to the Senator from Philadelphia and the Senator from Fayette, by this bill, It is the little fellows who will be affected by this bill, and that is why we are in favor of its passage.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Walker.

The PRESIDENT. Will the Senator from Allegheny, Mr. Walker, permit himself to be interrogated?

Mr. WALKER. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, will the Senator from Allegheny name one dealer, one big dealer like the Esso or the Standard or the Gulf, who have signs on their stations of the type that are being abolished by this bill?

Mr. WALKER. Mr. President, as I said to the Senator from Fayette, he knows we have nothing but little dealers, and they have to put out big signs in order to meet the competition of the big dealers. Right now we have the ludicrous situation in Allegheny County where on the south side of the Allegheny River gasoline is selling at fourteen cents a gallon, because of the gasoline war, and on the north side it is selling at sixteen and eighteen cents a gollon because they are not affected by the war. That is one of the things we are trying to eliminate. I can name several dealers small dealers—because my relationship is with the small independent dealers and not with the big industries.

Mr. CAVALCANTE. Mr. President, the gentleman has very astutely evaded the question directed at him.

Mr. WALKER. Mr. President, I think I have answered the question.

Mr. CAVALCANTE. Mr. President, I asked the Senator from Allegheny to give the name of one of the big dealers who have signs on their business places larger than ones being abolished by this bill, or of the size of the ones you are going to abolish.

Mr. WALKER. Mr. President, to answer the question direct, the last time I drove down Bigelow Boulevard, just as the boulevard joins Seventh Avenue there is a Gulf service station, and there they had a large sign four feet wide and six feet tall advertising Gulf gasoline; and all the other stations leading into Grand Street followed that example.

That is the kind of thing we are trying to eliminate by this bill.

Does that directly answer the question propounded to me by the Senator from Fayette?

Mr. CAVALCANTE. Mr. President, I do not think it does. Does the Senator from Allegheny mean that the Gulf Oil Company has signs of the type to be abolished by this bill?

Mr. WALKER. Mr. President, as I understood the Senator's question it was to name one big company.

Mr. CAVALCANTE. Mr. President, the Senator from Allegheny can answer that question yes or no.

Mr. WALKER. Mr. President, I named the Gulf Company and located the station for him.

Mr. CAVALCANTE. Very well, Mr. President; does the Senator from Allegheny mean that the Gulf has signs of the type that would be abolished by this bill and that he has answered the question.

Mr. WALKER. Mr. President, specifically the Gulf has

signs that this bill will abolish; and so have the independent dealers signs of the type that this bill will abolish.

Mr. DENT. Mr. President, we passed an Act in the Legislature creating this sign business; prior to the Act of 1937 we had what was commonly known in the gasoline business as a "under canopy" prices. Those station operaters that enjoyed a close relationship with the mother producer or the parent company, received a sort of kick-back on the number of gallons they sold; and could as an offer inducement to the customers who came in a special "under canopy" price.

The Legislature, in its wisdom, passed an Act forcing them to post their prices, and one man posted his price and a neighbor across the way, who happened to be receiving a great deal of business because of prices under canopy prices put up a larger sign.

This particular bill does not help the smaller dealer in any manner whatsoever, because gasoline is sold on price, not on quality. Investigation will show that a great many of the tanks bearing different company signs have the same gasoline in them, coming from the same gas line. We can prove that without too much argument, that one particularly large company in western Pennsylvania fills the tanks of at least eight other companies, so it is not the quality of the gasoline it is the price that sells. There is now a gas war and for years I drove over the Lincoln highway, and from my home in Jeanette, where I pay twenty and a half cents a gallon for motor gas there was a difference of five-and-a-half cents from Jeanette to Chambersburg, and they did not have the big signs on the highway.

You do not object to the Senator from Fayette calling your attention—you do not object to the newspaper advertisements, or the radio advertisements, but you do object to the sign put up by the small independent dealer whose only means of advertising is, in many cases, a hand-painted sign calling attention to gas at fifteen cents.

Now, if the Senator from Allegheny has a situation in his "great state of Allegheny," I have a similar situation in the greater "state of Westmoreland" and my independent dealers do not want this bill to prevail, because the average motorist, if he does not have an inducement will drive up to the big elaborate stations put up by the big gasoline companies; and drive right by my little neighbors and go to the larger station, if the gas is not advertised along the road as an inducement to come in.

Let us get out of all misunderstanding; this does not help the little fellow, it does help the big fellow. So I ask those members of the Senate who are sincere not only in their interest in the gasoline dealers but the consumers and motorists—fifteen cents is a good price for gasoline, and you do not need to have a gyp price; if the gasoline companies will reduce their amount of profit, the dealer will receive a legitimate amount of profit and the consumer will get a good price. Therefore we claim that the sign is a good thing; the motorist knows where he can get good gasoline at a saving, and that means a lot to him.

Mr. SHAPIRO. Mr. President, I should like to read the first section of this Act. I have been waiting for someone to tell me the real necessity of this Act. Last week I heard it was for safety, because some people who see big signs get distracted, and, being distracted, you may have an accident. Today I hear it is to help the little fellow because it will stop price warfare.

It is a new idea, that by limiting the size of the sign you stop a man from cutting the price of gasoline. That is new to me.

This Act, in section one, says: "Every person copartnership, association or corporation engaged in the retail sale of liquid fuels, as defined by law for purposes of taxation, shall display the price of such liquid fuels and also State and Federal taxes as separate items on signs in conspicuous place on each and every pump of other dipensing equipment. Signs displaying the price of liquid fuel shall not be larger in size than eight inches by ten inches."

Mr. President and members of the Senate, this book is about seven by twelve inches. You are going to say to the man who wants to sell gasoline that he shall confine the Federal, the State tax and the price of gasoline to a sign which is less than the size of the book that I have. Are you fooling anybody by that? Does not everybody know that the big companies on Thursday afternoon hold a meeting and decide that the price of gasoline shall be X cents per gallon, and that the prices are advertised in the newspapers sometimes at the cost of the big gasoline dealers and sometimes as news items.

Gas has been reduced to sixteen cents. All the larger companies today have agreed to cut the price to sixteen cents. If the little fellow wants to say "My price is fifteen cents," you will run into a telegraph pole looking for that little sign before you know it. We have had the spectacle of having these big gasoline companies tell us, four years ago, in 1935, that if we increased the price of gasoline one cent it would ruin the business; so we did not increase it one penny; and before the week was over the big companies got together and increased the price one cent, and they did it over night, and nobody moved out of Pennsylvania and no industry was run out of Pennsylvania.

Now, in order to make this thing dire, on the second page of the act it says, "No other price signs for displaying the price of liquid fuel so dispensed or signs relating to, indicating or intending to indicate the price of such liquid fuel shall be used or displayed on or about the premises where liquid fuel is sold at retail."

So, if a man wants to say, "My prices are lower than John Smith's" or "My prices are the lowest in this neighborhood" you don't even let him say that—He dare not use those words; and yet you say this is an act to protect the little fellow; and my friend from Allegheny, Mr. Walker, makes his point by talking about Philadelphia.

There is enough to talk about with regard to Philadelphia without dragging this bill into it, this "N.R.A.". as I called it. You have adopted the Earle taxes and now you are adopting the Federal Recovery Act. You are adopting the N.R.A. in Pennsylvania at the same time you are criticising the Federal government. What is this but an N.R.A. bill? What right have you to say a man shall not sell his gasoline at fifteen cents, and what right have you to say to people, "If you want to advertise, if you want to sell at 15c, you cannot do it. You cannot put it on the ground for which you pay rent, you cannot put up a sign, from which you draw your livelihood, but you must put it in the newspapers and compete with the big companies, and there say that when you are traveling through X City to this city you can buy gasoline for fifteen cents. It is utter nonsense. You were talking about the little little fellow; why should not the consumer have the right to go to the place where he

can buy his article in the cheapest competitive price? You are telling me you want to cut out price warfare. Is there anything in this Act to say the man must not reduce his price?

There is a bill pending in commitee, the so-called Fair Trade Bill, where you do not allow the man to sell his article below six per cent over cost, but you don't stick it in here.

I repeat, this is neither a safety device nor a price fixing device, nor the stopping of price cutting. This is, pure and simple, the payment of a debt due.

I will bring Philadelphia into the picture for my friend, so he can say it is involved. A gentleman in Philadelphia who is one of the leaders of the Republican Party is named Mr. Pew and he controls one of the largest gasoline companies in the country, and he is a very large contributor to the Republican organization; and I say if you are honest about it and say, "Well, this fellow has done so much for us, and it is time we did something for him, and that is the reason we pass this bill. I could understand that; but this other argument I cannot appreciate, I think it is utter nonsense.

Mr. WALKER. Mr. President, now we have dragged Philadelphia into it I would like to drag Oakmont into it. At Oakmont we do not have Mr. Pew, we do not have any large contributor to the Republican party; we do have a fellow in the gasoline business by the name of Sidney Green, who comes from Virginia, and is a Democrat, and has a little gasoline station on the corner and is trying to make a living and pay his taxes; and we are buying gasoline there to help Sidney out, because he is a good Rotarian.

He said to me one day, "My God, we won't be able to stay in business because of all these price cutters."

I said, "Sidney, do you think this bill will help?"

He said, "Senator, this is the salvation for the little fellow. If you do not get this bill through we will not be able to stay in business."

That is my reason for asking for the passage of this bill. We do not know anything about Mr. Pew or about making big contributions.

Mr. SHAPIRO. Mr. President, I am amazed. The gentleman almost had me shedding tears because the Republicans are taking care of the Democrats in Oakmont.

Mr. WALKER. Mr. President, the Democrats in Oakmont are such a rarity we like to take care of them .

Mr. KILGALLEN. Mr. President, I drive through the Borough of Oakmont on occasion, and I dare say if the Senator from Oakmont would present a bill to this Senate limiting the signs on the large streamline groceries in the borough we would very quickly find his position in the matter.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—21

Bartlett,	Gelder,	Owlett,	Tallman,
Chapman,	Geltz,	Pierson,	Thomas,
Crowe,	Heyburn,	Scarlett,	Walker,
Deitrick,	Letzler,	Snowden,	Wolfenden,
Edmonds,	Miller,	Stevenson,	Woodward,
Farrell,			

NAYS—26

Cavalcante,	Frey,	Kilgallen,	Reed,
Coleman,	Gilson,	Kunkel,	Rice,
Dando,	Haluska,	Lanius,	Ruth,
Dent,	Homsher,	McCreesh,	Shapiro,
DiSilvestro,	Jacobs,	McGinnis,	Sipe,
Ealy,	James,	Mundy,	Stiefel,
Eroe	Jaspan,		

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

BILL POSTPONED

Mr. EDMONDS. Mr. President, I move that further consideration of Senate Bill No. 226, on third reading, entitled:

An Act abolishing the Oil Industry Investigation Commission terminating the terms of its members and lapsing the unobligated balance of any appropriation made therefor

to be postponed for the present.

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. McGINNIS. Mr. President, it is well known that the original commission was set up by the Courts of this State; then a new commission was authorized by the General Assembly, and I am a member of that commission. We have attempted to gather the testimony and the data that was gathered by the old commission. That old commission chairman was Judge Ralph H. Smith, of Pittsburgh, probably one of the most brilliant minds on the Common Pleas bench of this State, and our own former Senator from this side of the body, Senator Thompson. These two men worked for over eight months taking testimony all over this State and they found some very interesting facts.

The oil and gasoline business in this state has reached such proportions that to my mind it is as important and vital as utilities or mining or transportation, and here is an industry that the New Deal has not touched.

We have heard a lot about regimentation and control and regulation but here is an industry that the people have not caught up with. Here is an industry that is running wild. It follows the old theory of the survival of the fittest, the law of the jungle, dog eat dog.

For a good many years in this State there has been a practice of posting crude oil prices. The testimony shows that two or three companies posted the price of oil in Pennsylvania by just merely posting it in their main business office, and for some reason, whether by agreement or by intuition, all the other companies followed. This investigation showed, too, that the producers of oil in Pennsylvania are losing money, every one of them.

In other words, the testimony showed that it cost around two dollars to produce a barrel of oil in Pennsylvania and the price has been running, or was at the time of this investigation, around $1.60 or $1.61, so that we have on one side of this picture the producer, the individual, the company, corporation or partnership that goes down into the bowels of the earth and brings this valuable product to the surface, that in Pennsylvania they are losing money and have been losing money for some time.

Then we have the pipe line companies. Those pipe line companies charge those producers a fair rate, we assume, but they also charge two per cent for leakage and evaporation; and there was no testimony offered to show that that was justified.

It costs eight-tenths of a cent to transport a gallon of gasoline from Pittsburgh to Philadelphia, or vice versa; and yet the wholesale price over the western side of the mountains, during the period of this investigation over seven or eight months—the wholesale price was one and one and a half cents higher west of the mountains than on this side, and the retail price was from one to four cents higher west of the mountains over the price east of the mountains.

Now, even if the oil or gasoline were transported, there should not be over one cent, or eight-tenth of a cent. But, as a matter of fact, they do not transport that oil or gasoline. They trade their gasoline. One company fills the pump of another, so that when you go up to a gasoline station in Pennsylvania you do not know whose gas you are buying because these men have such a clear understanding that they fill each other's tanks.

Then we come to the retailer. It used to be that those big companies sold their own gasoline, and, of course, when they did that they had to pay wages and then they soon learned what they called the I O W A plan. The I O W A plan is this: they do not hire people to sell their products. If they own stations, they lease them. If you have a little station they will lease you the equipment. If they want to favor you, they will subsidize you by giving you a hoist, or other machinery, such as pumps, and signs; so that, what has happened, Mr. President, they have these retailers to whom they pay no wages, because they probable would have the labor organizations on their back if they did that. So they have devised a scheme of leasing, so that, when you drive up to a station now, you will find men who are at work fourteen to eighteen hours a day and most of them are starving. There is a ferocious war on in this state among the retailers.

I just read Sunday that on Saturday night, on the Perry Highway, eighteen pumps were demolished, or broken up. This warfare has gotten so serious; and, when we have on the one hand in this state—where the first oil well was drilled—the producers losing forty cents a barrel on the average, and the retailers on the other, the lessee, working their souls out—then in the center there are concerns that by merely posting prices in their place of business determine the price of crude oil and the price of gasoline, the retail price. There are two or three concerns that do that.

Now, of course, if that thing could continue it is a bonanza for those in the middle; but it is a sad thing for Pennsylvania, or for any industry, or for any business where the producer is losing money, the retailer losing money, and a few men in the center, or a few corporations in the center, reaping the profits.

I just read in the Pittsburgh Post this morning, where one of the bills offered here last night that one cent on gasoline means $28,000,000 in a biennium to Penneyslvania. So, if those men in the middle can raise the price of gasoline one cent just by merely posting it, or two, or three cents, or four cents, or five cents, you can readily see the enormous amount of money that is drawn from the people and put into the hands of a few.

You know, Mr. President, I wonder why it was that Colonel Estes came to abide in Pennsylvania. I had heard for a while that his main purpose was to build our present Governor up as a presidential candidate of the United States. But, I feel quite sure, Mr. President, that by this time he has changed his mind, and has given that idea up, but I do wonder why he still stays here.

He is an oil producer in Texas, and, I understand, a big one; and there was an investigation in this state, the first in any state in this union. Here was an industry that grew up fast, it had grown that way. It is more or less mysterious, and it is intricate; and if they could keep it that way, keep it mysterious, those huge profits could go on indefinitely. But they perhaps, discovered in Texas, or Colonel Estes did, that here in Pennsylvania was an investigation with Judge Smith doing the delving that might gum-up the situation; they might tear the mask off this bonanza.

Therefore, that, at least, would be one good reason for him to come to Pennsylvania; and I am going to make an effort to have Joe Pew and Colonel Estes, at least, come and live part of the time west of the Allegheny Mountains, because the testimony in this investigation shows that every user of a car west of the mountains pays eight dollars a year more for his gasoline than they do down east here, and, yet the oil fields are on our side of the mountains so I hope that I can get Joe Pew and Colonel Estes to come and live on our side of the mountains for at least part of the time.

Mr. REED. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, I will.

Mr. REED. Senator, as a member of this commission, in the event the commission was not dissolved, what would be your duties?

Mr. McGINNIS. Mr. President, I feel that the intention of the present commission, the only purpose it ever had, was to gather data and information.

The taxpayers of this state had coughed up $40,000 to learn something about what is going on, and, of course to frame legislation afterwards; but I do not think there is any idea of any member of the commission in the report that they are trying to prepare, or working on, to offer any particular solution. We feel that is a matter for the legislature. We make some recommendations, and, of course, I am just one member and cannot tell.

Mr. REED. Mr. President, are their duties at an end now?

Mr. McGINNIS. No, Mr. President; unless this bill is passed. If this bill passes here, I want to say to the Senator from Washington that the $40,000 would have been wasted, and some of the most interesting information the people ought to know would, perhaps, be buried. I do feel, inasmuch as we have spent this money and have had, especially the old commission, some very learned, energetic men digging into this thing for whatever information they could discover that whatever information they have discovered whatever we have discovered and assembled, ought at least, be shown to the people of Pennsylvania.

Mr. REED. Mr. President, I desire to further interrogate the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny permit himself to be further interrogated?

Mr. McGINNIS. Mr. President, I will.

Mr. REED. Mr. President, has the Senator from Allegheny completed the investigation?

Mr. McGINNIS. Practically, Mr. President, yes. In fact our secretary, Dr. Ross, from the University of Pittsburgh, who was secretary to the old commission and is our secretary, has done an enormous amount of work on this problem. He has prepared a summary of all the data, all the testimony that was gathered by both the commissions.

Mr. REED. Mr. President, I desire further to interrogate the Senator from Pittsburgh, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be further interrogated?

Mr. McGINNIS. Mr. President, I will.

Mr. REED. Mr. President, if this bill passes, in what manner will it interfere with the completion of this work.

Mr. McGINNIS. Mr. President, it will end it, except, that I think the bill does authorize payment of bills which have been incurred. I might say the old commission incurred almost all of the bills, up to around $40,000. We have, perhaps, spent $1,000; so, there will be $9,000 go back to the State, as not being used. But, if this bill passes, the effect will be that we will pay what little bills we have and close up.

Mr. REED. Mr. President, if the bill does not pass, what other duties will be performed?

Mr. McGINNIS. Mr. President, to prepare a report and submit it to the Assembly of Pennsylvania.

Mr. REED. Mr. President, I just want to say a word on this problem.

I have read this report and it is a very interesting one. I think it be well worth the time of any person who is interested in the petroleum cause to take an evening off and read this report.

It is one of the industries I have endeavored to picture in my remarks earlier in the afternoon. It shows conclusively what a chain can do. They can go into a community with a station and hammer prices in that community down so low that the man who has property there, the man who has a little business there, cannot stand up against the opposition.

Not only that, if you take the producer's cause, it is likewise shown in this report. As I said earlier in the afternoon, the small producer in this State, particularly in western Pennsylvania, is on the verge of ruin, due to the activities of the large oil companies, which the Senator from Allegheny, Mr. McGinnis pictures as those who are in the middle. So I say, Mr. President, if the duties of this commission are completed, why then, of course, we should pass the bill and terminate their activities; but their duties are not yet completed. I believe that, for the welfare of the people of Pennsylvania, we should give them a little more time in order that they may complete their work and file their report, as I believe it would be an interesting report to anyone who is interested in this basic industry.

Mr. SHAPIRO. Mr. President, I should like to end this debate and should like to ask two questions of the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, I will.

Mr. SHAPIRO. Mr. President, do I understand that the records of this committee, or commission, will show that when large companies, the Sunoco Oil Company for instance, puts oil into the tank of the Atlantic Refining Company, they sell it as each other's oil; is that correct?

Mr. McGINNIS. Mr. President, I am not going to mention any names. Our summary does not mention a single name of any oil company in Pennsylvania. We do number them, and the testimony brings them forth in that way.

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Montgomery, Mr. Edmonds.

The PRESIDENT. Will the Senator from Montgomery permit himself to be interrogated.

Mr. EDMONDS. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I am quite sure the gentleman from Montgomery has no purpose in stifling a report which may be of value to the Legislature; and I would like to inquire whether the gentleman from Montgomery would not agree to place this bill on the postponed calendar in order to give this commission an opportunity to finish its work.

Mr. EDMONDS. Mr. President, I have already suggested to the Senators on this side that the bill be placed on the postponed calendar for two weeks, with the hope that the committee can finish its report in that time. I want to say to the Senator from Allegheny that I did not understand that, by this bill, I was abolishing him with the bill. I thought I was reclaiming the fund for the use of the Commonwealth, which might be nine or ten thousand dollars. If there is a report in the making that could be submitted before we adjourn so that we can lapse the balance of that fund, I think it will be entirely satisfactory that the bill be placed on the postponed calendar.

Mr. SHAPIRO. Mr. President, I am quite sure that the Senator from Allegheny, Mr. McGinnis, will not be eliminated by abolishing the oil industry.

Mr. EDMONDS. Mr. President, I thought the gentleman from Allegheny said I was trying to abolish him.

Mr. CAVALCANTE. Mr. President, in my short time here, in contact with the gentleman from Montgomery, I have learned to respect highly his integrity and sincerity in all matters; and I do feel that, if the gentleman from Montgomery will look over this summary report which is already prepared—I am satisfied the gentleman from Montgomery will not want to do anything that would keep from him, or any intelligent person, the contents of this report. It does not mention names, but merely what they have found, practices which are very enlightening and educational to every good citizen who is interested in this subject.

Mr. EDMONDS. I want to ask the Senator, if I may, Mr. President, where I may get a copy of that report; has it been distributed to us?

Mr. CAVALCANTE. Mr. President, I think there are only two copies in existence; but I think the gentleman from Allegheny will gladly loan his report to the Senator from Montgomery so that he may study it.

The PRESIDENT. The sponsor of Senate Bill No. 226 requests that this bill go over and be placed on the postponed calendar.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 282, (House Bill No. 354), entitled:

An Act to amend clause (d) as added to section twenty-one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts, the powers and duties of the judges thereof and appeals therefrom," requiring certification of verdicts and judgments entered in orphans' courts to the prothonotary and the filing docketing and indexing the same by him

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48.

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Sipe,
Crowe,	Gilson,	McCreesh,	Snowden,
Dando,	Haluska,	McGinnis,	Stevenson,
Deitrich,	Heyburn,	Miller,	Stiefel,
Dent,	Homsher,	Mundy,	Tallman,
DiSilvestro,	Jacobs,	Owlett,	Thomas,
Ealy,	James,	Pierson,	Walker,
Edmonds,	Jaspan,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL POSTPONED

Mr. SHAPIRO. Mr. President, this is what was referred to as the ripper bill to rip a ripper. Mr. President, I move that further consideration of Senate Bill No. 289, (House Bill No. 282), on third reading entitled:

An Act to repeal the act approved the twenty-second day of September, one thousand nine hundred and thirty-eight (P. L. 37), entitled "An act relating to and removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth, one thousand nine hundred and thirty-one (Pamphlet Laws, five hundred seventy-five), entitled 'An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey, creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds, transferring to the new commission all the powers of The Delaware River Bridge Joint Commission; and making an appropriation,' and providing for the appointment of their successors."

be postponed for the present.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WOODWARD. Mr. President, as I had the honor of reporting this bill out from committee, I feel that I must defend it. This bill is to save the name of two good men who were fired from the Delaware Bridge Commission; and this bill will restore them and remove any stigma that may be upon them. I, therefore, object to the motion.

Mr. SHAPIRO. Mr. President, I withdraw the motion and ask that my colleagues vote the bill down.

Mr. DiSILVESTRO. Mr. President, I should like to interrogate the Senator from Philadelphia.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I will

Mr. DiSILVESTRO. Mr. President, I should like to know from my colleague from Philadelphia what this bill really does.

Mr. WOODWARD. Mr. President, it restores Mr. Weglein and Mr. Smith to their former offices.

Mr. DiSILVESTRO. Mr. President, does my colleague from Philadelphia, Mr. Woodward, know that last year Mr. Weglein, he former sheriff of Philadelphia, and the fee-grabbing gentleman from Philadelphia, and Mr. Thomas B. Smith, the former mayor of Philadelphia, and one of our administration heads during the 5th Ward bloody murders, were asked to withdraw from the commission, and they have been attending meetings regularly in the face of an order? I should like to know whether the Senator from Philadelphia, Mr. Woodward, knows that.

Mr. WOODWARD. Mr. President, I was only counting the Republican votes. I beg the Senator's pardon.

Mr. DiSILVESTRO. Mr. President, I should like to be enlightened on the subject, and that is why I am asking the question.

Mr. WOODWARD. Mr. President, I thought I had answered the question.

Mr. DiSILVESTRO. Mr. President, does the Senator from Philadelphia want me to repeat the question?

Mr. WOODWARD. Mr. President, all that I know about the bill, it is to remove any possible stigma now resting upon the names of those two men who served their city so faithfully.

Mr. DiSILVESTRO. Mr. President, I asked the Senator from Philadelphia, Mr. Woodward, whether it is not a fact that those two gentlemen, in view of the fact that they were ordered to withdraw from the commission, constantly attended meetings, I would like to know by what right these two men, who are known for their past record, continue to attend the meeings. Is it nepotism or what is it? After all, it is an honorary position they have. What is it they want to protect on this commission? Is it that they want to serve the citizens of Philadelphia; is it that they want to serve themselves; what is it? That is what I should like to know.

Mr. WOODWARD. Mr. President, in order to avoid any further discussion, I ask unanimous consent that the bill go over in order.

Mr. SHAPIRO. Mr. President, I object.

Mr. DiSILVESTRO. Mr. President, if this bill will go over in order I will be glad to take up the matter and try to enlighten the Senator from Philadelphia, Mr. Woodward.

That is what I was trying to do, but, after all, I am only a young Senator here.

Mr. WOODWARD. Mr. President, I will be delighted to have a private conversation.

The PRESIDENT. The question is on the final passage of the bill.

Mr. OWLETT. Mr. President, the Senator from Phila-

delphia, Mr. Woodward, has requested that the bill go over in its order.

Mr. SHAPIRO. I objected, Mr. President

MOTION TO PLACE BILL ON POSTPONED CALENDAR

Mr. OWLETT. Mr. President, I move that Senate Bill No. 289 be placed on the postponed calendar.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 306, (House Bill No. 376), entitled:

An Act to add paragraph four to clause (c) of section forty-one of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447), entitled as amended, "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates, including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents, widow's and children's exemptions, debts of decedents, rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof, judgments and executions therefor and the discharge of real estate from the lien thereof, contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation, the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein, the survival of causes of action and suits thereupon by or against fiduciaries, investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries, refunding bonds, transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights, powers, duties and liabilities of trustees durante absentia, the recording and registration of decrees, reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction, powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estate of decedents," as amended by permitting fiduciaries holding mortgage to accept deeds in lieu of foreclosures and prescribing the effect thereof

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Gilson,	Mallery,	Sipe,
Crowe,	Geltz,	McCreesh,	Snowden,
Dando,	Haluska,	McGinnis,	Stevenson,
Deitrick,	Heyburn,	Miller,	Stiefel,
Dent,	Homsher,	Mundy,	Tallman,
DiSilvestro,	Jacobs,	Owlett,	Thomas,
Ealy,	James,	Pierson,	Walker,
Edmonds,	Jaspan,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 431, entitled:

An Act to amend sections one and six of the act, approved the nineteenth day of July, one thousand nine hundred and thirty-five (P. L. 1356), entitled "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of Internal Affairs; and providing penalties," by providing for reciprocal recognition of weight certificates for solid fuel between the Commonwealth of Pennsylvania and bordering states requiring such certificates; and defining the term "licensed weighmaster."

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Sipe,
Crowe,	Gilson,	McCreesh,	Snowden,
Dando,	Haluska,	McGinnis,	Stevenson,
Deitrick,	Heyburn,	Miller,	Stiefel,
Dent,	Homsher,	Mundy,	Tallman,
DiSilvestro,	Jacobs,	Owlett,	Thomas,
Ealy,	James,	Pierson,	Walker,
Edmonds,	Jaspan,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 432, entitled:

An Act authorizing the Department of Property and Supplies, with the consent of the Department of Military Affairs and the approval of the Governor, to sell or exchange and convey the property of the Pennsylvania State Arsenal at Harrisburg; appropriating the proceeds thereof to the Department of Military Affairs; and providing for the construction of an arsenal or warehouse on the military reservation at Indiantown Gap, and for the removal of State and Federal supplies thereto.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bartlett,	Farrell	Kunkel,	Ruth,
Cavalcante,	Frey.	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Sipe,
Crowe,	Gilson,	McCreesh,	Snowden,
Dando,	Haluska,	McGinnis,	Stevenson,
Deitrick,	Heyburn,	Miller,	Stiefel,
Dent,	Homsher,	Mundy,	Taliman,
DiSilvestro,	Jacobs,	Owlett,	Thomas,
Ealy,	James,	Pierson,	Walker,
Edmonds,	Jaspan,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 543, on third reading, entitled:

An Act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Reviews; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 544, on third reading, entitled:

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class by providing that city taxes within such territorial limits shall be assessed, levied and collected upon the basis of the county assessments; imposing duties on county taxing authorities; abolishing the department of assessors in cities of the second class and transferring certain property to county taxing authorities.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 278, (House Bill No. 38), entitled:

An Act to amend Sections Three, Four, Five, Nine and Eleven of the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled (as amended), "An act providing for the incorporation as bodies corporate and politics of 'Authorities' for municipalities, counties and townships, defining the same, prescribing the rights powers and duties of such Authorities, authorizing such Authorities to acquire, construct, improve, maintain and operate projects and to borrow money and issue bonds therefor, providing for the payment of such bonds and prescribing the rights of the holders thereof, conferring the right of eminent domain on such Authorities, authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes," as amended, by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation regulating the publication of such resolutions and ordinances by including waterworks water distribution systems, low head dams and parts of sewer systems as projects by authorizing the municipalities to limit the projects to be undertaken by an Authority by authorizing a longer term for the bonds issued by an Authority and making them legal investments for trust funds, etc., avoiding competition with existing enterprises and by including waterworks, water supply works, water distribution systems and parts of sewer systems as facilities which may be transferred to an Authority by any owner in addition to the Commonwealth and the political subdivision thereof and authorizing authorities to acquire water and water rights subject to the approval of the Water ad Power Resources Board.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 305, (House Bill No. 374), entitled:

An Act to amend section three of article one and section forty of article four of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefor and providing for the repayment of taxes paid in excess of amount due on future estates

Section one of the bill was read as follows:

Section 1 Section three of article one and section forty of article four of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" are hereby amended to read as follows

Section 3 Where there is a transfer of property by a devise descent bequest gift or grant liable to the tax hereinbefore imposed which devise descent bequest gift or grant is to take effect in possession or to come into

actual enjoyment after the expiration of any one or more life-estates or a period of years the tax on such estate shall not be payable nor shall interest begin to run thereon until the person liable for the same shall come into actual possession of such estate by the termination of the estates for life or years The tax shall be assessed upon the value of the estate at the time the right of possession accrues to the owner but the owner may pay the tax at any time prior to his coming into possession In such cases the tax shall be assessed on the value of the estate at the time of the payment of the tax after deducting the value of the life-estate or estates for years to the person paying such tax the amount erroneously paid The tax on real estate shall remain a lien on the real estate on which the same is chargeable until paid The owner of any such personal estate passing to him from a resident decedent shall make a full return of the same to the register of wills within one year from the death of the decedent and within that time enter into security for the payment of the tax to the satisfaction of such register- In case of failure so to do the tax shall be immediately payable

The owner of any such personal estate passing to him from a nonresident decedent shall make a full return of the same to the Auditor General within one year from the death of the decedent and within that time enter into security for the payment of the tax to the satisfaction of the Auditor General In case of failure so to do the tax shall be immediately payable and collectible

Provided that in case of sale and conveyance or mortgage of real property if the fiduciary or other person making such sale or mortgage or any person interested shall enter into security for the payment of the tax to the satisfaction of such Register or of the Auditor General the real property so sold or mortgaged shall be free of the lien of the tax

Section 40 In all cases where any amount of such tax is paid erroneously or where the tax on a future estate is paid in an amount in excess of the amount legally chargeable the State Treasurer on satisfactory proof rendered to him by the register of wills or Auditor General of such erroneous payment or such payment in excess of the amount legally chargeable may refund and pay over to the person paying such tax the amount erroneously paid or such excess payment All such applications for the repayment of such tax erroneously paid in the treasury shall be made within two years from the date of payment and application for the repayment of tax paid in excess of the amount legally chargeable on future estates shall be made within two years from the termination of the particular estate [except] Provided however That when the estate upon which such tax has been erroneously paid shall have consisted in whole or in part of a partnership or other interest of uncertain value or shall have been involved in litigation by reason whereof there shall have been an over-valuation of that portion of the estate on which the tax has been assessed and paid which over-valuation could not have been ascertained within said period of two years in such case the application for repayment shall be made to the State Treasurer within one year from the termination of such litigation or ascertainment of such over-valuation

On the question,

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend Sec. 1 (Sec. 3), page 4, line 1, by striking out with light-face brackets the words: S "Auditor General" and inserting in lieu thereof: Department of Revenue; amend Sec. 1 (Sec. 3), page 4, line 4, by striking out with light-face brackets the words: S "Auditor General" and inserting in lieu thereof: Department of Revenue; amend Sec. 1 (Sec. 3), page 4, lines 10 and 11, by striking out with dark-face brackets the words: S "Auditor General" and inserting in lieu thereof: Department of Revenue; amend Sec. 1 (Sec. 40), page 4, lines 17 and 18, by striking out with light-face brackets the words: S "Auditor General" and inserting in lieu thereof: Department of Revenue

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to.

An Act to reenact and amend the title and the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties in executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as previously reenacted and amended by eliminating ground rents from list of taxable personal property defining clarifying and limiting certain exemptions exempting from the taxes imposed by the said act property held by executors and administrators of the estates of nonresident decedents property held by trustees for certain resident and nonresident religious charitable or educational organizations and property held for nonresidents and foreign corporations under certain circumstances execpting loans issued by first class or non-profit corporations from the tax imposed by section seventeen of said act and continunig the State personal property tax and the emergency rate of tax on scrip bonds certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 351, (House Bill No. 318), entitled:

An Act to reenact and amend the title and the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as previously reenacted and amended by eliminating ground rents from list of taxable personal property defining clarifying and limiting certain exemptions exempting from the taxes imposed by the said act property held by executors and administrators of the estates of nonresident decedents property held by trustees for certain resident and nonresident religious charitable or educational organizations and property held for nonresidents and foreign corporations under certain circumstances exempting loans issued by first class or non profit corporations from the

tax imposed by section seventeen of said act and continuing the State personal property tax and the emergency rate of tax on scrip bonds certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. OWLETT. Mr. President, for the information of the Senate, these amendments are to correct errors by the printer, where a clause was inserted in the wrong place on Page 23.

The first section of the bill was read as follows:

Section 1 The title and all the sections of the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as previously reenacted and amended by the act approved the eighteenth day of May one thousand nine hundred thirty-seven (Pamphlet Laws six hundred thirty-three) are hereby reenacted and further amended to read as follows

An Act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same That this act shall be known and may be cited as the "State Personal Property Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

"Department" The Department of Revenue of this Commonwealth

"Resident" A person copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or a joint-stock company or association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other state or government and liable to taxation within this Commonwealth

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section headings shall not be deemed or construed to limit the text of the sections of this act

Section 3 State Tax on Mortgages Judgments Et Cetera Imposition and Rate of Tax Exceptions All personal property of the classes hereinafter enumerated owned held or possessed by any resident whether such personal property be owned held or possessed by such resident in his own right or as active trustee agent attorney-in-fact or in any other capacity except as executor or administrator of the estate of a nonresident decedent and except as trustee for a resident or nonresident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domiciled in another state and where such resident is entitled to receive all or any part of the income therefrom is hereby made taxable annually for State purposes at the rate of four mills on each dollar of the value thereof as of a date to be fixed annually in the manner provided in section five of this act and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section seventeen hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section seventeen hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank bank and trust company national banking association savings institution corporation or limited partnership liable to a tax on its shares or the capital stock tax or franchise tax imposed by section twenty-one of the act approved the twenty-first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) and its amendments and supplements for State purposes under the laws of this Commonwealth all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital owing to individual citizens of the State and the principal value of all annuities Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor to interest-bearing accounts in any bank or banking institution savings institution employes thrift or savings association whether operated by employes or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said four mills tax herein provided for or any part thereof or have agreed or shall hereafter agree to pay the same or any part thereof nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said four mills tax on any of the said securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assess-

ments upon members of such associations societies or union And provided further That corporations limited partnerships and joint-stock associations liable to a tax on their shares or the aforesaid capital stock or franchise tax for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner except as executor or administrator of the estate of a nonresident decedent and execpt as trustee for a resident or non resident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth except for county purposes and in cities co-extensive with counties for city and county purposes as now provided by law And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated received from any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth Nor shall the provisions of this section apply to personal property held for the use benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious charitable scientific literary or educational purposes

The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in cases of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein

Section 4 Returns and Payment of Tax (a) For the purpose of ascertaining the amount of tax payable under the third section of this act it shall be the duty of every resident liable to pay such tax on or before the fifteenth day of February of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return in duplicate the original under oath or affirmation of

(1) The aggregate actual value of each part of the different classes of property made taxable by the third section of this act held owned or possessed by such resident as of the date fixed annually in the manner provided in section five of this act either in his own right or as trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company limited partnership joint-stock association or corporation

(2) The amount of interest dividends or other income derived from each class of such property at any time during the preceding calendar year and

(3) Such other information as may be required by the department concerning each of the different classes of property whether or not taxable enumerated in the third section of this act owned held or in any manner possessed by such resident

The duplicate unsworn return shall be forwarded by the Department of Revenue to the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the case may be of the county from which the return was made for its use and information

The failure of any taxable resident to receive or procure a return form shall not excuse him from making a return

(b) The return so made shall be sworn or affirmed to by the person making the same if an individual and in the case of copartnerships unincorporated associations and joint-stock associations and companies by some member thereof and in the case of limited partnerships and corporations by the president chairman or treasurer thereof

(c) Any agent duly authorized by the department is hereby authorized to administer the oath or affirmation to any person or officer making the return prescribed by this section for the taking of which oath or affirmation no charge shall be made Any such agent who shall make any charge for administering such oath or affirmation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year either or both in the discretion of the court

(d) The tax imposed by section three hereof shall be due and payable when such return is required to be filed and every resident at the time of making every return shall compute and pay to the department the tax due the Commonwealth by such resident

Section 5 Listing Date The department shall on or before the fifteenth day of January one thousand nine hundred thirty-eight and annually thereafter fix a day as of which the property made taxable by the third section of this act shall be listed and returned The day so fixed shall be between the first and the fifteenth days of the month of January both inclusive and the day so fixed shall be printed or stamped on the form for making returns of all such property If through inadvertence mistake or otherwise the department fails to designate or fix such date or if such date does not appear on the form for making return of such property the date as of which such property shall be listed and assessed shall be the immediately preceding first day of January

Section 6 Assessment by the Department Notice If any taxable resident shall fail to file a return or fail to include in any return all of his property made taxable by the third section of this act or shall fail to compute and pay the tax due the Commonwealth as required in this act the department shall make an assessment of tax against such resident of the amount of tax for which such resident is liable or for which he is believed by the department to be liable together with a penalty of ten per centum of such tax Promptly thereafter the department shall give or send by mail or otherwise notice thereof to such resident If such resident is dissatisfied with the assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 7 Assessments Made at any Time within Five Years An assessment as heretofore provided may be made by the department at any time within five (5) years after any property owned held or possessed or alleged to have been so owned held or possessed by any resident should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section 8 Petition for Reassessment Appeal (a) Any resident against whom an assessment is made may petition the department for a reassessment Notice of an intention to file such a petition or to appear and be heard shall be given to the department within ninety (90) days

after notice of such assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings as may be necessary to hear and determine petitions for reassessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly notified the department of an intention to file a petition for reassessment or to appear and be heard shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein If no petition for reassessment is filed with the department the petitioner may in lieu thereof appear at the hearing and present his petition orally in which event all testimony or statements of facts shall be made under oath or affirmation

(b) If such petitioner is dissatisfied with the action of the department on his petition for reassessment he shall have the right to appeal to the court of common pleas of the county where he resides at any time within sixty (60) days after notice of such action is given to him by the department If any resident shall fail to give due notice of an intention to petition for reassessment and to file a petition for reassessment or to appear and be heard after due notice of his intention to do so or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such resident so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the court of common pleas as aforesaid In all cases of petitions for reassesment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court.

Section 9 Information at Source Reports (a) The executor of every will and the administrator of every estate at the time of filing with the register of wills or clerk of the orphans' court the inventory and appraisal of such estate or of any affidavit setting forth the real and personal estate of such decedent for the purpose of determining the transfer inheritance tax imposed thereon by existing law shall in addition thereto file with such register of wills or clerk of the orphans' court a statement in duplicate under oath or affirmation setting forth the items included in such inventory or affidavit which may be liable to the tax imposed by the third section of this act The register or clerk with whom the same is filed shall forthwith send one copy thereof to the department It shall be the duty of the department to proceed at once to assess the tax due from such decedent with interest as heretofore provided in this act and to present a claim therefore through the Department of Justice to the orphans' court of the proper county or to proceed by action or suit at law through the Department of Justice in any court of competent jurisdiction for the recovery thereof or to take any or all appropriate steps or procedure necessary for the collection of such tax

(b) It shall be the duty of the recorder of deeds in each and every county in this Commonwealth to keep a daily record separate and apart from all other records of every mortgage or article of agreement given to secure the payment of money entered in his office for recording which record shall set forth the following information to wit The date of the mortgage or agreement the names of the parties thereto the just sum of money secured the precise residence of the mortgagee or person to whom interest is payable a brief description of the real estate upon which such mortgage is secured and the date or several dates when the said sum or portion of the said sum shall become due and payable and a like daily record of every assignment of a mortgage or an article of agreement given to secure the payment of money and also the number of mortgages and agreements together with the amount of same and the names of the parties thereto which shall have been that day satisfied of record For the purpose of obtaining with accuracy the precise residence of all mortgagees assignees and persons to whom interest is payable on articles of agreement it shall be the duty of the recorder of deeds in each county whenever a mortgage assignment or agreement given to secure the payment of money shall be presented to him for record to refuse the same unless the mortgage assignment or agreement has attached thereto and made part thereof a certificate signed by the mortgagee assignee or person entitled to interest or his duly authorized attorney or agent setting forth the precise residence of such morgagee assignee or person entitled to interest and such certificate shall be recorded with the mortgage assignment or agreement Every recorder of deeds on the first Monday of each month shall file the aforesaid daily record or a copy thereof with the department

(c) It shall be the duty of the prothonotary or clerk of the court of common pleas in each and every county in this Commonwealth forthwith upon the passage of this act to keep a daily record separate and apart from all other records of every single bill bond judgment or other instrument securing a debt entered of record in his office Such daily record shall set forth the following information to wit The date of the instrument the names of the plaintiff and defendant together with the precise residence of the plaintiff or person to whose use such bill bond judgment or other obligation to pay money is marked whenever such residence can be ascertained the just sum secured and the date or several dates when the said sum or portion of the same shall become due and payable with the further information whether any of said bonds or judgments are accompanied with mortgages and also the number of every single bill bond judgment or other instrument securing a debt together with the amount of same and the names of the plaintiff and defendant thereto which shall have been that day satisfied The prothonotary or clerk of the court of common pleas shall file the aforesaid daily record or a copy thereof with the department on the first Monday of each month

Section 10 Compensation of Recorders and Prothonotaries The several recorders of deeds prothonotaries and court clerks as aforesaid shall be entitled to receive ten cents for each and every mortgage judgment or lien assignment or satisfaction thereof reported to the department as heretofore required in this act Such fees shall be paid by the respective county treasurers on the presentation of proper vouchers certified by the department and shall be applied in like manner as other fees received by such recorders prothonotaries or clerks Provided That no fee shall be allowed in any case where the residence of any plaintiff mortgagee or assignee is omitted in such reports And provided further That the amount allowed any prothonotary or clerk or recorder of deeds under this act shall not exceed the sum of six hundred dollars ($600.00) per annum

Section 11 Due Date All taxes imposed by the third section of this act shall be due and payable on the fifteenth day of February of each year

Section 12 Interest The tax imposed by the third section of this act shall bear interest at the rate of six per centum per annum from the date such tax is due and payable until thirty (30) days after the department shall make an assessment and thereafter at the rate of twelve per centum per annum until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid

Section 13 Lien of Taxes (a) All taxes imposed under the third section of this act together with all penalties and interest shall be considered a public account after becoming due and payable in the manner prescribed in this act and as such shall be a lien upon the franchises and real property of the resident against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where the resident's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by the third section of this act and penalties and interest upon which record it shall be

lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 14 Credits for Overpayment The Board of Finance and Revenue may allow a credit for any taxes imposed by the third section of this act and penalties and interest thereon paid to the Commonwealth to which the Commonwealth is not rightfully or equitably entitled Claims for such credits shall be made in accordance with the provisions of "The Fiscal Code" relative to petitions for refunds of taxes No petition for such credit shall be considered by the board unless filed with the board within two (2) years of the payment alleged to have been erroneously made

Upon the allowance of any such petition the credit so determined may be applied against any amount due or subsequently becoming due by such petitioner on account of taxes imposed by the third section of this act and penalties and interest thereon or may be assigned in whole or in part to any other taxable resident to be applied against any amount due or subsequently becoming due by such resident on account of taxes imposed by the third section of this act and penalties and interest thereon Upon the allowance of a petition for credit the board shall issue its certificate under its hand and seal and no credit claimed whether assigned or not shall be allowed unless evidenced by such certificate

Section 15 Penalties Costs (a) Every person or officer who shall wilfully and corruptly make a false and fraudulent return of property made taxable by the third section of this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law

(b) Any wilful failure on the part of recorders of deeds or prothonotaries or clerks to carry out the duties imposed upon them by section nine of this act shall be deemed a misdemeanor and upon conviction thereof the person or persons so failing to comply shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(c) Every register of wills who shall fail to send copies of affidavits filed with him by executors or administrators to the department as required by section nine of this act shall be guilty of a misdemeanor and upon conviction thereof the register so failing shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(d) Every executor or administrator who wilfully fails to file the affidavit with the register of wills as required by section nine of this act shall be subject to a penalty of twenty-five dollars ($25.00) for the first day and ten dollars ($10.00) for each succeding day during with such affidavit is not filed to be collected by the department through the Department of Justice in the same manner as debts are by law collected

(e) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section 16 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the correction of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any resident in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such resident is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by "The Fiscal Code" relating to inquisitorial powers of fiscal officers

Any information gained by the department as a result of any returns investigations hearings or verifications required or authorized by this act and any information gained by the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the result of duplicate returns received from the department shall be confidential except for official purposes and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars ($500.00) or to undergo imprisonment for not more than three (3) years or both in the discretion of the court

(c) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section 17 State Tax on Scrip Bonds Et Cetera Imposition and Rate of Tax All scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any and every private corporation incorporated or created under the laws of this Commonwealth except first class or nonprofit corporations or the laws of any other state or of the United States and doing business in this Commonwealth and having a resident corporate treasurer therein are hereby made taxable for State purposes at the rate of eight mills on each dollar of the nominal value thereof during the calendar years one thousand nine hundred thirty-eight [and] one thousand nine hundred thirty-nine one thousand nine hundred forty and one thousand nine hundred forty-one on reports filed for the calendar years one thousand nine hundred thirty-seven [and] one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine and one thousand nine hundred forty or for any fiscal year beginning in the calendar years one thousand nine hundred thirty-seven [and] one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine and one thousand nine hundred forty and at the rate of four mills on each dollar of the nominal value thereof during the calendar years one thousand nine hundred [forty] forty-two and every year thereafter on reports filed for the calendar years one thousand nine hundred [thirty-nine] forty-one (or for any fiscal year beginning in the calendar year one thousand nine hundred [thirty-nine] forty-one) and for every year thereafter and all scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any county city borough township school district or incorporated district of this Commonwealth are hereby made taxable for State purposes at the rate of four mills on each dollar of the nominal value thereof during the calendar year one thousand nine hundred thirty-eight and every year thereafter on reports filed for the calendar year one thousand nine hundred thirty-seven or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-seven and for every year thereafter Provided That whenever the provisions of this section any private corporation shall become liable for such taxes upon evidences of indebtedness by it assumed or on which it shall pay interest it shall be the duty of such corporation not later than ten (10) days thereafter to give notice in writing to any person who may at such time be liable for the payment of any taxes upon such evidences of indebtedness under the provisions of the third section of this act that the corporation has assumed such indebtedness or the payment of the interest thereon and will deduct and pay the taxes imposed there-

on by this section Such notice shall also be given before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon prior to the first day of October in any year and shall give notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the taxes imposed by this section for the balance of such year but shall deduct and pay said taxes for the ensuing year and the person to whom such notice shall be given shall for such ensuing year be relieved from the payment of tax under the provisions of the third section of this act upon such evidences of indebtedness so assumed or on which the corporation shall pay interest where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon on or subsequent to the first day of October in any year and shall give the notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the tax upon such evidences of indebtedness by it assumed or on which it shall pay interest for the balance of such year and for the ensuing year and the person to whom notice is so given shall pay the tax for the period for which the corporation is relieved upon such evidences of indebtedness so assumed or on which the corporation shall pay interest as provided for in the third section of this act Neglect or failure on the part of any corporation upon assuming any evidences of indebtedness or becoming liable for the payment of interest thereon to give the notice as herein provided and within the time prescribed shall make such corporation liable for the payment of taxes from the time when such evidences of indebtedness are assumed or for the entire period for which interest shall be paid Neglect or failure to give such notice before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest shall make the corporation liable for such taxes for the year following without any deduction from interest due as hereinbefore provided Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institutions savings institution or trust company nor to interest-bearing accounts in any bank banking institution savings institution employes' thrift or savings association whether operated by employes or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the tax or any part thereof provided for in this act or in the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the tax imposed herein on any of such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes shall not be required to pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner except as executor or administrator of the estate of a nonresident decedent and except as trustee for a resident or nonresident religious charitable or educational organization part of the net earnings of which inures to the benefit of any private stockholder or individual shall be liable for the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for county school or other local purposes

It is the intent of this act that all scrip bonds certificates and evidences of indebtedness made taxable under this section are not taxable under the third section of this act and that only such scrip bonds certificates and evidences of indebtedness which cannot be made taxable under this section are to be taxed under the third section of this act

Section 18 Reports and Payments of the State Tax by Private Corporations and Municipalities (a) It shall be the duty of the resident treasurer of each private corporation incorporated by or under the laws of this Commonwealth or the laws of any other state or of the United States or any foreign country and doing business in this Commonwealth except nonprofit corporations and cooperative agricultural associations not having capital stock and not conducted for profit and it shall be the duty of the treasurer of each county city borough township school district or incorporated district of this Commonwealth upon the payment of any interest on any scrip bond certificate or evidence of indebtedness issued or assumed by such corporation county city borough township school district or incorporated district or upon which it is liable for the payment of the interest to residents of this Commonwealth and held by them to assess the tax imposed for State purposes by the seventeenth section of this act upon the nominal value of each such scrip bonds certificates or evidence of indebtedness and to report under oath or affirmation annually on or before the fifteenth day of March for the calendar year next preceding to the department the amount of such indebtedness owned held or in any manner possessed by residents of this Commonwealth together with such information as the department may require Provided That such scrip bonds certificates and evidences of indebtedness shall be deemed to be owned held or possessed by residents of this Commonwealth unless it is established that they are not so owned held or possessed and it shall be his further duty to deduct the tax imposed by the seventeenth section of this act on the payment of any interest upon such indebtedness and return the same to the State Treasury through the department within the time prescribed by law and his compensation for his services shall be five per centum on the first one thousand dollars ($1,000.00) or fractional part thereof one per centum on all amounts over one thousand dollars ($1,000.00) and not over two thousand dollars ($2,000.00) and one-half of one per centum on all amounts over two thousand dollars ($2,000.00) Upon the payment of said State tax such scrip bonds certificates or evidences of indebtedness shall be exempt from all other taxation in the hands of the holder of the same

The time for filing reports may be extended taxpayers may be permitted to file their reports on a fiscal year basis and the procedure and penalties in case of failure to report and pay the tax shall be as prescribed by law

(b) It is the intent and meaning of this act that the tax for State purposes imposed upon obligations of private and public corporations by secton seventeen of this act shall be collected in the same manner as the tax heretofore imposed for State purposes upon such obligations

Section 19 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 20 Repealer and Saving Clause (a) All acts or parts of acts inconsistent with the provisions of this

act are hereby repealed but the provisions of this act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments

(b) Section seventeen and eighteen of the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and their amendments are hereby repealed but this act shall not be construed to repeal any of the remaining provisions of said act

(c) Nothing herein contained shall be construed as reviving any act repealed by the act which this act repeals and the passage of this act shall not be taken or construed to relieve any person association or corporation from the payment of any taxes penalties and interest imposed by section seventeen of the said act of June seventeenth one thousand nine hundred and thirteen (Pamphlet Laws five hundred seven) on reports filed for the calendar year one thousand nine hundred thirty-six or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-six and prior years or from any taxes penalties and interest imposed by the provisions of any act or parts of acts in force at the time this act becomes effective or to affect or terminate any petitions investigations prosecutions legal or otherwise or other proceedings pending under the provisions of any act or parts of acts in force at the time this act becomes effective or repealed by this act or to prevent the commencement or further prosecution of any legal proceedings by the proper authorities of the Commonwealth for violations of such acts or for the collection or recovery of taxes penalties and interest due or owing to the Commonwealth under such acts

Section 21 Effective Date This act shall become effective immediately upon its final enactment and be in force for the assessment and collection of taxes under section three of this act for the calendar years one thousand nine hundred thirty-eight [and] one thousand nine hundred thirty-nine one thousand nine hundred forty and one thousand nine hundred forty-one and for the collection of taxes under section seventeen of this act for the calendar year one thousand nine hundred thirty-eight and every year thereafter on reports filed for the calendar year one thousand nine hundred thirty-seven (or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-seven) and for every year thereafter

On the question,

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend Section 1 (section 17), page 23, line 25 by striking out with boldface brackets at the end of the line the following: S [SC except first class or nonprofit corporations]; amend Section 1 (section 17), page 23, line 28 by inserting after the word "therein" and before the word "are" the following: S except first class or nonprofit corporations; amend Section 1 (section 17), page 28, line 20 by inserting after the word "organization" and before the word "part" the word: S no.

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 This reenacting and amending act shall become effective immediately upon its final enactment

The title of the bill was read as follows and agreed to:

An Act to amend section three of article one and section forty of article four of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death, defining and taxing transfers made in contemplation of death, defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawul for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal," providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefor and providing for the repayment of taxes paid in excess of amount due on future estates.

And said bill as amended having been read at length the second time:

On the question,

Will the Senate agree to the bill as amended?

Mr. OWLETT. Mr. President, for the enlightment of the Senator from Philadelphia, this bill provides a method for releasing liens on inheritance taxes and real estate, and the Act as drawn provides that the release be issued by the Auditor General.

The amendments I have inserted provide that the release shall be issued by the Revenue Department, because it is the Revenue Department that collects the inheritance tax and not the Auditor General's Department.

The Auditor General's office does the appraising, but the Revenue Department does the collecting. Therefore, the Revenue Department is the only department that can issue a release.

And the question recurring,

Will the Senate agree to the bill on second reading as amended?

OVER IN ORDER

Mr. EDMONDS. Mr. President, it seems to me that this bill ought to be further amended; and I suggest that it go over in its order, without second reading, so that it may be considered tomorrow if necessary.

Mr. SHAPIRO. Mr. President, I second the motion.

It was agreed to.

BILL OVER IN ORDER

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 342, (House Bill No. 373), on second reading, entitled:

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income; and repealing inconsistent legislation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 344, (House Bill No. 575), entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred thirty-nine, evidenced by tax anticipation notes secured by and payable from current revenues, levied, assessed, collectible, and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 345, (House Bill No. 312), entitled:

An Act to reenact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six Pamphlet Laws, thirteen), entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board", as previously reenacted and amended, by extending the provisions thereof for a further limited period of time.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 346, (House Bill No. 313), entitled:

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefit of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by continuing the increased rate of tax for a further limited period of time, and reducing the rate of tax after such limited period of time.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 347, (House Bill No. 314), entitled:

An Act to further amend the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation', approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine", by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, co-partnerships, and persons.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 348, (House Bill No. 315), entitled:

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (Pamphlet Laws, two hundred ninety-two), entitled "An act to provide revenue by taxation," by increasing the rate of tax for a further limited period of time.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceedd to the second reading and consideration of Senate Bill No. 349 (House Bill No. 316), entitled:

An Act to further amend section four of the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws, one hundred forty-nine), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof, requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain duties on certain State Officers and departments; providing for refunds; imposing penalties; and

making an appropriation", by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceedd to the second reading and consideration of Senate Bill No. 350, (House Bill No. 317), entitled:

An Act to reenact and amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (Pamphlet Laws two hundred eight) entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" as previously reenacted and amended by extending the provisions of the act for a further limited period of time changing the method changes in the method of ascertaining taxable net income empting title insurance companies ad making certain of ascertaining the net income of insurance companies exand the procedure for the collection and adjustment of the tax.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceedd to the second reading and consideration of Senate Bill No. 352, (House Bill No. 394), entitled:

An Act to reenact and amend the title and the act approved the fourteenth day of June one thousand nine hundred thirty-five (P. L. 341) entitled as amended "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties" as previously reenacted and amended by extending the provisions of the act for a further limited period of time

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceedd to the second reading and consideration of Senate Bill No. 394 (House Bill No. 363), entitled:

An Act to amend section six of the act approved the twelfth day of May one thousand nine hundred and twenty-five (P. L. 603) entitled "An act concerning conditional sales and to make uniform the law relating thereto" by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 427, (House Bill No. 375), entitled:

An Act to amend paragraph (c) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended by permitting foreign fiduciaries representing the estates of decedents, minor and legal incompetents, to foreclose on mortgage, to enter judgment on mortgage bonds, to sell the property bound thereby, to take title to property so sold, and to resell such property.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceedd to the second reading and consideration of Senate Bill No. 456, as follows:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania is hereby proposed in accordance with the eighteenth article thereof

That section one article nine of the Constitution of Pennsylvania is hereby amended to read as follows

Section 1 Except as hereinafter specifically provided all taxes shall be uniform upon the same class of subjects with the territorial limits of the authority levying the tax and shall be levied and collected under general laws but the General Assembly may by general laws exempt from taxation public property used for public purposes actual places of religious worship places of burial not used or held for private or corporate profit institutions of purely public charity and real and presonal property owned occupied and used by any branch post or camp of honorably discharged soldiers sailors and marines

Income inheritance and estate taxes shall be levied and collected under general laws but such laws may grant exemptions and may impose graded or graduated rates but no income tax either on individuals or corporations shall exceed six percentum of the net income on which it is imposed and no intangible personal property shall be subject to any other State or local tax either on income or capital values during any time that the income therefrom is taxed under any law imposing an income tax on individuals

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, April 25, 1939, by His Excellency, the Governor of the Commonwealth.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 25, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

WASHINGTON COUNTY

Mrs. Edith C. Fisher, Monongahela, April 30, 1939.

MONROE COUNTY

Ralph W. E. Macnichol, Stroud Twp., R. D. 2, Stroudsburg, May 7, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 25, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

BEAVER COUNTY

D. M. Carver, Beaver, Beaver Trust Bldg.

BERKS COUNTY

Harry E. Boyer, Reading 551 North 12th St.

DELAWARE COUNTY

Miss Frances Foster, Media, 216 W. Front St.

LAWRENCE COUNTY

Miss M. Belle Dillan, Ellwood City, 600 Lawrence Ave.

LEHIGH COUNTY

Miss Elizabeth E. Moyer, Allentown, 737 Turner St.

NORTHAMPTON COUNTY

Jacob S. Dietrich, Pen Argyl, 119 Penna, Ave.

WARREN COUNTY

Miss Hazel M. Thurston, Warren, 212 Crescent Park.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. EALY

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. EALY

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Sipe,
Crowe,	Gilson,	McCreesh,	Snowden,
Dando,	Haluska,	McGinnis,	Stevenson,
Deitrick,	Heyburn,	Miller,	Stiefel,
Dent,	Homsher,	Mundy,	Tallman,
DiSilvestro,	Jacobs,	Owlett,	Thomas,
Ealy,	James,	Pierson,	Walker,
Edmonds,	Jaspan,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurrd in Resolution from the Senate as follows:

In the Senate, April 25, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening May 1, 1939, at eight o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, May 1 1939, at eight o'clock, Eastern Standard Time.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1, entitled:

An Act to amend sections three and eight of the act, approved the thirtieth day of March, one thousand nine hundred and thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration, and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," by providing that the registration commission is to consist of the county commissioners instead of appointed commissioners and by providing that appropriations to carry out the act are to be made in the same manner as other appropriations are made.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 2, entitled:

An Act for the better government of cities of the first class of the Commonwealth by providing, among other things, for a councilmanic form of government with a council elected by proportional representation and with a city manager selected by council; the creation, abolition and change of departments and the addition to departments of certain functions pertaining to parks, detention and correction, planning within the city, weights and measures, and dependent, neglected incorrigible and delinquent children; transferred from certain county offices to the extent of the performance of such functions within such cities, improvement of the civil service; increased control over finances by requiring balanced current and capital budgets and by greater control over the collection of charges, fees and taxes, and over payments of salaries and other expenditures out of the city treasury; improvements in the making and revision of assessments; the grant of home rule to such cities; and penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 84, entitled:

An Act to further amend subsection (b) of section one thousand and two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," restricting speed of vehicles within public park areas.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 218, entitled:

An Act for the better government of cities of the second class of the Commonwealth by providing among other things for a councilmanic form of government with a council elected by proportional representation and with a city manager selected by council, the creation abolition and change of departments and the addition to departments of certain functions pertaining to parks planning within the city improvement of the civil service increased control over finances by requiring balanced current and capital budgets and by greater control over the collection of charges fees and taxes and over payments of salaries and other expenditures out of the city treasury, abolishing Property Assessment as a city function and the grant of home rule to such cities and penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 308, (House Bill No. 480), entitled:

An Act regulating the appointment promotion suspension reduction removal and reinstatement of employes (except chiefs deputy chiefs and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class defining the powers and duties of Civil Service Commissions for such purpose in said cities and repealng inconsistent legislation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 444, (House Bill No. 632), entitled:

An Act to amend section ten of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 1011), entitled "A supplement to an act entitled 'An act for the government of cities of the second class,' approved the seventh day of March, Anno Domini one thousand nine hundred and one, creating a department of city planning; providing for its organiza-

tion and powers; regulating the platting of ground; prohibiting the recording of plans and sales of lots therein before their approval, under penalties; making it a misdemeanor for the recorder of deeds to record an unapproved plan; restricting accepting, laying out, opening and improving private streets; prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat; transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land, the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same, the preparation and compilation of an official street map; providing penalties for the violation of this act; and repealing certain statutes," further defining the powers of the planning commission in cities of the second class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 498, (House Bill No. 436), entitled:

An Act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriation to the Department of Commerce and repealing certain laws

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 499, (House Bill No. 437), entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by establishing a Department of Commerce and defining its powers and duties; placing the State Planning Board within the department as a departmental administrative board, making certain changes in its membership and defining its powers and duties; making available to the department for the use of the board and the current appropriation to the board; and repealing inconsistent acts or parts of acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 561, entitled:

An Act to amend section two of the act, approved the ninth day of July, one thousand eight hundred and ninety-seven (P. L. 219), entitled "An act providing for the classification of real estate and other property for purposes of taxation, and for the election of assessors and prescribing the duties thereof in cities of the second class," by providing for refund of taxes paid on assessments reduced after appeal and requiring the payment of interest and penalties on taxes based on such reduced assessments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 569, (House Bill No. 733), entitled:

An Act defining the civil service status of certain persons employed by fire departments in cities of the second class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 661, entitled:

An Act for the prevention of congenital syphilis; providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children; imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child, and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 662, entitled:

An Act regulating the issuance of marriage licenses; prohibiting the issuance thereof to persons infected with syphilis in certain stages; requiring each applicant to produce certain evidence of freedom from such disease; imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Wednesday, April 26, 1939, at 2:00 o'clock p. m.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:36 o'clock p. m., until Wednesday, April 26, 1939, at 2:00 o'clock p. m.

HOUSE OF REPRESENTATIVES

TUESDAY, April 25, 1939.

The House met at 1 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev Thomas George Baxter, offered the following prayer:

Eternal God, Thou art blessing and trusting us. Make us worthy of Thy bestowed confidence. Let not evil darken the avenues of our souls. Enlarge our lives in humility, wisdom, and charity. May all our labors bear the mark of Christian consideration for our fellow man and love for our country.

Give us the spirit of the aged Barbara Fritchie. "When in her attic window the staff she set, to show that one heart was loyal yet," and shouted defiantly to the enemy host, "Shoot if you must this gray old head, but spare my country's flag, 'she said.' "

O God of nations, give Thy people grace and grit to save our country from the pernicious influences that are boring at her heart from within.

Through Jesus Christ, our Lord. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. G. R. THOMPSON, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. HEWITT. HOUSE BILL No. 1406.

An Act to further amend section nine of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-five (P. L. 644), entitled "An act relating to and regulating the solicitation of moneys and property for charitable, religious, benevolent, humane, and patriotic purposes," by exempting boy scout organizations from the fee provisions thereof.

Referred to the Committee on Judiciary General.

By Mr. GATES. HOUSE BILL No. 1407.

An Act to further amend section eight hundred two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," requiring certain contracts to be awarded to the lowest bidder; and eliminating requirement that certain contracts be approved by the Department of Highways of the Commonwealth.

Referred to the Committee on Townships.

By Mr. GATES. HOUSE BILL No. 1408.

An Act to amend the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing for the appointment of boards of health and health officers; conferring powers and imposing duties upon said boards and health officers; and conferring certain powers upon the Secretary of the State Department of Health.

Referred to the Committee on Townships.

By Mr. WINNER. (By request) HOUSE BILL No. 1409.

An Act to provide reimbursement for hospitals on account of expenses of the care of indigent persons injured in motor vehicle accidents; imposing powers and duties upon certain State departments; and making an appropriation from the Motor License Fund.

Referred to the Committee on Appropriations.

By Messrs. WEBSTER and ECKLES. HOUSE BILL No. 1410.

An Act making an appropriation to the Department of Agriculture for the payment of indemnities to owners of domestic animals condemned to prevent the spread of Bang disease.

Referred to the Committee on Appropriations.

By Mr. THISTLE. HOUSE BILL No. 1411.

An Act to amend section one of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 851) entitled "An act fixing the pay and mileage of jurors and witnesses," by changing the pay of jurors.

Referred to the Committee on Counties.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. WEISS. RESOLUTION No. 71.

In the House of Representatives, April 24, 1939.

Whereas, the $1,800,000 appropriation recommended by the Governor, to meet all the needs of the Public Utility Commission for the 1939-41 biennium is insufficient to provide adequate funds and an adequate field force to investigate the many petitions by public utility companies for increased gas and other utility rates; and

Whereas, the people of this Commonwealth will suffer as a result of increased rates; and

Whereas, the Public Utility Commission has proposed the establishment of a $200,000 revolving fund from which to pay field force salaries; and

Whereas, this fund would be replenished during the biennium from money collected by assessments upon utilities which pay the cost of investigations made to establish rates and regulatory orders; and

Whereas, the money for carrying out this plan would not come from the taxpayers nor would it place a hardship on the Commonwealth by increasing its budget; therefore be it

Resolved, that the House of Representatives hereby urge the Governor of the Commonwealth to reconsider the budget submitted by the Public Utility Commission, adopt the plan of the commission setting up the revolving fund and assessing the public utilities for its maintenance and to increase the budget allowance to the Public Utility Commission to provide sufficient funds for the maintenance of an adequate field force to help protect the interest of the consumer before the commission and prevent undue increases in utility rates; and be it further

Resolved, that a copy of this resolution be transmitted by the Chief Clerk of the House to his Excellency the Governor.

Referred to the Committee on Appropriations.

By Mr. JONES. RESOLUTION No. 72.

In the House of Representatives, April 24, 1939.

Whereas, there are at this time many so called investigators employed by the Commonwealth in the making of investigations in order to see that the laws of the Commonwealth are being properly enforced and observed; and

Whereas, such investigators employed by different departments, bureaus and commissions of the Commonwealth cover the same territory and visit the same places at approximately the same time in order to obtain infor-

mation for the use of their special departments, bureaus or commissions; and

Whereas, this method of obtaining information for the various branches of the State Government is wasteful and far from being efficient; and

Whereas, the same results could be obtained by one investigator making the necessary visitations at the same places in the same territory in the interest of the different departments, bureaus or commissions, and save for the Commonwealth a considerable amount of money; therefore be it

Resolved, by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, that the attention of the Commission on State Government is hereby called to this situation, with the request that they make a study of the existing law relative to various investigations conducted by the different departments, bureaus and commissions of the State Government with the idea of suggesting legislation at the next session of the General Assembly, which would eliminate the duplication now existing, provide for a merging of the investigations now made, and accomplish a great saving for the Commonwealth.

Referred to the Committee on State Government.

By Mr. STOCKHAM. Concurrent RESOLUTION No. 73.

In the House of Representatives, April 24, 1939.

Whereas, during the 1937 Session of the General Assembly there was passed a new law for the regulation of public utilities, known as the Public Utility Law, which Act superseded and repealed the Public Service Company Law which had been in effect since January 1, 1914; and

Whereas, a number of provisions of the Public Utility Law of 1937 have been the subject of judicial review and have been held by State or Federal Courts to be unconstitutional, as the result of which amendatory legislation was passed at the special session of 1938, designed to correct some of the unconstitutional provisions; and

Whereas, other provisions of this 1937 law are alleged to extend beyond the scope of reasonable and proper regulation of the utilities in that they unduly invade the field of management, impose upon utilities the burden of furnishing costly reports or conforming to procedures of doubtful value in the determination of reasonable rates and adequate service, retard the development and expansion of utility properties and facilities, discourage investment in utility securities, and present questions which may involve the Commonwealth and the utilities, and indirectly the ratepayers, in protracted and costly litigation, thereby retarding future reductions in utility rates; and

Whereas, the best interests of the Commonwealth, the rate payer, the utilities, and those who in good faith have invested billions of dollars in the securities of utilities doing business in this Commonwealth, require that a careful, comprehensive and impartial study of the Public Utility Law be undertaken in order to ascertain what changes, if any, should be made in said Law to make if fair, just and reasonable in its application to all concerned. Therefore be it

Resolved (if the Senate concur) that the Attorney General be and is hereby requested to undertake and prosecute a thorough and impartial study of the Public Utility Laws of this and other states, ascertain the viewpoints of the Public Utility Commission, other regulatory bodies, the public, the utilities affected, and others, as to the proper concepts to be applied in the field of utility regulation, consider the effect and trend of judicial decisions in the public utility field and the questions involved in pending litigation, and ascertain what, if any, amendments should be made to the Public Utility Law in order to secure adequate, proper and sound regulation of utilities in the public interest, which will, at the same time, encourage investment in utility securities and aid in a program of expansion and economic recovery in this Commonwealth.

Resolved that the Attorney General be requested to report the results of his study and investigation of the Public Utility law, together with such proposed legislation as he deems proper for consideration, to the next Regular Session of the General Assembly.

Referred to the Committee on Public Utilities.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 856

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 25, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 856, Printer's No. 294, entitled, An Act making a deficiency and emergency appropriation to aid certain school districts.

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 885

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 25, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 885, Printer's No. 210, entitled, An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 886

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 25, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 886, Printer's No. 211, entitled, An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine.

ARTHUR H. JAMES.

COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk:

NEW YORK WORLD'S FAIR 1939, INCORPORATED
OPENING DAY, APRIL 30, 1939

William Ward, Jr., Chief Clerk
House of Representatives
Harrisburg, Pennsylvania.

Dear Mr. Ward:

Mr. Whalen has directed that I acknowledge receipt of the copy of the House of Representatives, Resolution No. 68.

The New York World's Fair will be very glad to enter on its Calendar of Special Events, August 17, 1939 as "Robert Fulton Day."

Mr. Whalen further directs that I convey to the members of the House his sincere thanks for their interest in the New York World's Fair.

Sincerely yours,

J. A. REILLY,
Director of Special Events.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 383.

An Act to amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (Pamphlet Laws 176) entitled "An act requiring cities of the second and third class to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases" extending the provisions of said act to cities of the second class A.

With the information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 383.

An Act to amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (Pamphlet Laws 176) entitled "An act requiring cities of the second and third class to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases" extending the provisions of said act to cities of the second class A

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 24, 1939.

Resolved (if the Senate concur), That House Bill No. 483, Printer's No. 296, entitled "An act regulating the appointment or election of deputy controllers in cities of the second class A and prescribing their powers and duties," be recalled from the Governor for the purpose of amendment.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 24, 1939.

Resolved (if the Senate concur), That House Bill No. 546, Printer's No. 268, entitled "An act to further amend section six of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled 'An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth' by eliminating certain provisions relating to retirement age of a major general in command of the National Guard," be recalled from the Governor for the purpose of amendment.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

Resolved (if the Senate concur), That House Bill No. 576, Printer's No. 162, entitled "An act to further amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-three (Pamphlet Laws 223 1933-34) entitled 'An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the section of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties' as amended extending the time during which application may be filed for veterans' compensation," be recalled from the Governor for the purpose of amendment.

REPORTS FROM COMMITTEES

Mr. TAYLOR from the Committee on Education reported as committed, House Bill No. 1327, entitled:

An Act to amend section one thousand three hundred and one of the act, approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing panalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," prohibiting the issuance of certificates to teach to persons not citizens, except in certain cases.

Mr. TAYLOR from the Committee on Banking reported as amended, House Bill No. 1201, entitled:

An Act to amend section one of the act approved the fifteenth day of May, one thousand nine hundred and thirty-three, (P. L. 796), entitled "An act providing for the preservation of the records of banks, bank and trust companies, trust companies, savings banks, and private banks; and imposing penalties for violations," to permit the preservation of photographic film reproductions or photographs or photographic copies of certain original records.

Mr. ROBERTSON from the Committee on Agriculture reported as committed, House Bill No. 1257, entitled:

An Act to amend the title, Section 1, as amended, and Sections 5, 11, 12, 13, 14, 16, 17, 18, 20, 21, and 22 of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen, (P. L. 587), entitled "An act to protect the public health by regulating the manufacture, preparation, handling, storage, sale, transportation, and possession of meat and meat-food products; prescribing the powers and duties of the State Livestock Sanitary Board incidental thereto," by transferring administration of the act to the Department of Agriculture; defining "Department;" and changing penalties.

Mr. McCLESTER from the Committee on Education reported as committed, House Bill No. 1347, entitled:

An Act to amend section two thousand eight hundred one of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," making it unlawful to require, and for certain persons to solicit teachers to become members of certain organizations; and prohibiting the solicitation of dues for certain organizations during school hours.

Mr. BOORSE from the Committee on Liquor Control reported as committed, House Bill No. 1337, entitled:

An Act limiting the number of licenses for the retail sale of liquor and malt or brewed beverages, or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board; defining hotels and prescribing the accommodations required of hotels in certain municipalities.

Mr. SNYDER from the Committee on Education reported as committed, House Bill No. 1147, entitled:

An Act to amend Section fifteen hundred and nine of the Act approved the eighteenth day of May, one thousand nine hundred and eleven, (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing that the board of directors of any school district may appropriate funds to pay for medical examinations for tuberculosis for pupils, teachers, janitors or other employees.

Mr. McCLESTER from the Committee on Education reported as amended, House Bill No. 724, entitled:

An Act providing for the support and promotion of Aviation Training through public school districts of the Commonwealth; conferring powers and imposing duties on the Superintendent of Public Instruction; and making an appropriation.

Mr. BOYD from the Committee on Cities—First Class reported as committed, House Bill No. 1263, entitled:

An Act requiring cities of the first class to pay portions of their compensation heretofore withheld to certain officers and men employed and paid by such cities.

Mr. WEBSTER from the Committee on Education reported as committed, House Bill No. 601, entitled:

An Act to amend clause six of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," as amended, changing the minimum salaries of certain teachers in junior high schools of third class districts.

Mr. SEIF from the Committee on Judiciary Special reported as committed, House Bill No. 99, entitled:

An Act to amend section one, of the act, approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries", as amended, by permitting the court to suspend sentence and place defendants on probation in cases of conviction of any crime, under certain conditions.

Mr. ELY from the Committee on Agriculture reported as committed, House Bill No. 1371, entitled:

An Act to amend the title and further amend and reenact the act, approved the twenty-second day of March, one thousand eight hundred and sixty-two (P. L. 164), entitled "An act to provide for the destruction, and to prevent the spread of Canada Thistles," by extending the provisions of the act to include other weeds.

Mr. WALSH from the Committee on Judiciary Special reported as committed, House Bill No. 293, entitled:

An Act providing for the exclusions from the court room and the segregation of certain witnesses in criminal cases, imposing restrictions on such witnesses, providing for their maintenance at the expense of the county; and prescribing penalties.

Mr. FULLERTON from the Committee on Education reported as committed, House Bill No. 806, entitled:

An Act to amend article one of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the appointment and election of school auditors in union school districts.

Mr. WAGNER from the Committee on Liquor Control reported as amended, House Bill No. 1125, entitled:

An Act to further amend Sections 2, 202, 203, 305, 402, 403, 404, 407, 408, 409, 410, 411, paragraph (14) of Section 602, paragraph (e) of Section 609, Sections 610 and 701 of, and to add Section 204 and paragraph (31) to Section 602, and paragraph (f) to Section 611, to the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the government, courts, and district attorneys; authorizing the establishment and operation of State stories for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by defining "district"; establishing the force of regulations of the board; creating district boards, regulating the appointment of members thereof, and defining their duties and powers; requiring the further advertising of applications for licenses, the issuance thereof and appeals

from the decisions of the board; providing for hearings by the district boards; increasing fees for licenses, further regulating the revocation and suspension of licenses, and providing for the disposition thereof; providing for the giving of a bond in order to make any appeal a supersedeas; prohibiting the illegal use of purchase permit cards; changing the hours during which clubs may sell liquor or malt and brewed beverages; regulating licensees, interlocking business and the issuance of permits for entertainment; protecting the interests of holders of bailment leases and conditional sale contracts; prescribing additional penalties for sales to minors; and imposing duties upon municipalities.

Mr. BRETHERICK from the Committee on Liquor Control reported as amended, House Bill No. 925, entitled:

An Act to further amend sections two, five, six, seven, thirteen, fourteen, sixteen, nineteen, twenty-one, clauses twelve and thirty-three of section twenty-three, and section thirty of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled, as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," further regulating distributors; providing for hearings and recommendations on retail dispensers' licenses by district boards; vesting additional powers and discretion in the Pennsylvania Liquor Control Board; prohibiting the grant of licenses in certain territory and to places where stores are operated; providing for the advertisement of license applications; regulating appeals from the action of the board and denying appeals in certain cases; regulating the grant, renewal, transfer and revocation and suspension of licenses and amusement permits; increasing retail dispensers' and club license fees; and prescribing penalties.

Mr. LICHTENWALTER from the Committee on Judiciary Special reported as committed, House Bill No. 1402, (Senate Bill No. 259), entitled:

An Act to amend section thirty-eight of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 382), entitled "An act to consolidate, revise and amend the penal laws of this Commonwealth," by permitting the trial for the offense of fornication and bastardy to be held either where the child was begotten or where it was born.

BILLS RE-REFERRED

Mr. TAYLOR returned from the Committee on Education with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 1170, entitled:

An Act providing for practical arts and vocational agriculture, home economics, industrial and commercial schools and classes, through public school districts and in cooperation with employment offices for the training, retraining, instruction, and adjustment of out-of-school, unadjusted individuals in order to enable them to enter, re-enter, or continue employment under changing conditions; conferring powers and imposing duties upon the Superintendent of Public Instruction, and making an appropriation.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

Mr. FOOR returned from the Committee on Agriculture with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 1360, entitled:

An Act establishing a division in the Bureau of Animal Industry of the Department of Agriculture; conferring powers and duties upon such division in regard to dogs; and making an appropriation to the Department of Agriculture.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1377, entitled:

An Act to suspend the operation of the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (P. L. 297) entitled "An act to provide for the leasing of land within the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth when such land is owned by the Commonwealth conferring powers and imposing duties upon the Water and Power Resources Board requiring lessees to establish an amortization fund for improvements placed or erected upon such land granting certain preference and exemption rights to municipalities of the Commonwealth and prescribing penalties."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 964, entitled:

An Act to amend further section fourteen of an act approved the seventh day of August one thousand nine hundred thirty-six (P. L. 106) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and co-operation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" as reenacted and amended by conferring additional powers on the Department of Highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 685, entitled:

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three Pamphlet Laws two hundred and eighty-nine) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain

rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by providing for and regulating the incorporation of nonprofit medical service corporations organized to provide medical services for subscribers of low income and their dependents conferring powers on the Department of Health and the Insurance Department with respect thereto further prescribing the conditions on which such corporations may exercise their powers providing for the dissolution of nonprofit medical service corporations by and under the supervision of the Insurance Commissioner and further defining the scope of the Act

The first section was read as follows:

Section 1 Section four of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred and eighty-nine) entitled "An Act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand nine hundred and eighty) is hereby further amended to read as follows

Section 4 Scope of Act This act does not relate to does not affect and does not apply to

(1) Cooperative associations whether for profit or not for profit

(2) Beneficial benevolent fraternal and fraternal benefit societies having a lodge system and a representative form of government or transacting any type of insurance whatsoever

(3) Any corporation whatsoever organized for any purpose or purposes involving pecuniary profit to its members or shareholders

(4) Any corporation which by the laws of this Commonwealth is subject to the supervision of the Department of Banking the Insurance Department the Pennsylvania Public Utility Commission or the Water and Power Resources Board Provided however that corporations subject by law to the limited supervision of the Insurance Department may be incorporated under and in accordance with the provisions of this act for the purpose of establishing maintaining and operating a non-profit hospital plan whereby hospitalization may be provided to subscribers of such plan by any hospital with which such corporations have a contract for such hospitalization or for the purpose of establishing maintaining and operating a nonprofit medical service plan whereby medical services may be provided through any doctor of medicine registered with such corporation to subscribers of low income and their dependents

On the question,

Will the House agree to the section?

Mr. WINNER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 4, line 11, by striking out at the end of the line after the word "nonprofit" the word "[medical]" and inserting in lieu thereof the words "healing arts"

Amend section 1, page 4, line 12, by striking out after the word "whereby" the word "[medical]" and inserting in lieu thereof the words "healing arts"

Amend section 1, page 4, line 13, by striking out after the word "any" the words "[doctor of medicine]" and inserting in lieu thereof the word "person"

On the question,

Will the House agree to the amendments?

Mr. SARRAF. Mr. Speaker and members of the House, I rise to oppose these amendments because the bill as it is is strictly a medical bill. We do not include all the healing arts. By this bill, which is a non-profit instrument, we are attemptng to give medicine to those who wish to have it, not all the forms of medicine, but just medical care. I therefore oppose these amendments and I hope the ladies and gentlemen of the House vote them down.

Mr. HINDMAN. Mr. Speaker and members of the House, I rise to oppose the amendments to this bill. This bill has been worked out very carefully, and while it may not be perfect, we feel it is a very good bill in its present form. We feel that to take in a broader scope at this time will defeat the purpose of the bill.

Since these bills have been introduced, there have been several groups who wished to be taken into the bill, but I submit to the members of the House that if these groups were taken in it wiuld defeat the purpose of the bill. In other words if we are going to take in the nursing profession, the dental profession, the osteopathic profession, the cost would be prohibitive. I would estimate roughly that the cost would be around six dollars or eight dollars per month, which would be too much of a burden on the great mass of people who would be benefitted by this bill. I would call to your attention that there isn't anything in this bill which will prohibit any of the members of the groups of which I have spoken from introducing a bill of their own in order that they may secure the same benefits under the provisions of a similar bill. There isn't anything in this bill to prohibit any of the others from doing the very same thing.

This is a trial to the extent that it has been worked out by the insurance department, and I submit to the members of this House that it would be actuarily impossible to take all of these groups into this bill. I do hope that the members of this House will consider it carefully and vote against any of these amendments, because as I previously stated, so doing would defeat the entire purpose of the bill.

There is one other thing I would like to call to your attention in regard to this bill and that is that this bill is voluntary. There isn't any compulsion about it whatsoever.

Another feature that I would remind you of is that under the provisions of this act, the relation of the individual and the physician remains the same as it has

always been in private practice. This, ladies and gentlemen of this House, we feel is one of the very essential features which should be incorporated here. It will maintain the relation between the patient and the physician that has always existed.

I trust that you will consider these facts, remembering that these matters have been very carefully studied by not only one, but by large groups of medical men. It is an experiment and we feel that it will require at least two or three years to ascertain if it will work. It is the best plan, in our opinion, that can be worked out at the present time, and we believe and hope that at some future time we will be able to enlarge the scope of this service.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER declared the noes appeared to have it,

Whereupon, a division was called for, forty-seven members having voted in the affirmative and eighty-seven in the negative, the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. ROSENFELD. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 4), page 4, line 11, by inserting after the word "medical" the following "or osteopathic"

Amend Sec. 1 (Sec. 4), page 4, line 12, by inserting after the word "medical" the following: "or osteopathic"

Amend Sec. 1 (Sec. 4), page b, line 13, by inserting after the word "medicine" the following: "or osteopath or osteopathic surgeons"

On the question,

Will the House agree to the amendments?

Mr. SARRAF. Mr. Speaker and members of the House; for the same reasons advanced before in our argument, we ask the House to vote down these amendments too. This is a non-profit medical plan. The medical group is advancing this idea so as to give everybody the option of entering this plan, and the freedom of choice of a medical man, because we are offering medical service. We are not offering any other type of service but medical service. I rise to oppose this motion for the same reasons advanced in the other argument and I hope the House will vote down these amendments.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

AMENDMENTS WITHDRAWN

Mr. WINNER. Mr. Speaker, I withdraw the remainder of the amendments offered by me.

Mr. ROSENFELD. Mr. Speaker, I wish to accede to the pleasure of the House and I therefore withdraw the remainder of my amendment.

The second section was read and agreed to as follows:

Section 2 Said Act is hereby amended by adding at the end of Article two sectoin two hundred and nineteen to read as follows

Section 219 Special Procedure for Incorporation of Non-profit Medical Service Corporations

(a) Nine or more natural persons of full age and of either sex married or single all of whom are residents of the Commonwealth and citizens of the United States provided however that a majority of said persons are doctors of medicine may form a nonprofit corporation under the provisions of this act having for its purpose the establishing maintaining and operating of a nonprofit medical service plan whereby medical services may be provided to subscribers of low income who shall be determined as follows

1 In the case of persons without dependents

Any person in receipt of an income for the preceding Twenty-five weeks averaging not more than Thirty Dollars weekly

2 In the case of persons with one dependent

Any person in receipt of an income that together with the income of the dependent averaged during the preceding Twenty-five weeks not more than Forty-five Dollars weekly

3 In the case of persons with more than one dependent

Any person in receipt of an income that together with the income of all his income earning dependents averaged during the preceding Twenty-five weeks not more than Sixty Dollars weekly

(b) For the purposes of this act the terms stated below have the meanings assigned to them respectively unless the context otherwise requires

"Medical services" means the general and usual services rendered and care administered by doctors of medicine

"Persons with dependents" means any person who furnishes other persons with their chief support whether or not such dependent person is related to or living with him "Subscribers of Low Income" means persons of low income as determined in section 2 subsection (a) who subscribe to a nonprofit medical service corporation plan

(c) Whenever the articles of incorporation of any such corporation are filed with the Prothonotary he shall forthwith transmit the articles to the Department of Health Thereupon the department shall make a thorough investigation of the proposed corporation and the plan under which it proposes to operate and within thirty days shall certify upon the articles whether or not the proposed corporation meets with the approval of the department If the same shall be approved by the Department of Health the Prothonotary shall forthwith transmit the articles to the Insurance Department Thereupon the Insurance Department shall make a thorough investigation of the proposed corporation and the plan under which it proposes to operate and within thirty days shall certify upon the articles whether or not the proposed corporation meets with the approval of the department The court shall not approve such application unless and until the articles are returned by the Insurance Department and unless both the Department of Health and the Insurance Department shall have endorsed its approval thereon

(d) The articles of incorporation shall in addition to the information heretofore required by this article set forth the area in which it proposes to operate and the court shall be guided solely by public necessity and public interest and welfare in approving or disapproving the articles of incorporation

The third section was read as follows:

Section 3 Said act is hereby amended by adding at the end of article three section three hundred and seventeen to read as follows

Section 317 Requirements of Nonprofit Medical Service Corporations No nonprofit medical service corporation shall be incorporated under this act unless it has set up a minimum reserve of Twenty-five thousand dollars for the exclusive purpose of meeting the contractural obligations to its subscribers provided however that all or any part of said Twenty-five thousand dollars may be in the form of borrowed money to be repaid in whole or in part from surplus only when authorized by two-thirds of the duly constituted members of the board of directors of such corporation and approved by the Insurance Commissioner of the Commonwealth

On the question,

Will the House agree to the section?

Mr. TRONZO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendrents will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 3, page 7, line 2 by striking out "$25,000" and inserting therein, "$5,000."

Amend Sec. 3, page 7, line 5, by striking out "$25,000" and inserting therein, "$5,000."

On the question,

Will the House agree to the amendments?

Mr. TRONZO. Mr. Speaker and members of the House, I might say that my amendment is sort of a minor one.

The bill sets up a minimum reserve of twenty-five thousand dollars. That amount is an arbitrary amount and it is an enormous sum. There isn't any reason why that sum should not be cut down to five thousand dollars. After all, we are considering something that is new, and we certainly want these non-profit medical corporations to function in various parts of the state. If they have a minimum sum of twenty-five thousand dollars, it is going to mean that there will probably be only one or two such organizations throughout the state. Medical organizations in the cities of probably Pittsburgh and Philadelphia may be able to scrape up that amount of money, but in the rural districts of this state, you cannot get a corporation started that will be able to scrape up twenty-five housand dollars. These doctors are not going to start building any hospitals, they are not going to start buying expensive medical tools with that amount of money, they just don't need it. All that they are going to give is free medical service, and all they should receive is the amount of money that is going to be alloted to these doctors in this special set-up for this service. I feel that five thousand dollars is too much, but if we do cut this minimum to five thousand dollars why we probably will be able to get a sufficient number of these organizations started throughout the state that will be able to do some good to the people of Pennsylvania.

Mr. HINDMAN. Mr. Speaker and members of the House, my colleague from Allegheny, I don't think willingly is giving you a wrong idea as to what this reserve of twenty-five thousand dollars means. This reserve of twenty-five thousand dollars is not for the protection of the medical profession, it is for the protection of the subscribers to this organization, which is optional. It is not compulsory and those figures have been arrived at by competent actuarial experts who figure that twenty-five thousand dollars is the minimum in order to protect the subscribers to this plan.

Many of you members know of insurance companies to whom people unfortunately have been paying money for years, and when they are injured or become sick that company is irresponsible. So, I submit to you ladies and gentlemen of this House that the reason for the twenty-five thousand dollars reserve instead of the five thousand dollars reserve is for the protection of the subscribers and not for the medical men who are connected with this organization.

I submit to you that it would work a greater hardship for the group that is applying for this non-profit corporation. As far as they are selfishly concerned, it would be very much easier for them to put up a reserve of ve thousand dollars than it would be to put up a reserve of twenty-five thousand dollars. For that reason, ladies and gentlemen of this House, I request the members of this House to vote against this amendment.

Mr. HUNTLEY. Mr. Speaker, I desire to interrogate the gentleman from Washington, Mr. Hindman.

The SPEAKER. Will the gentleman from Washington permit himself to be interrogated?

Mr. HINDMAN. I will, Mr. Speaker.

Mr. HUNTLEY. Mr. Speaker, I would like to ask the gentleman from Washington, Dr. Hindman, does this association propose to be incorporated under the non-profit corporation act of this state?

Mr. HINDMAN. Mr. Speaker, it does.

Mr. HUNTLEY. Mr. Speaker, I desire to ask the gentleman what profit is allowed under that act as an incident to the business; twenty thousand dollars isn't it?

Mr. HINDMAN. Mr. Speaker, there isn't any profit whatever.

Mr. HUNTLEY. Mr. Speaker, but if an organization should make twenty thousand dollars under the act as an incident to the business, would the gentleman consider it still to be a non-profit organization; that is, a twenty thousand dollar limit?

Mr. HINDMAN. Mr. Speaker, twenty-five thousand dollars is the minimum.

Mr. HUNTLEY. Mr. Speaker, under the act, what does the act provide, the corporation act? Some of you lawyers may know.

Mr. HINDMAN. Mr. Speaker, under that act a reserve or minimum of twenty-five thousand dollars is required.

Mr. HUNTLEY. Mr. Speaker, as I understand it, that is under this bill?

Mr. HINDMAN. Yes.

Mr. HUNTLEY. But what does the non-profit corporation act allow you to make?

Mr. HINDMAN. Mr. Speaker, I would not be able to answer that.

Mr. HUNTLEY. Mr. Speaker, I was just wondering whether the act itself allows a profit. As I understand the act, the non-profit corporation act, it limits you to a certain amount, but some of these lawyers seem to think that is a mistake.

Mr. HINDMAN. I did not understand the question, Mr. Speaker.

Mr. HUNTLEY. Mr. Speaker, I understand that the act under which a corporation is organized as a non-profit association, would allow that association to make twenty thousand dollars as an incident to its business, but I am informed by some of the lawyers who are up in the matter that there is no limit?

Mr. HINDMAN. Mr. Speaker, I believe that that is correct.

Mr. HUNTLEY. Mr. Speaker, if there is no limit then it would be proper to put such a limit in this bill, is that the idea?

Mr. HINDMAN. Mr. Speaker, the minimum amount of reserve is all there is. Being a non-profit corporation it makes no difference how much money might accumulate.

Mr. HUNTLEY. Mr. Speaker, I desire to ask the gentleman from Washington how he expects to make up this twenty-five thousand dollars?

Mr. HINDMAN. Mr. Speaker, that will have to be put up either by the individuals or by a bonding company,

and that money must be in reserve before we can organize.

Mr. HUNTLEY. Mr. Speaker, I would like to ask the gentleman, where does he expect to get the money for the reserve?

Mr. HINDMAN. Mr. Speaker, I would inform the gentleman that I don't believe he understood me. I answered that previously. It would be up to the nine incorporators to furnish that money either through a bonding company or in cash.

Mr. HUNTLEY. Mr. Speaker, I was wondering whether those nine incorporators would ask for a license to sell liquor in order to make that profit, in order to make up that twenty-five thousand dollars?

The SPEAKER. The Chair rules the question out of order.

Mr. HUNTLEY. I yield to the ruling of the Chair.

Mr. TRONZO. Mr. Speaker, I desire to interrogate the gentleman from Washington, Mr. Hindman.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. HINDMAN. I will, Mr. Speaker.

Mr. TRONZO. Mr. Speaker, I desire to inquire of the gentleman from Washington, since this is a non-profit corporation, who is going to lend twenty-five thousand dollars to the corporation?

Mr. HINDMAN. Mr. Speaker, in answer to the gentleman from Allegheny, I thought I made that clear in answer to the interrogation of Mr. Huntley. It is up to the incorporators to get that money. As I stated before, they can either put it up in cash or it could be put up by a bonding company.

Mr. TRONZO. Mr. Speaker, can the gentleman from Washington name one source where he could borrow twenty-five thousand dollars for a non-profit corporation?

Mr. HINDMAN. Mr. Speaker, in case the corporators would not be able to either furnish a bond or the individuals put up this twenty-five thousand dollars in cash, the organization would not be consummated. That is absolutely a necessary part of incorporation.

Mr. TRONZO. Mr. Speaker, in other words, the gentleman from Washington states that if a non-profit corporation attempted to organize and cannot scrape up twenty-five thousand dollars, there would be no medical corporation?

Mr. HINDMAN. Mr. Speaker, under this bill that is true.

Mr. TRONZO. Mr. Speaker, a while ago the gentleman from Washington stated that the corporation would require twenty-five thousand dollars for the protection of the subscribers. Now, as I understand it, the subscribers are going to contribute to the corporation from the very beginning by paying some sort of an amount every month. All that the subscriber wants is medical service. What other protection would you give him?

Mr. HINDMAN. Mr. Speaker, no other protection, just medical care.

Mr. TRONZO. Mr. Speaker, does the gentleman mean that it takes twenty-five thousand dollars to start with in order to give the subscriber medical attention?

Mr. HINDMAN. Mr. Speaker, I made that very clear before I think. The twenty-five thousand dollars is not for the protection of the doctors, it is not for the protection of the corporation, it is for the protection of the subscribers, just the same as insurance companies are required to keep a legal reserve, so under this act a reasonable amount of at least twenty-five thousand dollars is required in order that the subscribers will be taken care of by the corporation.

Mr. TRONZO. Mr. Speaker, I wish to inquire of the gentleman from Washington whether it is not a fact that the only reason for the reserve for insurance companies is for the payment of claims?

Mr. HINDMAN. Mr. Speaker, that is certainly not the idea of this bill. I would inform the gentleman from Allegheny that it is a non-profit sharing corporation. It is not possible for the corporation to receive any financial reward out of it or declare any dividends. This reserve is merely for the protection of the subscribers. As I stated a while ago, I think all the members of this House are familiar with individuals who have gone into group insurance, only to find that when they had an opportunity to receive benefits that the company was not financially responsible. That, ladies and gentlemen of this House is the reason why this reserve is required, and I venture that the Insurance Commissioner of the state of Pennsylvania would not permit this corporation to be organized if they did not have a substantial reserve.

Mr. TRONZO. I wish to thank the gentleman from Washington.

Mr. Speaker and members of this House, the gentleman from Washington has failed to give one good reason why the minimum reserve should not be cut down to five thousand dollars. All that I have managed to get from him by my interrogation is that a minimum sum of twenty-five thousand dollars is required to protect subscribers. The subscribers do not want any dividends, all they want is medical service and that is all they are going to get. This reserve is not essential yet it is enormous. It does not make for decent progressive medical service in Pennsylvania, and my amendment to cut the reserve to five thousand dollars should be accepted.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The SPEAKER. The Chair requests the gentleman from Monroe, Mr. Achterman, to preside.

MR. ACHTERMAN IN THE CHAIR

The fourth section was read as follows:

Section 4 Said act is hereby amended by adding at the end of article five section five hundred and ten to read as follows

Section 510 Board of Directors of Nonprofit Medical Service Corporations The business of every nonprofit medical service corporation shall be managed by at least nine natural persons of full age and of either sex all of whom shall be residents of the Commonwealth and citizens of the United States provided however that a majority of said persons shall at all times be doctors of medicine

On the question,

Will the House agree to the section?

Mr. ALSPACH. Mr. Speaker, I desire to interrogate the gentleman from Washington, Mr. Hindman.

The SPEAKER. Will the gentleman from Washington permit himself to be interrogated?

Mr. HINDMAN. I shall, Mr. Speaker.

Mr. ALSPACH. Mr. Speaker, I desire to inquire of the gentleman from Washington, Dr. Hindman, whether this bill would not set up a corporation of a few select doctors who would be entitled to participate in this corporation, or this project?

Mr. HINDMAN. Mr. Speaker, in answer to the gentleman from Lancaster, I believe that is a very pertinent question, and I am quite pleased to be able to answer it by saying that any reputable physician in any county where such a corporation is formed is eligible, and that the relation of the physician to his patient remains the same as it is in private practice.

Mr. ALSPACH. Mr. Speaker, I would like to inquire of the gentleman whether the doctors who are not members of this group are entitled to participate and receive benefits therefrom?

Mr. HINDMAN. Mr. Speaker, they are.

Mr. ALSPACH. Mr. Speaker, I would like to inquire of the gentleman under what circumstances they are entitled to participate?

Mr. HINDMAN. Mr. Speaker, doctors do not become members of this group. It is really the public, the subscribers who become members, and as far as physicians are concerned, any regularly duly licensed physician in any community in the confines of the state of Pennsylvania can register and his patients can call on him just the same as they have always done.

Mr. ALSPACH. Mr. Speaker, do I understand the gentleman to say that if a patient desires medical service, the patient is a member of this group and secures this service through his own family doctor regardless of whether or not the doctor is a member of this group?

Mr. HINDMAN. Mr. Speaker, he has the option of joining this association or not joining it. He can employ the family physician just the same as heretofore.

Mr. ALSPACH. Mr. Speaker, if a patient employs his family physician, would he not have to pay his family physician out of his own pocket if his family physician were not registered with the corporation?

Mr. HINDMAN. Mr. Speaker, he would not if he were a reputable man and was registered with this corporation.

Mr. ALSPACH. Mr. Speaker, I would like to inquire whether health insurance companies who write health insurance, group insurance and the like require their members upon becoming sick to go to any particular doctor or group of doctors who are specifically sponsored by the company?

Mr. HINDMAN. Mr. Speaker, it is my impression that they do. That is the difference between many of the health insurance companies and this proposed corporation. It gives you free choice of your medical attendant.

Mr. ALSPACH. Mr. Speaker, am I to understand from the gentleman from Washington if I am insured with health insurance, that I must go to the particular doctor designated by the insurance company to receive my medical service?

Mr. HINDMAN. Mr. Speaker, that is true in many cases, but not under our act, as you understand.

Mr. ALSPACH. I am aware of that. Can the gentleman give me an illustration of any companies with which he is familiar which require that you go to any particular doctor to receive service?

Mr. HINDMAN. Mr. Speaker, I have known of such companies. I don't know that I, at the moment, can name one, but I do know that some of the insurance companies furnishing health insurance have designated physicians in the communities, just the same as they have designated physicians to make their examinations. I can give you a number of cases where insurance companies have designated medical examiners, and I think that is what they do with their health insurance.

Mr. ALSPACH. Mr. Speaker, is the gentleman not confusing industrial physicians, physicians hired by industrial plants to treat accident cases arising from work, with this present situation?

Mr. HINDMAN. Mr. Speaker, this has no connection in any way with such organizations or private companies.

Mr. ALSPACH. Mr. Speaker, I should like to further inquire whether if I chose to have a person who is a graduate of an osteopathic institution treat me could that osteopathic doctor register with this organization and treat me, or would he have to be a doctor of medicine?

Mr. HINDMAN. Mr. Speaker, this is only medical insurance.

Mr. ALSPACH. Mr. Speaker, would there be any provision under this act to allow nursing expenses to be cared for?

Mr. HINDMAN. Mr. Speaker, as I stated before in my previous talk, it will not. This is to be purely medical service.

Mr. ALSPACH. Mr. Speaker and members of the House, I would like to call your attention to what seem to be inconsistencies in Acts 685 and 686. I refer to page 4 of House Bill No. 685, Printers No. 228, where it says,

> "Medical services may be provided through any doctor of medicine registered with such corporations."

And then in bill No. 686 it says,

> "A non-profit medical service corporation shall not provide medical service for its subscribers otherwise than through a doctor of medicine."

Mr. Speaker, I desire to further interrogate the gentleman from Washington.

The SPEAKER. The gentleman will proceed.

Mr. ALSPACH. Mr. Speaker, I would like to know whether this section of bill No. 686 would not be in conflict, or seemingly in conflict with bill No. 685, which says that service shall be rendered only through doctors who have registered in this non-profit corporation.

Mr. HINDMAN. Mr. Speaker, I don't think it would be.

Mr. ALSPACH. Mr. Speaker, in reading this section of bill No. 686, I notice it says:

> "A non-profit medical service corporation shall not provide medical service for its subscribers otherwise than through a doctor of medicine."

It seems to me, Mr. Speaker, that if that is the intent of the drafters, or the intent of the sponsors of this bill, to carry out the full intent and purpose of the drafters and sponsors of these bills, this section in bill No. 686 should be amended to specifically state or otherwise than doctors of medicine registered to do business under this particular act.

It seems to me, Mr. Speaker, that there is a valid ground to question just what is meant by this act. In view of this and some other things, I would request the sponsor of this bill to let it go over for a day or so in order to iron out this thing. I do not think there need be any particular amount of undue haste, Mr. Speaker. I should like this bill to go over for a day to get it ironed out. These are rather important bills, as well as other legislation that we

have been discussing, and they should be carefully considered and compared. These two bills should be compared, placed side by side, to see that there are no discrepancies or inconsistencies. That is my reason for the request that the bill go over.

Mr. SARRAF. Mr. Speaker and members of the House, this bill has been on the second reading calendar for about fourteen days. We have gone over this bill with the osteopaths, the nursing associations, the dental associations; we have gone over all of its different aspects in the past two weeks, and the House has had plenty of time to think over the bill. I would like to comply with the request of the gentleman from the other side but in view of the length of time that has been consumed and the amount of work that has been done on this bill, and in view of the importance of this bill, I think that it should be voted upon at this time. As you well know, it is a non-profit corporation and there is no compulsion whatsoever so far as forced medical insurance is concerned. It is strictly non-profit and an optional bill, and considering the length of time it has been on the calendar and on second reading, which has been ample time for amendment, and in view of these meetings with the other groups of the healing arts, I feel this bill has been given due consideration by this House and should be passed on to the Senate.

Mr. AUKER. Mr. Speaker, I desire to interrogate the gentleman from Washington, Mr. Hindman.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. HINDMAN. I will, Mr. Speaker.

Mr. AUKER. Mr. Speaker, on page four, section 219, lines twenty-four to twenty-six inclusive:

> "Having for its purpose the establishing, maintaining and operating of a non-profit medical service plan whereby medical service may be provided to subscribers of low income shall be determined as follows."

Will the gentleman answer me, does he consider a man earning fifteen dollars a week as having a low income?

Mr. HINDMAN. I do, Mr. Speaker.

Mr. AUKER. Mr. Speaker, I would like to inquire of the gentleman, why was he not included in the bill?

Mr. HINDMAN. Mr. Speaker, because we do not feel that he can pay for it. Of course, it is optional.

Mr. AUKER. Mr. Speaker, then the bill is not designed to help wage earners in the low income class?

Mr. HINDMAN. Mr. Speaker, it is.

Mr. AUKER. Mr. Speaker, if a man earning fifteen dollars a week is in the low income class and is not included in the bill, how does the gentleman reconcile his statement?

Mr. HINDMAN. Mr. Speaker, in answer to the gentleman from Blair, the bill has a limit on wage earners of sixty dollars a week where he has a family, and thirty dollars a week for individuals.

Mr. AUKER. Mr. Speaker, can the gentleman cite me figures as to how many men in a given community today are making thirty dollars a week?

Mr. HINDMAN. Mr. Speaker, it would be impossible for me to do that. I think the gentleman from Blair should appreciate that that would be like counting the sands of the sea.

Mr. AUKER. Mr. Speaker, will the gentleman state whether it is not a matter of common knowledge that most wage-earners, or the average wage-earner in any given community today, is making less than thirty dollars a week and has a family?

Mr. HINDMAN. Mr. Speaker, I would state to the gentleman from Blair that thirty dollars a week would be the maximum for individuals. Those who are earning over thirty dollars a week would not be eligible, but those earning under thirty dollars a week are eligible.

Mr. AUKER. Mr. Speaker, may I then ask the gentleman from Washington whether a man earning fifteen dollars a week would be included in this group?

Mr. HINDMAN. Mr. Speaker, sure he would.

Mr. AUKER. Mr. Speaker, how would the gentleman reconcile his last statement with his previous statement?

Mr. HINDMAN. Mr. Speaker, I did not understand what the gentleman from Blair was getting at.

Mr. ALSPACH. Mr. Speaker, I desire to interrogate the gentleman from Washington, Mr. Hindman.

The SPEAKER. Will the gentleman from Washington permit himself to be interrogated?

Mr. HINDMAN. I will, Mr. Speaker.

Mr. ALSPACH. Mr. Speaker, I desire to know whether this bill is designed for the interest of the medical profession or whether it is designed to administer to the common people?

Mr. HINDMAN. Mr. Speaker, I am very glad indeed to answer the gentleman from Lancaster by saying that it is designed primarily for the interest of the common people.

Mr. ALSPACH. Mr. Speaker, I desire to know whether the doctor's interests are not also the interests of the common people?

Mr. HINDMAN. Mr. Speaker, I certainly would say so very fervently.

Mr. ALSPACH. Mr. Speaker, I would like to know whether nurses have the interest of the common people at heart?

Mr. HINDMAN. Mr. Speaker, unquestionably they do.

Mr. ALSPACH. Mr. Speaker, I would like to know whether the dentists have the interests of the common people at heart?

Mr. HINDMAN. Undoubtedly they have.

Mr. ALSPACH. Mr. Speaker, how about the osteopaths?

Mr. HINDMAN. Mr. Speaker, we hope that they have.

Mr. ALSPACH. Mr. Speaker, I would like to remark that there seems to be some kind of animosity between the medical profession and the osteopathic profession. I desire further to interrogate the gentleman from Washington.

The SPEAKER. The gentleman will proceed.

Mr. ALSPACH. Mr. Speaker, I am wondering whether the doctor has any information available as to how the actual medical cost of the doctors' fees and bills, compares with the general cost of sickness or convalescence or whatever it may be. For instance, what is the proportion of the doctor's bill compared to the hospital bill, to the nurse's bill and the like?

Mr. HINDMAN. Mr. Speaker, I would say generally it is the lowest. I might suggest to the gentleman that medical men are the last ones to be paid.

Mr. ALSPACH. Mr. Speaker, I would like to know, if the medical cost is the lowest, why should not some scheme be set up in which the greatest part of the cost is likewise borne for the benefit of these people?

Mr. HINDMAN. Mr. Speaker, in response to that question, I might say that there is already a hospital plan, with which I presume you are all familiar, whereby the subscriber pays three cents a day, I believe it is, and is entitled to hospitalization.

Mr. ALSPACH. Mr. Speaker, I would like to know whether the doctor is considering including hospitalization in his plans?

Mr. HINDMAN. Mr. Speaker, we have not, because as I have stated previously, this is purely a medical bill and is so intended. It may be that after the plan has been worked out, that even that could be combined with it.

MOTION TO RECOMMIT

Mr. ALSPACH. Mr. Speaker, in view of the fact that there seems to be considerable opposition to this bill, and in view of the fact that there seems to be an honest difference of opinion, I think this bill ought to be recommitted for a public hearing to find out whether there is any lack of harmony between the medical profession, the osteopathic profession, the nursing profession, the dental profession and the like. The bill should be recommitted to the Committee on Health and Sanitation for a public hearing and I so move.

On the question,

Will the House agree to the motion?

Mr. SERRILL. Mr. Speaker, and members of the House, as chairman of this Committee, I might say that this bill has been gone over pretty thoroughly in Committee. We have also been in contact with the osteopaths, dentists, and nurses, and I can't see where a hearing would be of any advantage or would give us any more light. I object to having it returned to the Committee.

Mr. ANDREWS. Mr. Speaker and members of the House, this is another one of the medical bills that has been thoroughly studied, has had the scrutiny and approval of all persons concerned and comes before this House about as clear as mud.

Mr. Speaker, I have listened to the discussion. I thought I knew something about the bill before the interrogation began, but as a result of the interrogation I find that I know very little about the bill and I haven't heard anybody on the floor who seems to be any better informed than I am. I presume the measure contains the provisions that actually protect the perseon who receives service, which is supposed to be somewhere around two dollars and a half a month, or something else. I believe since this association has a reserve this bill should also carry some definite limitation as to the amount that the person receiving the service should pay.

Therefore, I am in agreement with the gentleman from Lancaster that this bill should go back to the committee for the purpose of enabling the sponsor to find out what in fact it is all about.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I am sorry that the gentleman from Cambria did not have the opportunity of being a member of this House in the 1937 Session, for had he had that opportunity he would have then become acquainted with the hospital bill and this bill which is now before the House for consideration.

In the past ten or fifteen years the growing burden of medical cost has been one that has concerned the people of the community to a very great extent and particularly the smaller income groups. In the case of hospitalization it has been ascertained that an individual receiving a small income is not in a position to bear the exorbitant cost that he is exposed to in modern hospitals, without placing an undue burden upon the individual's income. As a result, in the 1937 session, in order to alleviate the lower or medium income group from the attendant cost of hospitalization, there was passed by this House, practically unanimously, what is known as the "three cents a day hospital plan" whereby hospitalization can be secured by the payment of three cents a day by individuals and, for various other amounts, to include the entire family. I understand that the medical profession, becoming cognizant of its social responsibilities, is attempting by this bill to some extent to carry the burden of the social cost of medicine. It is very singular that those on relief, those who are wholly unemployed and those who are entirely without funds do not need this bill nor do they need the hospitalization bill because the state-aided hospitals are so equipped that individuals who are entirely without funds receive hospitalization entirely free. This bill provides the same relief to individuals who have some money but who cannot bear the entire cost of medication or hospitalization. This bill says to the individual who has some resources, the individual who would not be susceptible to admission to a hospital as a free patient and thereby receive free medication, the individual who has a certain amount of financial backing, "You have an opportunity to join a non-profit organization whereby the social cost of medication to those in the moderate or low income groups can be socialized to the extent that that cost will be borne by the individuals who are members of the organization."

Actuarial studies have been made to determine just what is necessary to be contributed by the subscribers to this particular nonprofit organization, and those studies have indicated that it will cost approximately two dollars and fifty cents a month a member, of if the member decides to have his entire family included in the non-profit corporation, he can have that service for his entire family for approximately three dollars and fifty cents a month.

The gentleman might say, "Well, why is that not written in the bill." It was to that particular question that I think the remarks of the gentleman from Cambria were directed. That is not written in the bill for the simple reason that the rates of any insurance company are not written in any bill. The rates of insurance companies depend upon the experience that the particular risk may be exposed to, and we are indulging here in an entirely new experience. The actuarial studies, as I have stated, have indicated the necessity for the payment of a crtain rate. Nevertheless only by actual experience will they be able to determine whether or not those rates are sufficient to carry the burden that these particular non-profit organizations are going to bear.

As I understand this bill, from my reading of it, it will entitle any individual having an income of thirty dollars a week to join this particular non-profit organization. For that membership and for the payment of the dues, that individual or his family, if they are subscribers, will receive medication, which medication will be paid for by the non-profit organization out of the accumulation of subscriptions. Any individual who is a member of that non-

profit organization may select any medical practitioner of his own particular choosing.

Objection is made to the fact that the osteopaths are not included. The answer to that is this: if an individual is inclined toward the practice of osteopathy for the cure of a particular ill, the osteopaths undoubtedly should organize a non-profit organization that would apply to osteopathy.

The further question was raised, why not have the dentists included in this bill? There I can say to the membership of this House that dental organizations could not be included in the bill because there isn't any possible actuarial study that would indicate just how large an expenditure would be required to supply continual dental service to subscribers to this particular non-profit organization. Studies by the dental associations themselves have indicated that each and every individual on the average in a community requires anywhere from fifty dollars to seventy-five dollars, to a hundred dollars worth of dental work in order to put their oral cavity in the position whereby it would be brought up to normal. Bridgework and the high investment in gold required in bridgework, further complicates the situation and makes it impossible to make an actuarial study.

This bill was designed by the medical men in order to give to the people of the Commonwealth of Pennsylvania in the low income group the opportunity to prevent the hazard of sickness, and the opportunity to utilize medical men of their own choosing. No other solution is sought by this bill. No highly involved complicated system is presented to this House. It is on all fours with the system that has been established as the result of the passage of the hospitalization bill. This problem has been adequately studied and I recommend to the membership of the House its present enactment.

Mr. REUBEN E. COHEN. Mr. Speaker and members of the House, I don't believe any member of this House, after hearing what has been said about these bills, would dare to vote "no" on their passage. The bills are correct and proper bills. They were drawn so as to afford a comprehensive medical plan to the people of Pennsylvania who come under the purview of such a plan, and who would, if they so desired, be able to take advantage of it.

However, this bill has complications and I doubt if any member of this House today could give us an accurate and proper digest of what these bills mean either from an actuarial standpoint or from a social standpoint. Actuaries are really the only people that I think nobody can understand, and if any member gets on the floor and says that actuarial figures are thus and so I defy him to take these actuarial figures apart and prove them to any member of the House.

I feel also, Mr. Speaker, that if a public hearing were held on these bills by the Committee on Public Health and Sanitation that we ought to, out of respect for our own Insurance Committee, have the Insurance Committee invited to sit in and deliberate on these bills, because these bills are not only medical bills or health bills they are insurance bills and I think the Insurance Committee should at least be given the respect of being consulted and the result of their experience and their suggestions inserted, so that we may have a really comprehensive bill. If we have a real bill I will be the first to vote "aye" for it, but I can't in good conscience vote "aye" the way the bill stands today. I, therefore, support the gentleman from Lancaster, Mr. Alspach, in his motion to recommit this bill to the Committee on Public Health and Sanitation.

Mr. ANDREWS. Mr. Speaker, I desire to interrogate the gentleman from York.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, the gentleman from York used the term "medication," or "cost of medication". I would like to have the gentleman from York point out where in the bill "medication" or "cost of medication" is referred to?

Mr. HERBERT B. COHEN. Mr. Speaker, the bill applies to medical service, and of course the gentleman from Cambria realizes, and I am also taking this opportunity to reply in my answer to the question raised by the gentleman from Philadelphia, namely, that with the passage of this bill—

POINT OF ORDER

Mr. ANDREWS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. ANDREWS. Mr. Speaker, I am interrogating the gentleman from York, and the gentleman from York is proceding to reply to the gentleman from Philadelphia.

Mr. HERBERT B. COHEN. Mr. Speaker, my generosity extends further than from Cambria County to Philadelphia County, in fact I think I can answer the gentleman's interrogation by answering the problems of the entire state of Pennsylvania.

The word "medication" that I have utilized in my feeble efforts on this bill, appears in the act in the form of "medical service". The contract that will be entered into between the non-profit corporation established by this bill and the individuals who subscribe to this particular non-profit organization, is a contract that must, according to the terms of the bill, meet with the approval of the Insurance Commissioner. In all such contracts the terms will be definitely defined, the service will be definitely set forth, the problem that the gentleman from Cambria is concerned with will be definitely answered under the supervision of the Insurance Department, and the actuarial studies that by necessity must be made will be made under the supervision of our own Insurance Department.

Mr. ANDREWS. Mr. Speaker and members of the House, I think the gentleman from York has given the House a very good reason why this bill should go back to the Committee.

It contains the words "medical services", a phrase that may mean anything or nothing. It may mean service in a hospital, it may mean attention at home. He has ventured the opinion further that under the rules of the Insurance Dpartment "medical service", might be construed to mean medication, including medicine. If the Insurance Department sits in, as they suggest, it is the business of this House to give the Insurance Department a yardstick with which to measure the service which the physician is to give. I call the attention of the House to the fact that the physician isn't contributing any money. so he does not need to be interested in reserves and all that sort of thing. He is contributing service, the man on the street is contributing the money, and this bill as it is drafted does not

protect the man on the street, because it does not guarantee him anything at any price.

Mr. KANE. Mr. Speaker and members of the House, I want to thank the gentleman from York for his very able exposition of this bill. I want to say to you that when people say the doctors are not contributing anything, they are just talking nonsense, because the doctors are contributing service and time and money to a class of people who under this bill would be able to pay for it themselves, and who would do so, if we provide means. Furthermore, when any great profession is ready to come forward with a bill of their own devising to enable them to keep up with the times, thereby offering the services they have at a price which people can afford, and not wait until such time that public resentment may break the barriers and enact legislation which is obstructive in character, when that profession comes forward with a non-partisan bill of this kind, sponsored by three doctors, two of whom are Democrats and one a Republican, I believe we ought by all means to give that profession every chance to perform the service it desires to perform at a reasonable cost.

If there are other groups or other professions who feel that they would like to do the same thing, then I say to the members of the House, let them bring forward their own bill and not try to ride along on the coat tails of our hard-working doctors. By all means we should refuse to recommit this bill, we should refuse to amend it. Let us pass it here in the House of Representatives, because we have one profession with us apparently willing to be in step with the times, that has devised its own bill and has introduced it. It is up to us to pass it and give them a chance. They will be able to work out statistics for it when it has had actual experience. I think all these things can be ironed out, the difficulties can be worked out later. The doctors want this bill. Let us give them a chance to try the thing out. I, therefore, oppose the motion to recommit this bill.

Mr. BOIES. Mr. Speaker and members of the House, as a member of one of the other professions to which reference has ben made, I rise to support the bill offered by the medical profession.

As a member of the dental profession, I do not feel that we as dentists have to ride on anybody's coat tails. The gentleman from McKean says there is some opposition to the bill from the other professions. I wish to state to the members of the House, that the gentleman from Philadelphia, Mr. McGarrity, and myself, are co-sponsors of two bills which include all of the healing arts professions in a plan similar to this. Personally, I want every profession to stand on its own feet and if, as has been stated, the various professions were trying to attach themselves to this bill, we would certainly have protested against the bill before this time. I feel that if the medical profession is going to give the people of Pennsylvania a service and they do not wish to unite with the rest of the healing arts professions, then they are entitled to their own bill and their own service. I as a member of the dental profession wish to give them that right and we in turn will try to pass the bill which will give us a similar right.

I therefore ask the members of the House to support the medical bill.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the noes appeared to have it,

Whereupon, a division was called for, twenty-eight members having voted in the affirmative and one hundred twenty in the negative the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The fifth and sixth sections and title were separately read and agreed to as follows:

Section 5 Said act is hereby amended by adding at the end of Article ten section ten hundred and five to read as follows

Section 1005 Dissolution No nonprofit medical service corporation subject to the provisions of this act shall be dissolved in the manner provided by law except with the prior approval of the Insurance Department No Court of Common Pleas shall enter a degree dissolving such a corporation unless and until a certificate of approval by the Insurance Department is filed with such court Any dissolution or liquidation of a corporation subject to the provisions of this act shall be under the supervision of the Insurance Commissioner who shall have all powers with respect thereto granted to him under existing laws governing the dissolution or liquidation of insurance companies

Section 6 The provisions of this act shall become effective immediately upon its final enactment

An Act to further amend the act, approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, two hundred and eighty-nine), entitled "An act relating to non-profit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds and certain State repartments, commissions and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by providing for and regulating the incorporation of nonprofit medical service corporations organized to provide medical services for subscribers of low income and their dependents; conferring powers on the Department of Health and the Insurance Department with respect thereto; further prescribing the conditions on which such corporations may exercise their powers; providing for the dissolution of nonprofit medical service corporations by and under the supervision of the Insurance Commissioner; and further defining the scope of the Act.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Monroe, Mr. Achterman.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 686, entitled:

An Act providing for the regulation and supervision of nonprofit medical service corporations organized to provide medical services to subscribers of low income by the Department of Health and the Insurance Department and defining the functions of such departments with respect thereto authorizing certain departments commissions officers and other agencies of the State and

its political subdivisions to subscribe under certain circumstances to the medical service plan of such corporations on behalf of persons of low income prescribing legal investments for the funds of such corporations and the rights of doctors of medicine to register with such corporations conferring authority on the Department of Health and on the Insurance Commissioner each within its own sphere of lawful activity to regulate and supervise such corporations conferring certain rights powers duties and immunities upon such corporations and their officers and members prescribing the conditions on which such corporations may exercise their powers exempting such corporations from taxation prohibiting any person copartnership association Common Law Trust or corporation except a nonprofit medical service corporation from providing medical services on a nonprofit plan in return for prepayment periodical or lump sum payments providing penalties for the violation of and mandatory and injunctive relief for the enforcement of the provisions of this act

The first to the eighth sections inclusive were separately read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This act shall be known and may be cited as the "Nonprofit Medical Service Corporation Act"

Section 2 Declaration of Necessity It is hereby declared that adequate medical services are essential for the maintenance of the physical and mental health of the residents of the Commonwealth and that it is necessary that provision be made for adequate medical services to persons of low income who are unable to provide such services for themselves or their dependents without depriving themselves or their dependents of such necessaries of life as food clothing and shelter while maintaining the standing and promoting the progress of the science and art of medicine in this State

Section 3 Definitions For the purpose of this act the terms stated below have the meanings assigned to them respectively unless the context otherwise requires

"Nonprofit medical service corporation" means a corporation organized and operated under the provisions of the "Nonprofit Corporation Law" approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-nine) and its amendments

"Income" means net income from gains profits and net income derived from professions vocations trades businesses commerce or sales or dealings in property whether real or personal growing out of the ownership or use of or interest in such property also from interest rent dividends securities or the transaction of any business carried on for gain or profit or gains or profits and income derived from any source whatever and income derived from salaries wages or compensation for personal service of whatever kind and in whatever form paid

"Low income" means income as set forth in Section 9 hereof

"Subscribers of low income" means persons of low income who subscribe to a nonprofit medical service corporation plan

"Medical services" means the general and usual services rendered and care administered by doctors of medicine

"Court" means the Court of Common Pleas of the county where the principal office of the Nonprofit Medical Corporation is or is to be located

"Person with dependents" means any person who furnishes other persons with their chief support whether or not such dependent person is related to or living with him

Section 4 Unauthorized Nonprofit Medical Service For Prepayment Periodical or Lump Sum Payments Forbidden It shall be unlawful for any person copartnership association Common Law Trust or corporation except when especially organized hereunder for the purpose to establish maintain or operate a nonprofit medical service plan whereby medical services may be provided to persons of low income as herein defined for prepayment periodical or lump sum payments but this shall not be construed as preventing a person copartnership association common law trust or corporation from furnishing medical services for the prevention of disease among its or his employees or from furnishing such medical services as is required under the Workmen's Compensation Act and related legislation when the employee is not charged for such service nor shall any provision in this act be construed to apply to beneficial benevolent fraternal and fraternal benefit societies having a lodge system and a representative form of government

Section 5 Regulation and Supervision A nonprofit medical service corporation shall be subject to regulation and supervision by the Department of Health and the Insurance Department as provided for by this act It shall not be subject to the laws of this State now in force relating to insurance and corporations engaged in the business of insurance other than this law nor to any law hereafter enacted relating to insurance and corporations engaged in the business of insurance unless such law specifically and in exact terms applies to such nonprofit medical service corporations

Section 6 Reserves to be Maintained A nonprofit medical service corporation shall at all times while engaged in business maintain reserves in such form and amount as the Insurance Commissioner may determine to insure its subscribers against loss through the failure of the corporation to furnish the services agreed to in its contracts

Section 7 Scope of Service (a) A nonprofit medical service corporation shall by its articles of incorporation or its by-laws and with the approval of the Court define the limits of the area in which it will operate and the court shall be guided solely by public necessity and public interest and welfare in approving or disapproving the articles of incorporation.

(b) A nonprofit medical service corporation may by its articles of incorporation or by its by-laws limit the medical services that it will secure for its subscribers and may divide such medical services as it elects to furnish into classes or kinds and it may enter into contracts with its subscribers or groups of subscribers to secure medical services of any kind or class so named and delimited

(c) A nonprofit medical service corporation shall not provide medical services for its subscribers otherwise than through doctors of medicine

(d) A nonprofit medical service corporation shall provide medical services only to persons domiciled within the State But if a subscriber regularly domiciled within the State and entitled to medical services or any of his dependents so entitled necessarily employs medical services within the meaning of this act while absent from the State a medical service corporation to which he is a subscriber may in its discretion and if satisfied as to the necessity for such services and satisfied that it was such as the subscriber would have been entitled to under similar circumstances in this State pay to the physicians who rendered the services such fees and charges as would have been payable if the services had been rendered in this State Provided however that a nonprofit medical service corporation organized under the laws of this State and operating near its boundaries may with the consent of the proper officers of and as authorized by the law of the adjacent State provide medical services therein but all operations of any such corporation whether within or without this State shall remain at all times subject to the provisions of this act

(e) All medical services provided by or on behalf of a nonprofit medical service corporation shall be in accordance with the best medical practice in the community at the time but the corporation providing such services shall not be liable for injuries resulting from negligence misfeasance malfeasance non-feasance or malpractice on the part of any officer or employee or on the part of any doctor of medicine in the course of rendering medical services to subscribers under contract or agreement with the corporation and the corporation may so provide in its contracts with subscribers

Section 8 Rights of Doctors of Medicine etc (a) Every doctor of medicine practicing within the area covered by any nonprofit medical service corporation shall have the

right on complying with such regulations as the corporation may make with the approval of the Department of Health to register with such corporation for general or special medical services as the case may be within that area but the corporation may with the approval of the Department of Health refuse to place the name of any doctor of medicine on its register Any nonprofit medical service corporation may with the approval of the Department of Health remove from its register the name of any doctor of medicine after due notice and hearing for cause satisfactory to the corporation

(b) A nonprofit medical service corporation shall impose no restrictions on the doctors of medicine who administer to its subscribers as to methods of diagnosis or treatment except such restrictions as are recognized in the community at the time by the medical profession and in accordance with good medical practice The relation between a subscriber or any of his dependents and the doctor of medicine shall be identical with the relation that ordinarily exists in the community between a physician and his patient No third person shall be permitted to interfere with a patient's choice or selection of his physician after that choice or selection has been made by an adult of sound mind

(c) All medical phases of the activities of doctors of medicine involved in the medical service furnished by a medical service corporation shall be under the direction and control of doctors of medicine

The ninth section was read as follows:

Section 9 Determination of Income Status Rights of Persons of Low Income (a) The following shall be a person or persons of low income eligible for the benefits of and under this Act

(1) In the case of persons without dependents

Any person in receipt of an income for the preceding twenty-five weeks averaging not more than Thirty Dollars weekly

(2) In the case of persons with one dependent

Any person in receipt of an income that together with the income of the dependent averaged during the preceding twenty-five weeks not more than Forty-five Dollars weekly

(3) In the case of persons with more than one dependent

Any person in receipt of a nincome that together with the incomes of all his income earning dependents averaged during the preceding twenty-five weeks not more than Sixty Dollars weekly

(b) The nonprofit medical service corporation shall determine whether an applicant for subscription is in receipt of a low income within the meaning of this act and after the application has been approved the subscriber shall be deemed to be of low income until it has been re-determined by the corporation which re-determination may be made at any time

(c) The nonprofit medical service corporation in determining the income status of any person may through its officers and agents examine under oath any applicant claiming a low income status and any other person consenting thereto who is believed to have material knowledge concerning the status of the applicant Its determination shall be final

(d) Every person of low income residing in the area served by a nonprofit medical service corporation shall be entitled upon complying with regulations adopted by that corporation with the approval of the Department of Health and the payment of such initiation and other fees as authorized by the Insurance Department to the services of any doctor of medicine registered with the corporation under such terms and conditions as are customary in medical services in the community but only within the limits of services for which such doctors of medicine are registered provided however that a nonprofit medical service corproation may for cause with the approval of the Department of Health refuse to enter into contractural relations with an applicant and may for cause after due notice and hearing rescind any contract that it has entered into with any subscriber and refund any unearned portion of any fees paid and may on default in payment of the agreed dues fees payments or any charges by subscriber or someone on his behalf discontinue service without notice and hearing after having notified a subscriber of his default and having allowed him two days to procure such services

(e) No contract by or on behalf of any nonprofit medical service corporation shall provide for the payment of any cash or other material benefit by that corporation to a subscriber on account of illness or injury nor be in any way related to the payment of any such benefit by any other agency

On the question,

Will the House agree to the section?

Mr. TRONZO. Mr. Speaker I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 9, page 10, lines 6 to 11, by striking out all the words in said lines

On the question,

Will the House agree to the amendment?

Mr. TRONZO. Mr. Speaker and members of the House, in going over this measure, I was absolutely surprised when I found that there was a section on page ten that does not belong in this bill. I am going to read it to you again, and please try to digest the meaning of these words:

> "(e) No contract by or on behalf of any nonprofit medical service corporation shall provide for the payment of any cash or other material benefit by that corporation to a subscriber on account of illness or injury nor be in any way related to the payment of any such benefit by any other agency."

As far as I can see this subsection does not belong in the bill and is actually no part of the measure. Surely a non-profit corporation is well enough regulated now through other sections of this bill. We will have the Insurance Department down on the neck of the nonprofit corporation along with the Health Department. This section will so tighten the grip on this non-profit corporation that they will barely be able to breathe.

There is a certain sort of set-up that I would like to see in the state under this measure. I would like to see a series of non-profit medical corporations set up and I know that in some sections of the state you would get a conservative corporation that would include the general line in the practice of medicine, and in other sections of the state you would get a progressive corporation that would probably want to sprout out, progress with the times and actually spend all of their time in an effort to do something for the masses of our people who are in need of medical attention. With this section in this bill they will not be able to do that. The medical association of the State of Pennsylvania will keep a throttle hold on every non-profit corporation that will sprout into existence and I do not believe that is fair. For that reason this section should be eliminated from the bill.

Mr. HINDMAN. Mr. Speaker and members of the House, briefly in answer to the statement of the gentleman from Allegheny, Mr. Tronzo, I would say that if we were to incorporate the amendment he suggests it would absolutely kill the purpose of this bill. We have repeatedly insisted that all we hope to do in this bill, is to provide medical care. Therefore I ask the members of this House to vote this amendment down.

On the question recurring,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The tenth section was read as follows:

Section 10 Limitation of Subscriber's Contract A nonprofit medical service corporation may as a condition precedent to entering into a contract with an applicant or group of applicants for medical service

(a) require a physical examination of the applicant and of each of his dependents if any and proof of his or their substantial freedom from any disease or condition requiring immediate medical service or likely to require it within the next twelve (12) months before a contract becomes effective or

(b) require a waiting period after a contract is entered into and before the subscriber is entitled to medical service or

(c) require that the subscriber or someone on his behalf shall pay the stated fee or fees for medical services in the case of any given illness or injury or other condition requiring medical service before becoming entitled to treatment under the terms of the contract

On the question?

Will the House agree to the section?

Mr. TRONZO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 10, page 10, lines 20 and 21, by striking out the words "or likely to require it within the next twelve (12) months"

Amend sec. 10, page 10, line 22, by inserting after the word "period" the following "of not more than seven days"

On the question,

Will the House agree to the amendments?

Mr. TRONZO. Mr. Speaker and members of the House, kindly note that in section 10, under the heading "Limitation of Subscriber's Contract" it reads:

> "A nonprofit medical service corporation may as a condition precedent to entering into a contract with an applicant or group of applicants for medical service, (a) require a physical examination of the applicant and of each of his dependents if any, and proof of his or their substantial freedom from any disease or condition requiring immediate medical service,"—and note this "or likely to require it within the next twelve months."

Just imagine "likely to require medical service within the next twelve months." Would you not think that that was much too much time? Don't the physicians want to take any chance whatsoever with the people that are medically in need? I think that time should be deleted from the bill. It certainly has no merit and cannot stand on its own feet. If the doctors claim that they are out for humanity sake, for the sake of humanity they should not have this section in the bill at all.

Mr. HINDMAN. Mr. Speaker and members of the House, in reply to the gentleman from Allegheny, I would just say to the members of this House that if we were to do as Mr. Tronzo suggests in this amendment we would establish the precedent of an individual having his house insured while it was on fire. There is no intention to take advantage in any way of these individuals. I submit to the members of the House, you know the medical profession well enough to know that that is not their way of doing things, but, ladies and gentlemen, the insurance actuaries insist on something that has a semblance of ordinary procedure which must be carried out. That does not mean that an individual who has an acute ailment will not be taken care of, but it does mean that an individual who has chronic tuberculosis, an individual who has any number of chronic diseases such as cancer or a number of other diseases that I could mention, they are not eligible for this insurance.

I submit to you, ladies and gentleman of the House, it is not a matter that concerns the medical profession particularly, but it concerns the fundamentals of insurance that the actuaries have worked out.

On the question recurring,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to this section?

It was agreed to.

The eleventh to the twenty-first sections inclusive and title were separately read and agreed to as follows:

Section 11 Relief Officers May Subscribe for Service Every department commission officer and other agency of the State or of any political sub-division thereof who is charged by law with the duty of providing medical services within the meaning of this act for persons unable to provide it at their own expense or to procure it through persons to whose support and assistance they are by law entitled is hereby empowered in the exercise of his authority to provide such service if in his judgment it is in the public interest so to do through a subscription or subscriptions paid for from any lawfully available public funds with any nonprofit medical service corporation on behalf of any person or persons entitled to such relief

Section 12 Contracts Subject to Supervision of Insurance Department All rates charged subscribers or groups of subscribers by any nonprofit medical service corporation and the form and content of all contracts between any such corporation and its subscribers or groups of subscribers all methods and rates of payment by such corporation to doctors of medicine serving its subscribers all acquisition costs in connection with the procuring of subscribers the reserves to be maintained by such corporation and all contracts other than those with subscribers entered into by any such corporation and extending over a period of more than twelve (12) months or calling for the expenditure by the corporation of any amount in excess of twenty (20) per cent of its reserves shall be approved by the Insurance Department before they become effective

Application for such approval shall be made to the Insurance Department in such form and shall contain such information as the department requires Within thirty (30) days after the filing of such application the Department shall notify the applicant in writing whether the application has been approved or rejected by notice served on the president secretary or some other responsible officer of the corporation or addressed to the corporation at its principal place of business by registered mail with return receipt requested Within thirty days after the receipt of a notice rejecting any such application the corporation may petition the Court for a rule to show cause why the action of the Department should not be set aside and the application approved The Court is hereby given jurisdiction and authority to entertain and determine any such proceeding

Section 13 Financial Report Every nonprofit medical service corporation shall on or before the first day of March of every year file with the Insurance Department a statement verified by at least two of the principal officers of the corporation summarizing its financial activities during the calendar year immediately preceding and showing its financial condition at the close of business on

the thirty-first day of December of that year Such statement shall be in such form and shall contain such matter as the Insurance Department prescribes The financial affairs and status of every such corporation shall be examined by the Insurance Commissioner and his agents not less frequently than once in every three years and for that purpose the Insurance Commissioner and his agents shall be entitled to the aid and cooperation of the officers and employes of the corporation and shall have convenient access to all books records papers and documents that relate to the business of the corporation They shall have authority to examine the officers agents employes and subscribers for the medical services of the corporation and all cooperating doctors of medicine registered with the corporation and all other persons having or having had substantial interest in the work of the corporation in relation of its affairs transactions and financial condition Such examinations shall be made at such times and with such frequency as the Insurance Commissioner may determine The Insurance Commissioner may at any time without making such examination call on any such corporation for a written report authenticated by at least two of its principal officers concerning the financial affairs and status of the corporation

Section 14 Investment Any law to the contrary notwithstanding funds of any nonprofit medical service corporation equal to its reserves shall be invested in compliance with the requirements of law for the investment of the capital reserves of life insurance companies The funds of any such corporation equal to its surplus shall be invested in compliance with the requirements of law for the investment of the surplus life insurance companies

Section 15 Exemption from Taxation Every nonprofit medical service corporation is hereby declared to be a charitable and benevolent institution and all its income funds investments and property shall be exempt from all taxation of the State or its political subdivisions

Section 16 Medical Service Report Every nonprofit medical service corproation shall on or before the first day of March of every year file with the Department of Health a report of its activities other than its financial activities during the calendar year immediately preceding Every such report shall be authenticated by at least two of the principal officers of the corporation and shall be in such form and contain such matter as the Department of Health prescribes The Department of Health is hereby authorized to regulate and supervise the activities of nonprofit medical service corporations and to that end the Secretary of Health and his agents shall be entitled to the aid and cooperation of the officers and employees of the corporation and shall have convenient access to all books records papers and documents that relate to the business of the corporation They shall have authority to examine the officers agents employees and subscribers for the service of the corporation and all doctors of medicine registered with the corporation and all other persons having or having had substantial interest in the work of the corporation in relation to the affairs transactions and condition of the corporation other than financial Examinations may be made at such times and with such frequency as the Secretary of Health may determine The Secretary of Health may at any time without making any such examination call on any such corporation for a written report authenticated by at least two of its principal officers concerning the affairs of the corporation other than its financial affairs

Section 17 Penalties Any person partnership association common law trust or corporation that violates any provision of this act or of any order of the Department of Health or of the Insurance Department made pursuant thereto any person who hinders or prevents the Department of Health or the Insurance Department in the discharge of any duty imposed on it by this act any person who fraudulently procures or attempts to procure any benefit under this act and any person who wilfully makes any false statement in any proceeding or report under the provisions of this act shall be guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000) or to be imprisoned for not more than six (6) months or both in the discretion of the court Any act or default by any corporation association or common law trust in violation of any provisions of the act or of any order of the Department made pursuant thereto shall be deemed to be the act or default of its officers or directors who participated in authorizing or effecting such act or default or who knowingly permitted it

Section 18 Enforcement When necessary to effect the purposes of this act in addition to all other remedies in law or equity the Insurance Commissioner and the Secretary of Health either or both of them may be and are hereby authorized to petition the Court for a mandamus or injunction to prevent any violation of the provisions of this act or the continuance of any such violation or to enforce compliance herewith The court is hereby vested with authority to entertain jurisdiction on any such petition to determine the cause and to issue such process as may be necessary to accomplish the purposes of this act

Section 19 Constitutional Construction and Severability It is hereby declared to be the purpose and intent of this act and the policy of the legislature to authorize qualified persons to provide adequate medical services for residents of this State who are unable to provide such services for themselves or their dependents at their own cost without depriving themselves or their dependents of such necessaries of life as food clothing and shelter At the same time it is the purpose and intent of this act and the policy of the legislature to maintain the standing and promote the progress of the science and art of medicine in this State The courts of this State are hereby directed to construe this act liberally in order to accomplish those ends

The provisions of this act shall be severable and if any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 20 Limitation Nothing in this act shall be construed so as to modify vary or repeal any law now in force relating to the practice of medicine and surgery excepting only as they are inconsistent with the provisions of this act relating to Nonprofit Medical Service Corporations

Section 21 Effective Date This act shall take effect immediately upon final enactment

An Act providing for the regulation and supervision of nonprofit medical service corporations organized to provide medical services to subscribers of low income by the Department of Health and the Insurance Department and defining the functions of such departments with respect thereto; authorizing certain departments, commissions, officers and other agencies of the State and its political subdivisions to subscribe under certain circumstances to the medical service plan of such corporations on behalf of persons of low income; prescribing legal investments for the funds of such corporations, and the rights of doctors of medicine to register with such corporations; conferring authority on the Department of Health and on the Insurance Commissioner each within its own sphere of lawful activity to regulate and supervise such corporations; conferring certain rights, powers, duties and immunities upon such corporations and their officers and members; prescribing the conditions on which such corporations may exercise their powers; exempting such corporations from taxation; prohibiting any person, copartnership, association, Common Law Trust or corporation except a nonprofit medical service corporation from providing medical services on a nonprofit plan in return for prepayment, periodical or lump sum payments; providing penalties for the violation of and mandatory and injunctive relief for, the enforcement of the provisions of this act.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1117, as follows:

An Act to further amend section three hundred twenty-one of the act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by redefining deductions in case of reinsurance

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred twenty-one of the act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as last amended by the act approved the thirty-first day of May one thousand nine hundred thirty-three (Pamphlet Laws one thousand ninety-four) is hereby further amended to read as follows

Section 321 Additional annual reports from foreign companies and associations Every stock or mutual insurance company association or exchange of another State or foreign government authorized to do business in this Commonwealth shall make report to the Insurance Commissioner on or before March first of each year under oath of its president secretary or attorney showing the gross premiums of every character and description received from business transacted in the Commonwealth during the year or fraction of year ending with the thirty-first day of December preceding whether said premiums were received in money or in the form of notes credits or any other substitutes for money or whether the same were collected in this Commonwealth or elsewhere and to pay into the State Treasury the requisite tax upon all such premiums Such companies associations and exchanges in making such report may deduct from the gross premiums received all premiums returned on policies canceled or not taken and all premiums actually [paid] received for reinsurances [where the same are effected in companies duly licensed to do business in this Commonwealth by cantracts or agreements entered into or executed by all parties thereto within this Commonwealth Provided however That such contracts or agreements with respect to marine or transportation insurance need not be made within this Commonwealth If such contract or agreement is not entered into or executed by all parties thereto within this Commonwealth such company association or exchange in reporting for taxation may not deduct such premiums so paid unless the tax thereon is paid when due by the company in which such reinsurance is effected] Stock companies with participating features in addition to the aforesaid deductions may deduct that portion of the premiums returned to the policyholders Life insurance companies may deduct dividends declared and actually used by policyholders in payment of renewal premiums and mutual companies associations and exchanges may deduct that proportion of the advance premium or deposit returned to members upon the expiration or termination of their contracts "Gross premiums" are defined to be the amount of dues fees and premiums stated in the policy contracts

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 979, entitled:

An Act defining the rights powers and duties of collectors of county taxes except in counties of the second class and counties having local or special laws relating thereto and of collectors of borough town township school district and institution district taxes prescribing the liability of taxables and others for the payment of such taxes and the right of the collectors and taxing authorities to institute suit therefor and imposing penalties

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Powers and Authority of Tax Collectors (a) Every collector of county taxes except in counties of the second class and in other counties having local or special laws and every collector of borough town township school district and institution district taxes shall have power in case of the neglect or refusal of any person co-partnership association or corporation to make payment of the amount of any tax due by him her them or it within thirty (30) days from the time of demand for payment to levy the amount of such tax and costs not exceeding costs and charges allowed constables for similiar services by distress and sale of the goods and chattels of such delinquent or of the goods and chattels of the husband of such delinquent wherever situate or found upon giving at least ten (10) days' public notice of such sale by posting ten (10) written or printed notices or one advertisement in a newspaper of general circulation published in the county

(b) The collector of such taxes shall have power to demand receive and collect from any person firm or corporation occupying any real estate any and all taxes assessed against such real estate during his or its possession or occupancy and the goods and chattels of any such person firm or corporation shall be liable to distress and sale for the non-payment of any such taxes in like manner as if they were the goods and chattels of the owner of such real estate

(c) The collector of such taxes shall have the power to demand receive and collect from all corporations political subdivisions and their various departments associations companies banks trust companies firms or individuals employing persons or the husbands of any persons owing taxes or having in possession moneys belonging to any person or persons or the husband of any person owing taxes upon the presentation of a written notice and demand containing the name or names of the taxable or taxables or the husband thereof and the amounts respectively due Upon the presentation of such written notice and demand it shall be the duty of any such corporation political subidivision or its various departments associations company bank trust company firm or individual to deduct from the wages or earnings of such individual employe or employes then owing or whose wife is owing or that shall within sixty (60) days thereafter become due or from the moneys of any such taxable or the husband thereof in its or his possession or that shall thereafter within sixty (60) days thereafter come into its or his possession a sum sufficient to pay the respective amount of taxes and costs shown upon the said written notice or demand and to pay the same to the tax collector of the taxing district in which such delinquent taxable resides within sixty (60) days after such notice shall have been given provided however such corporation political subdivision their various departments associations banks trust companies firms or individuals shall be entitled to deduct from the moneys collected from such employe the costs incurred from the extra book-keeping necessary to record such transactions not however to exceed two per centum of the amount of money so collected and paid

over to the tax collector and upon the failure of any such corporation political subdivision association company bank trust company firm or individual to deduct the amount of such taxes and to pay the same over to the tax collector Less the cost of bookkeeping involved in such transaction as herein provided within the time specified as aforesaid such corporation political subdivision association company bank trust company firm or individual shall forfeit and pay the amount of such tax for each and every such taxable whose taxes are not withheld and paid over together with a penalty of ten per centum (10%) thereto to be recovered by an action of assumpsit in a suit to be instituted by the collector of taxes or by the taxing authorities of the district as debts of like amount are now by law recoverable except that such persons shall not have the benefit of any stay of execution or exemption law

On the question,

Will the House agree to the section?

Mr. WATKINS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the clerk as follows:

Amend Section 1, on page 2, by striking out of line 13, after the word "notices," the word "or" and inserting in lieu thereof, the words "and by".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second to the seventh sections inclusive and title were separately read and agreed to as follows:

Section 2 Collection by Suit by the Collector of Taxes and by the Taxing Authorities (a) Each such collector of taxes may institute a suit in assumpsit against a delinquent taxable or against the husband of a delinquent taxable for the collection of any real estate taxes due and unpaid after the fifteenth day of May of the year following the year in which the taxes were levied and assessed if (1) the property against which such taxes were levied has not been returned to the county commissioners and (2) such taxes have not been certified for entry of liens and (3) such taxes are not held in the custody of a court as herein provided Execution may be had upon any such judgment recovered without any stay or benefit of any exemption law

(b) In addition to all other remedies provided by this act each taxing district shall have power to collect unpaid taxes from the persons owing such taxes or from the husband of such persons by suit in assumpsit or other appropriate remedies To each judgment obtained for such taxes there shall be added a penalty of ten per centum (10%) together with costs of suit Upon each such judgment execution may be issued without any stay or benefit of any exemption law The right of each such taxing unit to collect unpaid taxes under the provisions of this subsection shall not be affected by the fact that such taxes have been entered as liens in the office of the prothonotary or the fact that the property against which they were levied has been returned to the county commissioners

Section 3 Deputy Collectors Each such collector of taxes elected or appointed may with approval of the respective taxing districts and surety deputize in writing one or more suitable deputy tax collectors who when so deputized shall be authorized to receive and collect any or all of the taxes in like manner and with like authority as the collector of taxes appointing them Provided That any such collector of taxes appointing any deputy collector shall be responsible for and account to the taxing authorities for all taxes received or collected by said deputy

Section 4 Defaulting Tax Collectors Embezzlement Penalty If any person charged with the collection safekeeping or transfer of any such county township school city borough town or institution district taxes under any law or laws of this Commonwealth shall convert or appropriate the moneys so collected or any part thereof to his own use in any way whatever or shall use by the way of investment in any kind of property or merchandise any portion of the money so collected by him from such tax or taxes and shall prove a defaulter or fail to pay over the same or any part thereof at the time or times and place or places required by law to the person or persons legally authorized to demand and receive the same every such act shall be deemed and adjudged to be an embezzlement of so much of said money as shall be thus taken converted appropriated embezzled invested used or unaccounted for and is hereby declared a misdemeanor and every such collector of taxes and every person or persons whomsoever aiding or abetting or being in any way accessory to such act and being thereof convicted shall be sentenced to undergo imprisonment not exceeding five (5) years or to pay a fine not exceeding five thousand dollars ($5,000) or both at the discretion of the court

Section 5 Scope of Act Nothing contained in this act shall be construed as repealing or changing the existing laws providing for the return of seated real estate to the county commissioners for the collection of delinquent taxes nor the laws relating to the filing and collection of tax claims in and through the office of the prothonotary

Section 6 Repeal So much of all general acts heretofore passed as are inconsistent herewith are hereby repealed but this act shall not apply to any county taxes the collection of which is regulated by a local law or county taxes in counties of the second class

Section 7 Effective date This act shall become effective immediately upon final enactment

An Act defining the rights, powers and duties of collectors of county taxes except in counties of the second class and counties having local or special laws relating thereto, and of collectors of borough, town, township, school district and institution district taxes; prescribing the liability of taxables and others for the payment of such taxes; and the right of the collectors and taxing authorities to institute suit therefor; and imposing penalties.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 596, as follows:

An Act authorizing the annexation to an adjacent borough of a part of a township of the first class situate in the same county not exceeding one hundred (100) acres in area which is situate within the watershed of and drains into the borough and regulating the procedure pertaining thereto and providing for the adjustment and apportionment of the assets and liabilities of said townships

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Hereafter any borough may by ordinance annex a part of an adjacent township of the first class situate in the same county the area of which does not exceed one hundred (100) acres and which is situate within the watershed of and drains into such adjacent borough upon petition signed by a majority of the freeholders and by the owners of three-fourths of the assessed valuation of real estate of the territory proposed to be annexed

Section 2 Notice of the intended application shall be given to the burgess and council of the annexing borough and to the commissioners or supervisors of the township in which the petitioners reside Notice of such application shall also be given in two daily newspapers of general circulation in the county in which the annexing borough

is situate at least once a week for three successive weeks immediately preceding the presentation of the petition

Section 3 The petition shall be signed by a majority of the freeholders and by the owners of three-fourths of the assessed valuation of the real estate of the territory proposed to be annexed The petition shall set forth a description of the territory to be annexed and be accompanied by a plot showing the courses and distances of the boundaries of the annexing borough before and after the proposed annexation

Section 4 A certified copy of the ordinance together with a description and a plot showing the courses and distances of the boundaries of the annexing borough before and after such proposed annexation shall be filed in the Court of Quarter Sessions of the county in which such borough is located A notice of such filing shall also be filed in the Office of the County Commissioners of the county in which said annexing borough is located Thereupon the territory proposed to be annexed shall be a part of the borough except when any ordinance or plot is filed in the office of the Clerk of the Court of Quarter Sessions within two months immediately preceding a general municipal or primary election in which case the property proposed to be annexed shall not become a part of the borough until the day succeeding such election

Section 5 Where a part of any township of the first class is annexed by a borough the township officers and the council of the annexing borough shall make a just and proper adjustment and apportionment of the assets and liabilities of said township When making such adjustment and apportionment the annexing borough shall share in a division of the assets and indebtedness of the township in the same proportion that the last preceding assessed valuation of the territory annexed bears to the total last preceding valuation of the entire township The adjustment and apportionment as made shall be reduced to writing in proper form and be duly executed and acknowledged by the proper officers of said township and annexing borough and be filed in the office of the Clerk of the Court of Quarter Sessions of the county in which said borough is located

Section 6 In the event the council of the annexing borough and said township authorities cannot make such amicable adjustment of the assets and liabilities of the township in compliance with this act within sixty days after such annexation then the council of said borough or a proper officer of the township may present a petition to the Court of Quarter Sessions of the county in which the annexing borough is located whereupon the Court shall appoint three disinterested commissioners residents and taxpayers of the county in which the borough is situate not residing in the borough nor in the township who after hearing notice of which shall be given to the borough and township interested as the Court shall direct shall make report to the Court making an apportionment and adjustment between the township and the borough of all the assets and liabilities of the township said report to state the amount if any that shall be due and payable by the borough to the township or by the township to the borough as well as the amount of indebtedness if any that shall be assumed by the borough or by the township or by both of them

Section 7 The commissioners shall give the borough and the township at least five days' notice of the filing of their report and unless exceptions are filed thereto by the borough or by the township within thirty days after filing thereof the same shall be confirmed by the court absolutely and any sum awarded by said report to the borough or township charged therewith and the amount of debt if any apportioned to any borough or township shall be a legal and valid claim against such borough or township charged therewith any property real or personal given and adjudged to the borough or the township shall become and be the property of the borough or the township to whichever one the same is given and adjudged and upon such report being confirmed such claim or indebtedness charged against any borough or against any township may be collected in the same manner as a judgment is collected against any borough or township Such commissioners shall be allowed five dollars per day for each day actually spent by them in the performance of their duties together with their acutal necessary expenses All costs and expenses of such proceedings shall be apportioned by the Court to and between the borough and the township as it shall deem proper

In case exceptions are filed to the report of such commissioners the Court shall dispose of the same taking testimony therein if deemed advisable and the decision of the Court thereon shall be final and binding on the borough and township unless an appeal is taken within thirty days to the Superior or Supreme Court as in other cases

Section 8 The following Acts and parts of Acts and their amendments are hereby repealed so far as they relate to the annexation by an adjacent borough of a part of a township of the first class located in the same county and not exceeding one hundred (100) acres in area that is situate within the watershed of and drains into said borough

The Act approved the second day of July one thousand nine hundred thirty-seven (Pamphlet Laws Two thousand eight hundred three) entitled "An act providing a method of annexation of townships of the first class and parts thereof to cities and boroughs and regulating the proceedings pertaining thereto"

The Act approved the thirteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws six hundred twenty) entitled "An act requiring the consent of the electors of a township of the first class when such township or any part thereof is to be annexed to a contiguous borough or city"

All other acts or parts of acts inconsistent with this act are hereby repealed

Section 9 This Act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 860, as follows:

An Act to amend sections nine and fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended further regulating the filing of claims for taxes water rents or rates lighting rates power rates and sewer rates removing the right to revive extend or continue the lien of such claims prescribing the time for selling properties for the non-payment of such claims and in certain cases extending existing liens

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes here-

tofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims under other and prior acts of Assembly" as amended by section three of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 733) and as amended in part by the act approved the second day of June one thousand nine hundred and thirty-seven (P. L. 1212) and by the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2609) is hereby further amended to read as follows

Section 9 Claims for taxes water rents or rates lighting rates power rates and sewer rates must be filed in the court of common pleas of the county in which the property is situated on or before the [last day of the third calendar] first Monday of May of the first year after that in which the taxes or rates are first payable and all such claims which were first payable in the year one thousand nine hundred thirty-eight or prior thereto which have not hertofore been filed shall be filed within ninety days after this amendment becomes effective [and] All other municipal claims must be filed in said court within six months from the time the work was done in front of the particular property where the charge against the property is assessed or made at the time the work is authorized within six months after the completion of the improvement where the assessment is made by the municipality upon all the properties after the completion of the improvement and within six months after confirmation by the court where confirmation is required the certificate of the surveyor engineer or other officer supervising the improvement filed in the proper office being conclusive of the time of completion thereof but he being personally liable to anyone injured by any false statement therein Where a borough lies in more than one county any such claim filed by such borough may be filed in each of such counties In case the real estate benefited by the improvement is sold before the municipal claim is filed the date of completion in said certificate shall determine the liability for the payment of the claim as between buyer and seller unless otherwise agreed upon or as above set forth The legal rate of interest shall be collectible on all municipal claims from the date of the completion of the work after it is filed as a lien

Claims for taxes may be in the form of written or typewritten lists showing the names of the taxable and descriptions of the properties against which said claims are filed together with the amount of the taxes due such municipality Such lists may be filed on behalf of a single municipality or they may cover the unpaid taxes due any two or more municipalities whose taxes are collected by the same tax collector provided the amounts due each municipality are separately shown All tax claims heretofore filed in such form are hereby ratified confirmed and made valid subsisting liens as of the date of their original filing

A number of years' taxes or rates of different kinds if payable to the same plaintiff may be included in one claim Municipal claims shall likewise be filed within said period where any appeal is taken from the assessment for the recovery of which such municipal claim is filed In such case the lien filed shall be in the form hereinafter provided except that it shall set forth the amount of the claim as an undetermined amount the amount thereof to be determined by the appeal taken from the assessment upon which such municipal claim is based pending in a certain court (referring to the court and the proceeding where such appeal is pending) Upon the filing of such municipal claim the claim shall be indexed by the prothonotary upon the judgment index and upon the locality index of the court and the amount of the claim set forth therein as an undetermined amount

If final judgment is not obtained upon such appeal within five years from the filing of such municipal claim the claimant in the lien shall within such period of five years file a suggestion of nonpayment in the form hereinafter set forth which shall have the effect of continuing the lien thereof for a further period of five years from the date of filing such suggestion Such municipal claim shall be revived in a similar manner during each recurring period of five years thereafter until final judgment is entered upon said appeal and the undetermined amount of such municipal claim is fixed in the manner hereinafter provided

When the final judgment is obtained upon such appeal the court in which said municipal claim is pending shall upon the petition of any interested party make an order fixing the undetermined amount claimed in such claim at the amount determined by the final judgment upon said appeal which shall bear interest from the date of the verdict upon which final judgment was entered and thereafter the amount of said claim shall be the sum thus fixed Proceedings upon said municipal claim thereafter shall be as in other cases

Where on final judgment upon said appeal it appears that no amount is due upon the assessment for the recovery of which such claim is filed the court in which such municipal claim is pending shall upon the petition of any interested party make an order striking such municipal claim from the record and charge the costs upon such claim to the plaintiff in the claim filed

Where such appeal is discontinued the court in which such municipal claim is pending shall upon the petition of any interested party make an order fixing the undetermined amount claimed at the amount of the original assessment which shall bear interest from the date that such assessment was originally payable and thereafter the amount of such claim shall be the sum thus fixed

Section 2 Section fifteen of said act as amended by the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1001) and by the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2808) is hereby further amended to read as follows

Section 15 [Such tax municipal or other claim] Such claims for taxes water rates lighting rates power rates and sewer rates if filed within the period aforesaid and all such claims which have heretofore been filed shall remain a lien upon said properties for a period of five years from the date they were or shall be actually entered as a lien or from the date such lien was last revived extended or continued unless fully paid and satisfied or compromised and satisfied as provided by law within said period and such liens shall not be revived extended or continued beyond such period except in cases hereinafter provided for All municipal claims other than for taxes or for said rates if filed within the period [aforesaid] hereinbefore provided for such claims shall remain a lien upon said properties until fully paid and satisfied Provided however That either a suggestion of nonpayment and an averment of default in the form hereinafter provided be filed either before or after judgment on the scire facias or else a writ of scire facias in the form herein provided be issued to revive the same within each period of five years following (a) the date on which said claim was filed (b) the date on which a writ of scire facias was issued thereon (c) the date on which any judgment was entered therein (d) the date on which a previous suggestion of nonpayment and default was filed thereon or (e) the date on which a judgment of revival was obtained thereon

The suggestion and averment shall be in the following form under the caption of the claim

And now ..... the claimant by .....its solicitor or controller suggests of record that the above claim is still due and owing to the claimant and avers that the owner is still in default for nonpayment thereof The prothonotary is hereby directed to enter this suggestion and averment on the municipal lien or the proper docket of the claim and also to index it upon the judgment index and on the locality index of the court for the purpose of continuing the lien of the claim

Such suggestion and averment shall be signed by or have stamped thereon a facsimile signature of the solicitor or chief executive officer of the claimant except in counties having a controller in which case it shall be signed by or have stamped thereon a facsimile signature of the controller The prothonotary shall docket and index the suggestion and averments directed therein and for such services shall be entitled to a fee of one dollar to be

taxed and collected as other costs in the claim The filing and indexing of such suggestion and averment within five years of filing the claim or the issuing of any writ of scire facias thereon or of any judgment thereon or of the filing of any prior suggestion and averment of default shall have the same force and effect for the purposes of continuing and prescribing the lien of the claim as though a writ of scire facias had been issued or a judgment or judgment of revival had been obtained within such period Provided That no writ of levari facias shall be issued upon a claim for the purpose of exposing the property liened to sheriff's sale except after a judgment shall have been duly obtained upon the claim as provided in this section and such judgment must have been obtained within five years of the issuance of the levari facias Whenever the lien of a claim has been revived and continued by the filing and indexing of a suggestion and averment of default the claimant may at any time within five years therefrom and averment of scire facias thereon reciting all suggestion and averment of default filed since the filing of the claim and shall proceed thereon in the manner herein provided subject to the right of the owner to raise any defense arising since the last judgment

No lien for taxes or for water rents or rates lighting rates power rates or sewer rates which have heretofore been entered or which have heretofore been revived or continued or which shall thereafter be entered as a lien shall be extended or continued beyond the period of five years from the date the same was entered as a lien or from the date the lien thereof was last revived or continued or from the date the same shall hereafter be entered as a lien and all property subject to any such lien shall be sold within the period of five years from the date such lien was entered or was last revived or continued or shall hereafter be entered except in cases where such sale has been or shall hereafter be adjourned beyond such period of time under the authority of any other act of Assembly Provided however That where the lien of any such claim would under the provisions of this amendment expire or be lost befoce the first Monday in August one thousand nine hundred and forty such lien is hereby extended and shall remain a lien upon said properties until and including the first Monday in August one thousand nine hundred and forty at which time all property subject to such lien shall be sold

If a claim be not filed within the time aforesaid or if it be not prosecuted in the manner and at the time aforesaid its lien on real estate shall be wholly lost

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 741, as follows:

An Act relating to the administration of oaths by notaries public magistrates aldermen and justices of the peace and validating certain oaths heretofore taken

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any act has provided that an oath shall be administered by a notary public the same hereafter may also be administered by a magistrate alderman or a justice of the peace

Section 2 Any oath heretofore administered by a magistrate alderman or justice of the peace which was required by law to be administered by a notary public is hereby validated Provided however That no case heretofore judicially decided or now pending shall be affected by this act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 731, as follows:

An Act to amend the Act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by adding Section 1035.1 limiting budget and report forms

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That an additional section be inserted in the Act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws 519) entitled "An Act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by adding Section 1035.1 as follows

Section 1035.1 The aggregate number of entries to be made for all purposes (including sub-items in the combined budget and appropriation forms or in the reports required to be filed under this or any other Act of Assembly shall not exceed the following

a Where the total estimated receipts (excluding balance) for the year exceed Fifty Thousand Dollars the entries shall not exceed one hundred fifty

b Where such receipts exceed Ten Thousand Dollars but not Fifty Thousand Dollars the entries shall not exceed one hundred

c In boroughs having a population in excess of fifteen hundred where such receipts exceed Five Thousand Dollars but not Ten Thousand Dollars the entries shall not exceed fifty

d Where such receipts are less than Five Thousand Dollars or where the population is less than fifteen hundred no budget or report need be filed

e Where the total estimated receipts for the year from a municipal utility exceed Fifty Thousand Dollars the entries therefor shall not exceed one hundred

f Where the total estimated receipts for the year from a municipal utility exceed Five Thousand Dollars but not Fifty Thousand Dollars the entries therefor shall not exceed fifty

g Where the annual receipts from a municipal utility are less than Five Thousand Dollars no budget or report need be filed

Provided in all cases any borough may voluntarily file a budget or report on the more extensive forms furnished

Provided further that council may postpone the preparation of the annual budget until forty-five days after the beginning of the fiscal year and in the meantime normal and emergency expenditures may be made and thereafter entered

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1078, as follows:

An Act to further amend section twenty-four of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by redefining deductions in case of reinsurance

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twenty-four of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" as last amended by the act approved the thirty-first day of May one thousand nine hundred thirty-three (Pamphlet Laws one thousand ninety-three) is hereby further amended to read as follows

Section 24 It shall be the duty of the president secretary or other proper officer of each and every insurance

company association or exchange incorporated by or under any law of this Commonwealth except life insurance companies and companies doing business upon the mutual plan without any capital stock and purely mutual beneficial associations whose funds for the benefit of members their families or heirs are made up entirely of the weekly or monthly contributions of their members and the accumulated interest thereon to make report in writing to the Department of Revenue on or before the fifteenth day of March in each year setting forth the entire amount of premiums premium deposits or assessments received by such company association or exchange during the year ending with the thirty-first day of December preceding whether the said premiums premium deposits or assessments were received in money or in the form of notes credits or any other substitutes for money and whether the same were collected in this Commonwealth or elsewhere and every such company association or exchange shall pay into the State Treasury through the Department of Revenue within the time prescribed by law for the payment of State taxes settled by the Department of Revenue in addition to any other taxes to which it may be liable under the first and twenty-first sections of this act a tax of eight mills on the dollar upon the gross amount of said premiums premium deposits and assessments received from business transacted within this Commonwealth

Such company association or exchange in reporting for taxation may deduct from the gross premiums premium deposits and assessments all amounts returned on policies cancelled or not taken and all premiums [paid] received for reinsurance [where such reinsurance are effected in companies associations and exchanges authorized to transact business in this Commonwealth by contracts or agreements entered into or executed by all parties thereto within this Commonwealth If such contract or agreement is not entered into or executed by all parties thereto within this Commonwealth such company association or exchange in reporting for taxation may not deduct such premiums so paid unless the tax thereon is paid when due by the company in which such reinsurance is effected] and mutual companies associations exchanges and stock companies with participating features which may for any reason be required to report under this act in addition to the aforesaid deductions may deduct that portion of the advanced premiums premium deposits or assessments returned in cash or credited to members or policyholders whether as dividends earnings savings or return deposits upon the expiration or termination of their contracts Provided That hereafter the annual tax upon premiums of insurance companies of other states or foreign governments shall be at the rate of two per centum upon the gross premiums of every character and description received from business done within this Commonwealth within the entire calendar year preceding The penalties for failure to make report and pay the tax as herein required shall be as provided by law

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1094, as follows:

An Act authorizing the acceptance by the Commonwealth of a gift of land contiguous to lands now owned by the Commonwealth at the Ashland State Hospital

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies is hereby authorized to accept for and on behalf of the Commonwealth a gift of a tract of land not exceeding one acre that is contiguous to lands now owned by the Commonwealth at the Ashland State Hospital The form of the deed for such land shall be subject to the approval of the Attorney General and such deed shall be filed with the Department of Internal Affairs Such land shall constitute part of the grounds of the Ashland State Hospital and shall be under the supervision management and control of the Department of Welfare and the Board of Trustees of Ashland State Hospital to the same extent and in the same manner as provided in The Administrative Code of 1929 with respect to such institution

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 635, as follows:

An Act to further amend section two of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" providing for the burial of such bodies unfit for anatomical purposes by the county commissioners in all counties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" as last amended by section two of the act approved the twenty-second day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 411) is hereby further amended to read as follows

Section 2 All public officers agents and servants and all officers agents and servants of any and every county city township borough district and other municipalilty and of any and every almshouse prison morgue hospital or other municipality or other public institution and all other persons having charge or control over dead human bodies required to be buried at the public expense are hereby required to notify immediately the said board of distribution or such person or persons as may from time to time be designated by said board or its duly authorized officer or agent whenever any such body or bodies come to his or their possession charge or control and shall without fee or reward deliver within thirty-six hours after death except those coroners cases in which more time may be required such body or bodies and permit and suffer the said board and its agents to take and remove all such bodies to be used within the State for the advancement of medical science

Such notice shall be given to the board of distribution in all cases but no such body shall be delivered if any relative by blood or marriage shall claim the body for burial at the expense of such relative within thirty-six hours after death but the body shall be surrendered to said claimant for interment nor shall any such body be delivered if any friend or any representative of a fraternal society of which deceased was a member or a representative of any charitable organization shall claim the said body for burial within thirty-six hours after death said burial to be at the expense of such friend fraternal society or charitable organization nor shall the body be delivered if said person was an honorably discharged soldier sailor or marine of the United States or of the militia of the State of Pennsylvania in which case said body shall be buried in accordance with the provisions of existing laws

In case of the death of any person whose body is required to be buried at the public expense and the duly authorized officer or agent of the board deems such body unfit for anatomical purposes he shall notify in writing [the poor directors overseers or in counties in which there are no

poor directors or overseers then] the county commissioners of the county where such person died [except that in counties of the first class it shall be the coroner instead of the county commissioners] who shall direct some person to take charge of the body of such deceased indigent person and cause it to be buried and draw warrants upon the treasurer of their county for the payment of such expenses which expenses shall not be less than thirty-five dollars nor more than fifty dollars on each body buried in accordance with the provisions of this act Such warrants shall be made payable to the persons so authorized and directed who shall have buried the bodies for which said warrants are to be drawn No warrants for the payment of the expenses of the burial of any person whose body is required to be buried at the public expense shall be drawn or paid except upon the certificate of the duly authorized officer or agent of the board to the effect that such body is unfit for anatomical purposes or that the body is that of a soldier sailor or marine of the United States or of the militia of the State of Pennsylvania required to be buried at the public expense and that the provisions of this act have been complied with

Wherever through the failure of any person to notify and deliver the body of a deceased indigent as required by this act such body shall become unfit for anatomical purposes and is so certified by the duly authorized officer or agent of said board of distribution such body shall be buried at the expense of the person so failing to notify and deliver such body

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1288, as follows:

An Act to amend the second paragraph of section eighteen of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 955) entitled "An act to promote public health safety morals and welfare by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects to provide dwelling accommodations for persons of low income providing for the organization of such housing authorities defining their powers and duties providing for the exercise of such powers including the acquisition of property by purchase gift or eminent domain the renting and selling of property and including borrowing money issuing bonds and other obligations and giving security therefor prescribing the remedies of obligees of housing authorities authorizing housing authorities to enter into agreements including agreements with the United States the Commonwealth and political subdivisions and municipalities thereof defining the application of zoning sanitary and building laws and regulations to projects built or maintained by such housing authorities exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments" providing for the payment of fees for certification to the Department of Internal Affairs in connection with the issue of bonds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The second paragraph of section eighteen of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 955) entitled "An act to promote public health safety morals and welfare by declaring the necessity of treating public bodies corporate and politic to be known as housing authorties to engage in slum clearance and to undertake projects to provide dwelling accommodations for persons of low income providing for the organization of such housing authorities defining their powers and duties providing for the exercise of such powers including the acquisition of property by purchase gift or eminent domain the renting and selling of property and including borrowing money issuing bonds and other obligations and giving security therefor prescribing the remedies of obligees of housing authorities authorizing housing authorities to enter into agreements including agreements with the United States the Commonwealth and political subdivisions and municipalities thereof defining the application of zoning sanitary and building laws and regulations to projects built or maintained by such housing authorities exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments" is hereby amended to read as follows

Section 18 Form and Sale of Bonds

* * * *

Before any bonds may be sold in pursuance of any resolution of any Authority the chairman or secretary of such Authority shall certify to the Department of Internal Affairs a complete and accurate copy of the proceedings had for the issuance of the bonds which are to be sold in the manner now or hereafter provided for the certification to said department of the proceedings relating to the issuance of bonds of the municipalities of this Commonwealth and shall pay therefor a like fee as is provided by law in the case of such municipalities Upon receiving a certificate of approval of the proceedings from the Department of Internal Affairs the Authority may proceed with the sale of the bonds

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1167, as follows:

An Act relating to the superannuated members of the State Employes' Retirement System and preserving retirement rights in case of sudden and unexpected death

Th General Assembly of the Commonwealth of Pennsylvania hereby enacts the following

Section 1 Any member of the State Employes' Retirement System who shall have reached superannuation retirement age and who shall die while employed by the Commonwealth shall be deemed to have retired at the date of his or her death if he or she shall have filed an emergency application as provided in section two of this act

Section 2 Any member may file at any time with the State Employes' Retirement Board an emergency application for superannuation retirement designating a retirement option and a proper beneficiary to take effect in the event of death before retirement

Section 3 The State Employes' Retirement Board shall prepare proper forms for and applicable only to the retirements provided for in section one of this act

Section 4 All acts or parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 701, entitled:

An Act to further amend clause (c) of section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day

of June Anno Domini one thousand eight hundred and seventy-nine" restoring after a certain period the exemption of that portion of the capital stock of certain corporations joint-stock associations limited partnerships and companies which were formerly exempt

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (c) of section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" as last amended by the act approved the eighth day of April one thousand nine hundred thirty-seven (Pamphlet Laws 239) is hereby further amended to read as follows

Section 21

* * * * *

(c) It shall be the duty of the treasurer or other officers having charge of any such corporation joint-stock association or limited partnership upon which a tax is imposed by this section to transmit the amount of said tax to the Treasury of the Commonwealth within the time prescribed by law Provided That for the purposes of this act interest in limited partnerships or joint-stock associations shall be deemed to be capital stock and taxable accordingly Provided further That corporations limited partnerships and joint-stock associations liable to a tax under this section shall not be required to pay any further tax on the mortgages bonds and other securities owned by them and in which the whole body of stockholders or members as such have the entire equitable interest in remainder but corporations limited partnerships and joint-stock associations owning or holding such securities as trustees executors administrators guardians or in any other manner than for the whole body of stockholders or members thereof as sole equitable owners in remainder shall return and pay the tax imposed by this act upon all securities so owned or held by them as in the case of individuals Provided further That the tax of five mills imposed by this section on reports filed for the calendar years [one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six and for each calendar year thereafter or for the fiscal years beginning in the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six and for each fiscal year thereafter] one thousand nine hundred and thirty-nine and one thousand nine hundred and forty or for the fiscal years beginning in the calendar years one thousand nine hundred and thirty-nine and one thousand nine hundred and forty shall apply to the taxation of the capital stock of corporations limited partnerships and joint-stock associations organized for laundering f the processing and curing of meats their products and by-products and for manufacturing purposes excepting companies engaged in the distilling of liquors Provided further That after said two year period the provisions of t is section shall not apply to the taxation of the capital stock of corporations limited partnerships and joint-stock associations organized for laundering for the processing and curing of meats their products and by-products or for manufacturing purposes which is invested in and actually and exclusively employed in carrying on laundering the processing and curing of meats their products and by-products or manufacturing within the State excepting companies engaged in the distilling of liquors and such as enjoy and exercise the right of eminent domain but every corporation limited partnership or joint-stock association organized for the purpose of laundering or processing and curing meats their products and by-products or manufacturing shall pay the State tax of five mills herein provided upon such proportion of its capital stock if any as may be invested in any property or business not strictly incident or apurtenant to the laundering or manufacturing business or the business of processing and curing meats their products and by-products in addition to the local taxes assessed upon its property in the district where located it being the object of this proviso to relieve from State taxation only so much of the capital stock as is invested purely in the laundering or manufacturing plant and business or the plant and business used in the processing and curing of meats their products and by-products Provided further That in case of fire and marine insurance companies the tax imposed by this section shall be at the rate of five mills upon each dollar of the actual value of the whole capital stock Provided That nothing in this act shall be so construed as to apply to building and loan associations chartered by the State of Pennsylvania

On the question,

Will the House agree to the section?

Mr. WEBSTER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 21), page 3, line 20 by striking out the word "and" and inserting the word: "or"

Amend Sec. 1 (Sec. 21), page 3, line 23 by striking out the word "and" and inserting the word: "or"

Amend Sec. 1 (Sec. 21), page 4, line 1 by striking out the word "and" and inserting the word: "or"

Amend Sec. 1 (Sec. 21), page 4, line 7 by striking out the word "and" and inserting the word: "or"

Amend Sec. 1 (Sec. 21), page 4, line 14 by striking out the word "and" and inserting the word "or"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

Mr. ANDREWS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 21), page 3, line 2, by striking out with light-faced brackets the word: "years" and inserting in lieu thereof: "year"

Amend Sec. 1 (Sec. 21), page 3, line 8, by striking out the words: "and one thousand nine hundred and forty"

Amend Sec. 1 (Sec. 21), page 3, line 9, by striking out the word: "years" and inserting in lieu thereof: "year"

Amend Sec. 1 (Sec. 21), page 3, line 9, by striking out the word: "years" and inserting in lieu thereof: "year"

Amend Sec. 1 (Sec. 21), page 3, lines 10 and 11, by striking out the following: "and one thousand nine hundred and forty"

Amend Sec. 1 (Sec. 21), page 3, line 17, by striking out the word: "two" and inserting in lieu thereof: "one"

Amend Sec. 1 (Sec. 21), page 3, line 21, by striking out the word: "or"

Amend Sec. 1 (Sec. 21), page 3, line 21, by inserting after the word "manufacturing" the following: "or coal mining"

Amend Sec. 1 (Sec. 21), page 3, line 24, by striking out the word: "or"

Amend Sec. 1 (Sec. 21), page 3, line 25, by inserting after the part-word "facturing" the following: "or the mining of coal"

Amend Sec. 1 (Sec. 21), page 4, line 2, by striking out the word: "or"

Amend Sec. 1 (Sec. 21), page 4, line 2, by inserting after the word "manufacturing' the following: "or the mining of coal"

Amend Sec. 1 (Sec. 21), page 4, line 6, by striking out the word: "or"

Amend Sec. 1 (Sec. 21), page 4, line 6, by inserting after the word "manufacturing" the following: "or the coal mining"

Amend Sec. 1 (Sec. 21), page 4, line 13, by striking out the word: "or"

Amend Sec. 1 (Sec. 21), page 4, line 14, by inserting after the word "by-products" the following: "or the coal mining operations and business"

On the question,

Will the House agree to the amendments?

Mr. ANDREWS. Mr. Speaker and members of the House these amendments are designed to serve two purposes. One, to bring coal companies within the purview of the act. We are proposing this measure to restore to certain manufacturing companies the exemption from capital stock tax which the manufacturing companies possessed prior to the legislative session of 1935. I am for the purpose of this bill, but I submit to the members of the House that every argument that is produced in favor of giving manufacturing companies exemption from the capitol stock tax can be put forward in behalf of the coal companies. In view of the distressed condition of the coal industry, if we are going to give any capital stock exemption to any class of industry, they should travel along with the rest. That is purpose number one: To give the coal companies a fair break with the manufacturing corporations.

Purpose number two: This act proposes to go into effect after 1940. In the present biennium it is a gesture of good will. You can not eat good will, you cannot pay dividends with it, you cannot meet payrolls with it. I propose by this amendment to have this exemption go into effect in 1939. It cannot be argued that the adoption of this amendment would unbalance the budget because the budget is unbalanced now, and everybody knows it. If we are not going to remodel and reconstruct the tax structure at this session, we will have to do some reconstructing at the inevitable special session, and so by having this exemption go into effect at the end of the present year, we will be in a position, and the administration will be in a position, and this legislature will be in a postion, to make the necessary provisions for presenting and financing an actual two year budget, which we do not have at the present time. We have given the manufacturing interests of this state a Department of Commerce, something that will probably cheer them along on their weary way, and now we are going to give them something after 1940. I say, let us give them something at the end of the current year, and when we are giving it to the manufacturing corporations let us permit the coal companies to travel along with them.

Mr. WOODSIDE. Mr. Speaker and members of the House, inasmuch as these amendments very seriously interfere with the estimate of revenue for the next biennium, I ask that they be voted down.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to further amend clause (c) of section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" restoring after a certain period the exemption of that portion of the capital stock of certain corporations joint-stock associations limited partnerships and companies which were formerly exempt

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 771, as follows:

An Act to amend sections one and two of the act approved the second day of March one thousand nine hundred and thirty-three (Pamphlet Laws 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" as amended further changing fees and agencies from whom borrowings may be made

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and two of the act approved the second day of March one thousand nine hundred and thirty-three (Pamphlet Laws 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" as amended by the act approved the eighteenth day of April one thousand nine hundred and thirty-five (Pamphlet Laws 38) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any person association partnership or corporation may enter into an agreement with and borrow funds from a production credit association organized under the Farm Credit Act of one thousand nine hundred and thirty-three a Regional Agricultural Credit Corporation the Reconstruction Finance Corporation or the Government of the United States or any department agency or officer thereof a Federal Intermediate Credit Bank or any institution which has made arrangements to discount therewith or from any national or state bank or trust company and to procure funds therefrom on the security of the obligations of the borrower and the repayment of any funds so borrowed or of any then existing indebtedness to any such institution may be evidenced by a bond containing a confession of judgment secured by a chattel mortgage upon livestock farm machinery or farm equipment or upon any crop or crops annual or perennial including fruit crops grown or growing either already planted or to be planted and maturing within one year from date of the execution of such mortgage and any cooperative association of farmers acting together in collectively processing preparing for market handling or marketing the farm products of persons so engaged or in which farmers act together in collectively purchasing testing grading or processing their farm supplies Provided however that such associations are operated for the mutual benefit of the members thereof as such producers and purchasers may enter into an agreement with and borrow funds from any bank for cooperatives organized under said Farm Credit Act of one thousand nine hundred and thirty-three or from any Federal Intermediate Credit Bank organized under said Agricultural Credits Act of one thousand nine hundred and twenty-three or from any national or state bank or trust company and the repayment of any funds so borrowed or of any then existing indebtedness to any such institution may be evidenced by a bond containing a confession of judgment secured by a chattel mortgage upon any chattels of any kind or description including fixtures owned by such association or upon any interest which such association may have in any such chattels or fixtures For the purposes of this act all such chattels crops

and fixtures shall be deemed to be personal property and mortgagable as such Such mortgage shall be a lien against the chattels and crops thereby conveyed and shall be good and available in law against any subsequent purchasers or execution creditors upon the recording thereof as hereinafter directed The lien of any mortgage on crops executed in pursuance of the provisions of this act shall be superior to any mortgages or judgments of any other liens or encumbrances upon the land upon which any such crop has been so seeded or may be growing and any sale made under any mortgage or judgment or other lien or encumbrance upon such land before such crop has been severed shall be made subject to the lien on said crop as provided for in this act provided however that the provisions of this act shall not in any manner whatever affect any mortgage judgment or other lien or encumbrance upon the land recorded prior to the approval of this act Such mortgages must be in writing signed by the mortgagor or his agent duly authorized and constituted and duly acknowledged by some person authorized to take acknowledgment of deeds No chattel mortgage of livestock and hay grain or any other feed stuffs shall be invalid because provision is contained therein that the mortgagor may use and consume such feed stuffs in preserving and preparing for market the livestock covered thereby Provisions contained in such chattel mortgages that property of the same class as is covered by the chattel mortgage shall be included in the mortgage lien if acquired by the mortgagor subsequent to the execution of the chattel mortgage and prior to its extinguishment and provisions that the chattel mortgage may secure future advances to be made by the mortgagee at its option within a period of three years from the execution of such chattel mortgage but not to exceed in the aggregate an amount stated in said chattel mortgage and that all advances so made shall be secured by such chattel mortgage equally and to the same extent as the amount originally advanced on the security of such mortgage and that all such future advances shall be a lien upon the property therein described from the time of the recording of such chattel mortgage good and valid against and superior to all rights of subsequent creditors purchasers mortgagees and other lienors and encumbrances and any of them and provisions that the chattel mortgage may include replacements of any of the mortgaged property therein described and all increase of animals and livestock of all kinds shall be valid and binding

Section 2 The chattel mortgages mentioned in the preceding section when executed and acknowledged as hereinbefore provided shall be recorded in the office for the recording of deeds for the county in which said livestock farm machinery equipment or crop is actually located at the time of the execution of such chattel mortgages and such recorder is hereby required to index and to record the same at length in a book to be by him kept in his said office to be provided at the expense of said county and to be called "Chattel Mortgage Book" and he shall duly certify the record of all such instruments in the manner provided by law for mortgages on real estate and such recorder shall be entitled to charge and receive for services rendered hereunder the following fees for recording each chattel mortgage [seventy-five cents (75c)] one dollar ($1.00) for noting assignment on the margin of the page on which the chattel mortgage is recorded twenty-five (25c) cents for noting release or satisfaction or extension of each such chattel mortgage and the date thereof on the margin of the page of the book where the chattel mortgage is recorded twenty-five cents (25c) Such chattel mortgages shall except between parties thereto take effect and be valid only from the time of recording as herein provided and in case of more than one chattel mortgage the first recorded shall have preference and be first paid out of the proceeds of the sale of the property mortgaged Such mortgage shall remain a lien on the property mortgaged as between the parties thereto until paid but as to third parties shall not remain a lien for a longer period than five years unless the lien thereof is extended for an additional period of five years by the filing with the recorder of deeds of the affidavit of the mortgagee or his successors in interest stating the amount then secured by the lien A notation of the filing of such affidavit and extension of lien shall be made on the margin of the original record of the chattel mortgage in the office of the recorder of deeds

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 222, as follows:

An Act to promote interstate cooperation for the conservation and protection of water resources in the Delaware River Basin

The General Assembly of the Commonwealtth of Pennsylvania hereby enacts as follows

Preamble

(1) Whereas the States of New York New Jersey Pennsylvania and Delaware have each created and now maintain a Commission (or Committee) on Interstate Cooperation for the purpose of establishing and maintaining governmental machinery to facilitate communication negotiation understanding and cooperation between said states respectively and other states of the Union both regionally and nationally with power to establish such committees sub-committees and advisory boards as are deemed advisable to conduct conferences and to formulate proposals concerning subjects of intergovernmental cooperation to study the laws of the several states hold public or private hearings make findings and recommendations and to submit drafts of legislation to promote uniform laws for the elimination of the confusion and conflict between the several states of the Union and the Federal government in the matter of laws and administrative practices concerning conservation prevention abatement and control of pollution water supply public welfare flood control and other subjects and

(2) Whereas said Commissions (or Committees) on Interstate Cooperation of said states have organized and established and are now maintaining as an instrument of governmental machinery a joint advisory board known as "The Interstate Commission on the Delaware River Basin" as a regional commission composed of standing subcommittees of said Commissions (or Committees) on Interstate Cooperation respectively for the purpose of entering upon a program to study the conservation water supply pollution and other potential uses and benefits of and to develop integrated plans to conserve and protect the waters and other resources of the Delaware River Basin in the following specified particulars

A To serve as a fact-coordinating body and to develop the means and procedure by which the general plans and policies proposed for the development of the region may be carried out

B To sponsor the carrying out of properely developed plans which result from surveys and research concerning population land and water resources and uses and other related subjects

C To coordinate the activities of the Commission and Committees on Interstate Cooperation and their joint agency the Council of State Governments with the work of the appropriate state and federal agencies for the prevention and abatement of pollution for flood control and for the proper general use and control of the waters of the Delaware River

D To encourage interstate compacts and the enactment of uniform state laws for the abatement of water pollution for flood control and the proper general use and control of the waters of the Delaware River

E To advance perpetuate and outline the work recommended by its conferences and to develop and propose new objectives and

(3) Whereas it is the purpose of the Commissions (or

Committees) on Interstate Cooperation of said four states acting through said Interstate Commission on the Delaware River Basin to eliminate confusion and conflict among said States by the promotion and enactment of uniform laws in said states to preserve in a safe and sanitary condition the waters and watershed of said Delaware River Basin and to provide uniform concurrent regulations for the control and the enforcement of the elimination of pollution in the waters thereof in said states respectively and

(4) Whereas said Interstate Commission on the Delaware River Basin in cooperation with the state health departments of said states respectively has made a study for the purposes above cited of said Delaware River and its tributaries in said Delaware River Basin and has formulated proposals for the intergovernmental cooperation of said states in the correction and control of pollution of the waters thereof which have been formally approved ratified and accepted by the health departments of said states respectively in the following form

Whereas a substantial part of the territory of the States of New York New Jersey Pennsylvania and Delaware is situated within the Delaware River drainage basin and

Whereas the increase in pollution of the various municipal areas situated within the Delaware River Basin and the growth of industrial activity within the Basin have resulted in increasingly serious pollution of the waters of the Interstate Delaware River and its tributaries and

Whereas such pollution constitutes a grave menace to the health welfare and recreational facilities of the people living in the Delaware River Basin and occasions great economic loss and

Whereas the control of future pollution and the correction of existing pollution of the waters of the interstate Delaware River and its tributaries is of prime importance to the people living in the Delaware River Basin and can best be accomplished through the cooperation of the representatives of the people in the basin in the States of New York New Jersey Pennsylvania and Delaware

Now therefore the State of New York and the State of New Jersey and the Commonwealth of Pennsylvania and the State of Delaware agree and are bound as follows

ARTICLE I

Each of the signatory states pledges to each of the other signatory states faithful cooperation in the control of future pollution and in the correction of existing pollution of the waters of the interstate Delaware River and its West Branch from the New York-Pennsylvania boundary line down to the Atlantic Ocean In order to effect such objects each of the states agrees to enact adequate legislation if necessary to enable each such state so to require the treatment of sewage industrial waste or other artificial polluting matter as to place and maintain the waters of the aforesaid interstate Delaware River and of the tributaries thereof just above the confluence with the Delaware River in the clean and sanitary condition required by the provisions of this agreement Furthermore each such state agrees so to enforce the provisions of these requirements and other supplementary applicable legislation if any as to bring about the attainment of the objectives of pollution control and correction in accordance with such reasonable and effective programs as may be determined from time to time by the states in the manner prescribed herein

ARTICLE II

It is recognized by the signatory states due to such variable factors as location size character and flow and of the many varied uses of the waters of the interstate Delaware River and its aforesaid West Branch such as water supply recreation navigation industrial development maintenance of fish life shell-fish culture agriculture and other purposes that no single standard of sewage and waste treatment and of quality of receiving waters is practical for all parts of the river Therefore in order to apply minimum requirements for the attainment of correction and control of pollution which will be appropriate to the varied factors including the existing and potential quality and uses of the waters the interstate Delaware River is hereby divided into four zones to wit

ZONE 1 Zone 1 is that part of the Delaware River and its West Branch extending from the New York-Pennsylvania boundary line to the head of tidewater at Trenton New Jersey and Morrisville Pennsylvania

The drainage basin contributary to this zone excepting part of the Lehigh River Basin is relatively sparsely inhabited and contains few sewered communities and relatively few industrial establishments producing waste water The streams draining this area being in general relatively clean and of high elevation are well adapted as scources of public water supplies after treatment or purification

The principal uses of the waters of the Delaware River in Zone 1 are expected to be for water supply after such treatment or purification as may be necessary and for recreation bathing maintenance of fish and aquatic life agriculture and for other related purposes

ZONE II Zone 2 is that part of the Delaware River ertending from the head of tidewater at Trenton New Jersey and Morrisville Pennsylvania to a line drawn perpendicular to the channel of the Delaware River from the mouth of Pennypack Creek in Philadelphia Pennsylvania to the corresponding point on the New Jersey shore

The drainage basin contributary to this zone is somewhat more densely populated than that of Zone 1 and it contains more sewered communities and industrial establishments

The principal uses of the waters of the Delaware River in Zone 2 are expected to be for water supply after treatment or purification and for recreation navigation maintenance of fish and aquatic life agricultural industrial and other puposes

ZONE III Zone 3 is that part of the Delaware River extending from the aforesaid line connecting the mouth of Pennypack Creek in Philadelphia and the corresponding point in New Jersey to the Pennsylvania-Delaware boundary line

The drainage basin contributary to this zone contains populous metropolitan areas including Philadelphia Pennsylvania and Camden New Jersey

The principal uses of the waters of the Delaware River in Zone 3 are expected to be for navigation industrial water supply and other purposes

The water in this zone however should be of such sanitary quality that it will not be unfit for use as sources of water supply will not be harmful to fish life and will not adversely affect the quality of the waters of the tidal tributaries

ZONE IV Zone 4 is that part of the Delaware River extending from the Pennsylvania-Delaware boundary line to the Atlantic Ocean

The prinicpal uses of the waters of the Delaware River in Zone 4 are expected to be for navigation industrial water supplies commerical fishing shellfish culture recreation and other purposes

In order to attain conditions of cleanliness and sanitation of the waters of the Delaware River which will be consistent with the appropriate existing and future quality and uses of such waters the following minimum requirements shall apply to the several zones herein provided It is the purpose and intent of such requirements to apply to artificial (not natural) causes of pollution

ARTICLE III

In order to put and maintain the waters of the interstate Delaware River and its West Branch as aforesaid in a clean and sanitary condition no sewage industrial wastes or other polluting matter shall be discharged into or be permitted to flow or fall into or be placed in any respective zone of the interstate Delaware River as herein established unless such sewage industrial waste or other artificial polluting matter shall first have been so treated as to produce an effluent which will meet the following minimum requirements

ZONE I 1 Such effluent shall be free of noticeable floating solids color oil grease or sleek and practically free of suspended solids

2 Such effluent shall be sufficiently free of turbidity that it will not cause noticeable turidity in the water of the Delaware River

3 Such effluent shall show a reduction of organic sub-

stances of at least eighty-five (85) per cent as measured by the bio-chemical oxygen demand and furthermore such effluent in no case shall exceed a bio-chemical oxygen demand of fifty (50) parts per million and furthermore the discharge of such effluent after dispersion in the water of the river shall not cause a reduction of the dissolved oxygen content of such water of more than five (5) per cent The aforesaid reduction in dissolved oxygen content shall be determined by the average results obtained from dissolved oxygen tests made upon samples collected on not less than six (6) consecutive days from points in the river above and below the point or points of effluent discharge

4 Such effluent shall be of such quality that the most probable number of organisms of the Coli Aerogenes group shall not exceed one (1) per milliliter in more than ten (10) per cent of the samples of sewage effluent tested by the confirmed test and provided further that no single sample shall contain more than one hundred (100) organisms of the Coli Aerogenes group in one (1) milliliter

5 Such effluent shall be sufficiently free of acids alkalis and other toxic or deleterious substances that it will not create a menace to the public health through the use of waters of the Delaware River for public water supplies for recreation bathing agriculture and other purposes nor be inimical to fish animal or aquatic life

6 Such effluent shall be free of offensive odors and also be free of substances capable of producing offensive tastes or odors in public water supplies derived from the Delaware River at any place below the discharge of such effluent

ZONE 2 1 Such effluent shall be free of noticeable floating solids color oil or grease and practically free of both suspended solids and sleek

2 Such effluent shall be sufficiently free of turbidity that it will not cause noticeable turbidity in the water of the Delaware River

Such effluent shall show a reduction of organic substance of at least eighty-five (85) per cent as measured by the bio-chemical oxygen demand and furthermore such effluent in no case shall exceed a bio-chemical oxygen demand of one hundred (100) parts per million and furthermore the discharge of such effluent after dispersion in the water of the river shall not cause a reduction of the dissolved oxygen content of such water of more than ten (10) per cent The aforesaid reduction in dissolved oxygen content shall be determined by the average results obtained by dissolved oxygen tests made upon samples collected on not less than six (6) consecutive days from points in the river above and below the point or points of effluent discharge

4 Such effluent shall be of such quality that the most probable number of organisms of the Coli Aerogenes group shall not exceed one (1) per milliliter in more than twenty-five (25) per cent of the samples of sewage effluent tested by the confirmed test and provided further that no single sample shall contain more than one hundred (100) organisms of the Coli Aerogenes group in one (1) milliliter

5 Such effluent shall be sufficiently free of acids alkalis and other toxic or deleterious substances that it will not create a menace to the public health through the use of the water of the Delaware River for public water supplies for recreation industrial and other purposes nor be inimical to fish animal or aquatic life

6 Such effluent shall be free of offensive odors and also be free of substances capable of producing offensive tastes and odors in public water supplies derived from the Delaware River at any place above or below the discharge of such effluent

ZONE 3 1 Such effluent shall be free of noticeable floating solids oil or grease and substantially free of both settleable solids and sleek

2 Such effluent shall be sufficiently free of turbidity that it will not cause substantial turbidity in the water of the Delaware River after dispersion in the water of the river

3 Such effluent shall show a reduction of at least fifty-five (55) per cent of the total suspended solids and a reduction of not less than thirty-five (35) per cent of the bio-chemical demand (It is the intent of this requirement to restore the dissolved oxygen content of the river water in this zone to at least fifty (50) per cent saturation To accomplish this it may be necessary in the case of certain wastes to obtain reductions greater than those required under this item)

4 Such effluent if it be discharged within two miles of a public water works intake or within prejudical influence thereof shall at all times be effectively treated with a germicide

5 Such effluent shall be sufficiently free of acids alkalis and other toxic or deleterious substances that it will not create a menace to the public health through the use of the waters of the Delaware River for public water supplies or render such waters unfit for industrial and other purposes or cause the water of the Delaware River to be harmful to fish life

6 Such effluent shall be practically free of substances capable of producing offensive tastes or odors in public water supplies derived from the Delaware River

ZONE 4 1 Such effluent shall be free of noticeable floating solids oil or grease and substantially free of both settleable solids and sleek

2 Such effluent shall be sufficiently free of turbidity that it will not cause substantial turbidity in the waters of the Delaware River after dispersion in the water of the river

3 Such effluent shall show a reduction of at least fifty-five (55) per cent of the total suspended solids and shall be subject to such further treatment as may be needed to prevent a nuisance

4 Such effluent if it be discharged within prejudical influence of a public water intake or of recreational areas or of shell fish grounds shall at all times be effectively treated with a germicide except that in the case of recreational area influence such treatment need not be provided during the period from October 15th to May 15th of each year

5 Such effluent shall be sufficiently free of acids alkalis and other toxic or deleterious substances that it will not create a menace to the public health through the use of the waters of the Delaware River for public water supplies or render such waters unfit for commercial fishing shell fish culture recreational industrial or other purposes

6 Such effluent shall be practically free of substances capable of producing offensive tastes or odors in public water supplies derived from the Delaware River

It is further recognized by the signatory states that the quality of the waters of the intrastate tributaries of the Delaware River and its aforesaid West Branch are of interstate concern at their points of confluence with the Delaware River and its West Branch Therefore it is also agreed that sewage industrial waste or other artificial polluting matter discharged into or permitted to flow or to fall into or be placed in any intrastate tributary of the aforesaid Delaware River shall be treated to that degree if any necessary to maintain the waters of such intrastate tributary immediately above its confluence with the aforesaid Delaware River in a condition at least equal to the clean and sanitary condition of the waters of the Delaware River immediately above the confluence of such tributary

Analyses and tests regarding the minimum requirements herein prescribed shall be determined in accordance with the provisions contained in the American Public Health Associations latest edition on "Standard Methods for the Examination of Water and Sewage"

The aforesaid requirements as to treatment of sewage industrial wastes or other artificial polluting matter and as to the sanitary quality of receiving waters are minima It is the intent and the purpose of these requirements to accomplish reasonable and adequate control and correction of pollution Due to the many variable factors involved however and to the responsibility of forecasting future developments with certainty it may be necessary in the future to impose additional requirements particularly in Zones 2 and 3

The minima herein prescribed therefore shall be considered the first steps toward attaining the objectives sought and if necessary may be required to be supplemented in the case that the general application of such minimum requirements does not adequately improve and maintain the sanitary quality of the waters of the Delaware River

1 That part of the area of the Delaware River Basin lying within this state is hereby established and declared

to be a component part of an interstate region for intergovernmental cooperation by said states in the conservation protection and development of the water resources thereof by means of integrated plans and said Interstate Commission on the Delaware River Basin is hereby recognized as the duly established regional commission or agency of this state for intergovernmental cooperation in effectuating the purposes described in paragraph (2) of the above preamble with the full and complete authority to exercise for the accomplishment of said purposes the governmental machinery powers and duties conferred by this state upon said Commission (or Committee) on Interstate Cooperation

2 The reciprocal agreement set forth in paragraph (4) of the above preamble is hereby ratified and applied to the waters and watershed of said Delaware River Basin within the territorial limits of this State and its terms and provisions shall supercede the terms and provisions of any existing laws and regulations applicable to that area to the extent only that the terms and provisions of such existing laws and regulations are inconsistent with the terms and provisions set forth in said reciprocal agreement

3 The Department of Health is hereby empowered and directed to apply and carry into effect the proposals terms and provisions of said reciprocal agreement in the several zones therein prescribed respectively within the territorial limits of this state and to enforce the same by the exercise of such administrative and legal authority and the institution and prosecution of such actions suits or other proceedings as may be necessary or appropriate as are now or may hereafter be provided under the laws and practice of this state

4 The Department of Health is hereby authorized and directed to cooperate with said Interstate Commission on the Delaware River Basin in the further study of the sanitary condition of the waters of Delaware River and its tributaries in said Delaware River Basin and to improve adopt and enforce within this state such reasonable modifications changes or alterations in the zones or standards of quality of water in said river and tributaries as may from time to time be recommended by said Interstate Commission on the Delaware River Basin and approved by the departments of health of the other states constituent to said Delaware River Basin

5 The terms and provisions of said reciprocal agreement shall become effective upon receipt by the Secretary of State of this state of a certificate from the Executive Secretary of The Interstate Commission on the Delaware River Basin that an act in substantially the same form as this act has been passed by the legislature and approved by the Governor of one of the other three states constitutent to said Delaware River Basin together with a certified copy of said act of said state and thereupon the Secretary of State shall advise the Department of Health of this State accordingly

6 This act shall take effect immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 322, as follows:

An Act to repeal the act approved the second day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1193) entitled "An act to protect the public against fraud and deception regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof conferring powers and imposing duties on the Department of Revenue and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the second day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1193) entitled "An act to protect the public against fraud and deception regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof conferring powers and imposing duties on the Department of Revenue and prescribing penalties" is hereby repealed

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1212, as follows:

An Act providing for the refund of certain moneys by the Pennsylvania Turnpike Commission to the Department of Internal Affairs for the payment of salaries of employes heretofore or hereafter loaned to the said commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any employe or employes of the Department of Internal Affairs has heretofore been or shall hereafter be loaned to or used by the Pennsylvania Turnpike Commission and the salary or salaries thereof have been or shall hereafter be paid by the said department the said turnpike commission shall refund to the Department of Internal Affairs a sum of money equal to the salary of such employe or employes for the period of time during which such employe or employes were or shall be used by the said commission The said moneys shall be paid by the Turnpike Commission out of any funds in its possession

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 872, as follows:

An Act to amend section seven of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws 1319) entitled "An act to establish a State village for feeble-minded women providing for the appointment of a board of managers to select a tract of land for that purpose in the State forest reserve and to erect and furnish buildings on the same and to manage said institution and providing for the commitment thereto of feeble-minded females between the ages of sixteen and forty-five years defining the powers and duties of the board of managers and making an appropriation for the purposes aforesaid also for the expenses of maintenance until June one one thousand nine hundred and fifteen" changing the qualifications of the superintendent of said State village

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws 1319) entitled "An act to establish a State village for feeble-minded women providing for the appointment of a board of managers to select a tract of land for that purpose in the State forest reserve and to erect and furnish buildings on the same and to manage said institution and providing for the commitment thereto of feeble-minded females between the ages of sixteen and forty-five years defining the powers and duties of the board of managers and making an appropriation for the

purposes aforesaid also for the expenses of maintenance until June one one thousand nine hundred and fifteen" is hereby amended to read as follows

Section 7 The board of managers shall elect annually from its members a president secretary and treasurer and shall appoint a superintendent who shall be under its direction and control and who shall hold office during the pleasure of the board The superintendent shall be a skilled [woman] physician who shall be a graduate of a legally chartered medical college with an experience of at least five years in the actual practice of his or her profession with such powers as said board may confer upon him or her and such board shall also appoint such instructors assistants martons stewards attendants and employes as may be necessary for the proper maintenance discipline and government of said institution and remove the same from time to time at pleasure and shall fix the compensation of all said officers and employes The said board shall also have authority to employ legal counsel from time to time as occasion may require and as they may deem necessary The superintendent shall have authority to make temporary appointments and to suspend any employe subject to ratification by the board at its next meeting Employees for the special work of the institution shall be selected only after strict examination as to their moral character and their fitness to care for and instruct those who may be assigned to the custody of the village The compensation of all officers and employes shall be fixed by the board

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 266, as follows:

An Act to further amend section two of the act approved the fourth day of June one thousand nine hundred and fifteen (Pamphlet Laws 828) entitled "An act to provide revenue by imposing a State tax upon sales or agreements to sell or memoranda of sales of stock and upon deliveries or transfers of shares or certificates of stock in domestic and foreign corporations copartnership associations and joint-stock associations providing the manner of collecting such tax and prescribing penalties" by further extending the exemptions from the tax imposed by the said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the fourth day of June one thousand nine hundred and fifteen (Pamphlet Laws 828) entitled "An act to provide revenue by imposing a State tax upon sales or agreements to sell or memoranda of sales of stock and upon deliveries or transfers of shares or certificates of stock in domestic and foreign corporations copartnership associations and joint-stock associations providing the manner of collecting such tax and prescribing penalties" as amended by the act approved the fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 278) is hereby further amended to read as follows

Section 2 This act does not impose a tax upon an agreement evidencing the deposit of stock certificates as collateral security for money loaned thereon if such stock certificates are not actually sold nor upon such stock certificates so deposited nor upon mere loans of stock or the return thereof nor shall the prvoisions of this act apply to transfers of certificates otherwise taxable from a trustees or trustees to a trustee or trustees substituted by court order or in accordance with the terms of the trust agreement or to a surviving trustee or trustees provided in either case the same continue to be held by such transferee or transferees for the same purposes for which they were held prior to such transfer nor to such transfers from a deceased person to his or her executor or administrator nor from a ward to his or her guardian nor from a guardian to the ward where such transfer is made pursuant to the relationship of executor or administrator or guardian and ward nor to deliveries or transfers to a broker or his registered nominee for sale nor to deliveries or transfers by a broker or his registered nominee to a customer for whom and upon whose order the broker has purchased same nor to deliveries or transfers by a purchasing broker to his registered nominee if the shares or certificates so delivered or transferred are to be held by such nominee for the same purpose as if held by the broker but such deliveries or transfers to or from a broker or his registered nominee shall be accompanied by a certificate setting forth the facts

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 968, as follows:

An Act to further amend section two hundred three to repeal section four hundred seven and to amend section one thousand two hundred and one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" to reorganize the Departments of Revenue and of the Auditor General in such manner as to vest in the Department of Revenue the appointment the fixing of the compensation and the approval of the expense accounts of clerks investigators appraisers expert appraisers permanent appraisers and other employees necessary to enable the registers of wills of the several counties to collect transfer inheritance taxes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public offi-

cers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as last amended by the act approved the second day of February one thousand nine hundred and thirty-seven (Pamphlet Laws three) is hereby further amended to read as follows

Section 203 Duties in Connection with the Collection of State Taxes Not Settled by the Department The Department of Revenue shall have the power and its duty shall be

(a) To collect the tax imposed by law upon the sale or use within this Commonwealth of liquid fuels and in connection with the collection of such tax to issue liquid fuel permits or licenses to dealers in or distributors or consumers of liquid fuels as provided by law

(b) To collect the tax imposed by law upon the gross premiums received from business transacted within this Commonwealth by stock or mutual insurance companies associations or exchanges of another State or foreign government authorized to do business in this Commonwealth

(c) To collect the tax imposed by law upon the underwriting profits of insurers organized admitted or licensed to transact the business of marine insurance within this Commonwealth

(d) To collect the tax imposed by law upon insurance or reinsurance premiums from persons corporations copartnerships or associations entering into contracts of insurance or reinsurance with insurance companies or associations of other States or foreign countries not registered or entitled to do business in this Commonwealth

(e) To collect the tax imposed by law upon the gross premiums named in the policies delivered to policyholders and upon all policies procured by every person copartnership and corporation licensed by the Insurance Department to transact business as an excess insurance broker

(f) To collect the tax on sales or transfers of stock imposed by the act approved the fourth day of June one thousand nine hundred fifteen (Pamphlet Laws eight hundred twenty-eight) entitled "An act to provide revenue by imposing a State tax upon sales or agreements to sell or memoranda of sales of stock and upon deliveries or transfers of shares or certificates of stock in domestic and foreign corporations copartnership associations and joint-stock associations providing the manner of collecting such tax and prescribing penalties" and in connection with such collection to prescribe the form of books of account stock certificate books transfer ledgers or registers to be kept by persons corporations copartnership associations and joint-stock companies subject to said tax to cause to be prepared in such form of such denominations and in such quantities as it may deem advisable and to sell stamps to persons desiring to purchase the same to make provisions for the sale of stamps in such places and at such times as it may deem necessary and to be the custodian of all stamps prepared under its direction until the same shall be sold

(g) To supervise the collection by the registers of wills of transfer inheritance taxes and to exercise the powers and perform the duties hereinafter provided in connection with the collection of such taxes

(h) To collect the transfer inheritance tax payable on estates of nonresident decedents

(i) To prepare and cause to be printed in such form as the department may determine such blanks statements notices and other forms as shall be necessary for use by mercantile appraisers in performing the duties imposed upon them by law and to supervise the work of the mercantile appraisers

(j) To collect the tax imposed by law upon malt or brewed beverages manufactured in this Commonwealth or transported into this Commonwealth for sale and delivery or storage therein

(k) To collect the floor tax imposed by law upon spirituous and vinous liquor lodged or stored within this Commonwealth

(l) To collect the tax imposed by law upon the privilege of producing manufacturing distilling rectifying compounding selling or using distilled spirits rectified spirits and wines within this Commonwealth

(m) To collect the taxes imposed by law upon the privilege of attending or engagement in an amusement or upon admissions charged within this Commonwealth

(n) To collect the tax imposed by law upon the sale of cigarettes within this Commonwealth

(o) To collect the excise tax imposed by law upon corporations that is measured by their net income for the privilege of doing business within this Commonwealth

(p) To collect the tax imposed by law with respect to certain documents executed issued or delivered in this Commonwealth that is measured by the value represented by such documents

(q) To collect the tax imposed by law upon certain personal property and interests therein owned held or possessed by residents of this Commonwealth

(r) To collect the tax imposed by law upon liquor sold by the Pennsylvania Liquor Control Board

(s) To receive from the Pennsylvania Liquor Control Board the tax imposed upon the delivery of distilled rectified and blended spirits to such board

The Secretary of Revenue shall appoint or approve the appointment fix the compensation and approve or disapprove the expense accounts of such clerks investigators appraisers expert appraisers permanent appraisers and other employes as may be necessary to enable the registers of wills of the several counties to collect transfer inheritance taxes upon estates of resident decedents as now provided by law

Section 2 Section four hundred seven of said act is hereby repealed

Section 3 Section one thousand two hundred and one of said act is hereby amended to read as follows

Section 1201 Procedure Relating to Collection of Tax on Transfers of Property of Resident Decedents The Department of Revenue shall exercise the following powers and perform the following duties heretofore exercised and performed by the Auditor General in connection with the collection by the registers of wills of the several counties of transfer inheritance taxes

The Department of Revenue shall have the power and its duty shall be

(a) To supervise the making of appraisements in estates of resident decedents and for this purpose to adopt and enforce rules and regulations for the just administration of the laws imposing transfer inheritance taxes

(b) To approve or disapprove all expense accounts of appraisers appointed by registers of wills to appraise decedents' estates

(c) To supervise the work of investigators appraisers expert appraisers permanent appraisers and other employes appointed by [the Auditor General] the Secretary of Revenue to assist registers of wills in enforcing the transfer inheritance tax laws

(d) To receive from the several registers of wills and enter in a book to be kept for the purpose the monthly statements of all returns made by appraisers during the preceding month upon which the taxes have been paid or remain unpaid

(e) To exercise all of the powers vested in the register of wills if the register of wills in any case fails within the time provided by law to take the proceedings necessary to secure the filing of the inventory or schedule of the property of a resident decedent or to collect the tax due and for this purpose to institute such proceedings as may be necessary charging to the register of wills and deducting from any commissions or fees otherwise due him all costs expenses and attorney's fees incurred by the department in connection with such proceedings

(f) In settling the accounts of registers or of any county treasurer who has acted prior to the qualification of the register of wills of his county to credit the accounting officer and deduct from the settlement all commissions due such officer for collecting transfer inheritance taxes the

compensation and expenses paid with the approval of the [Auditor General] Secretary of Revenue to investigators appraisers and expert appraisers the costs of advertising and all other reasonable fees and expenses incurred in the collection of the tax and

(g) To receive from registers of wills all duplicate receipts for taxes paid to them by executors and administrators to charge the registers receiving the money with the amounts receipted for to seal with its official seal and countersign the original receipt and transmit it to the executor or administrator whereupon it shall be a proper voucher in the settlement of the estate In no event shall the executor or administrator be entitled to a credit in his account by the register unless the receipt is so sealed and countersigned by the Department of Revenue

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 896, as follows:

An Act to amend section 2504 of the act approved June twenty-third one thousand nine hundred thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing a method for the valuation of real property for taxation purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section 2504 of the act approved June twenty-third one thousand nine hundred thirty-one entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 2504 Assessment of Property Duties of Assessors The assessor shall make or cause to be made during the year of the triennial assessment for county purposes a full just equal and impartial assessment of all property taxable according to the laws of this Commonwealth for county purposes and all matters and things within the city subject by law to taxation for city purposes and a just and perfect list of all property exempt by law from taxation with a just valuation of the same But nothing hereinbefore contained shall be construed as making taxable for city purposes the classes of personal property which by law are made taxable exclusively for county purposes at the rate of four mills With his assessment he shall return such dimension description or quality of each lot of parcel of land as will be sufficient to identify the same together with the number and kind of improvements [in all cases he shall value or cause to be valued the property at such sums as the same would in his judgment bring at a fair public sale thereof] In all cases he shall value or cause to be valued the property at the actual value thereof In arriving at such value the price for which any property would separately bona fide sell or the price at which any property may bona fide actually have been sold shall be considered but shall not be controlling Instead such selling price estimated or actual shall be subject to revision by increase or decrease to accomplish equalization with other similar property within the taxing district It shall be the further duty of the assessor to return annually a list of all the inhabitants over twenty-one years of age

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1287, entitled:

An Act to further amend sections one and two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1286) entitled as amended "An act empowering cities boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" authorizing the imposition and collection of ready to serve charges and extending the purposes for which rentals and charges may be made

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1286) entitled as amended "An act empowering cities boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" as amended by section one of the act approved the fourteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 630) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any city borough incorporated town or township either singly or jointly with other municipalities or townships or both has wholly or partially constructed or shall hereafter wholly or partially construct or complete any sewer or sewage system or sewage treatment works either wholly or partially at public expense or shall have acquired or shall hereafter acquire the same either wholly or partially at public expense or whenever any city borough incorporated town or township shall singly or jointly with other municipalities or townships or both enter into any contract with any authority established in accordance with law or with any private corporation for the furnishing of sewer or sewage treatment services or both for its or their benefit and the benefit of the inhabitants thereof such city borough incorporated town or township may provide by ordinance or resolution enacted either before or after the acquisition or construction thereof or the entry into such contract for the imposition and collection of an annual rental or charge for the use of such sewer sewage system or sewage treatment works from the owners of the property served [or to be served] by it and a reasonable annual charge in the nature of a ready to serve charge from the owners of property for which service is available whether such property is located within or without the corporate limits of such city borough town or township

The annual rental or charge so imposed shall be a lien on the properities served and such liens may be filed in the office of the prothonotary and collected in the manner provided by law for the filing and collection of municipal claims

Section 2 Any such annual rental or charge may be such sum as may be sufficient to meet any or all of the following classes of expense (a) the amount expended annually by the city borough incorporated town or township in the operation maintenance repair alteration inspection depreciation enlargements additions extensions or other expenses in relation to such sewer sewage system or sewage treatment works (b) such annual amount as may be necessary to provide for the amortization of the indebtedness incurred or the non-debt revenue bonds issued by the city borough incorporated town or township in the construction or acquisition or in the enlargement addition to or extension of such sewer sewage system or sewage treatments works and interest thereon in order that said improvements may become self-liquidating or as may be sufficient to pay the amount agreed to be paid annually under the terms of any contract with any authority or private corporation furnishing sewer or sewage treatment services to such city borough town or township and

(c) sufficient to establish a margin of safety of ten per centum Any unused surplus from any preceding year shall be paid into the fund accruing from said rentals or charges and whenever the amount in said fund exceeds the said margin of safety o ften per centum the excess shall be paid into the sinking fund The amount required for sinking fund and interest shall be paid into the sinking fund and the amount so paid including any excess as above provided shall not be used for any other purpose The said annual rental or whatever charge shall be decided upon by the city borough incorporated town or township shall be apportioned equitably among the properties served and for which service is available by the said sewer sewage system or sewage treatment works

On the question,

Will the House agree to the section?

Mr. BRETHERICK. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1 (Sec. 2), page 3, line 27 by inserting after the word "thereon" the following: "and any taxes covenanted to be paid by the municipalities on the principal of and interest on said bonds"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

An Act to further amend sections one and two of the act, approved the eighteenth day of July, one thousand nine hundred and thirty-five (P. L. 1286), entitled as amended "An act empowering cities, boroughs, incorporated towns, and townships to charge and collect annual rentals for the use of certain sewers, sewage systems and treatment works, including charges for operation, inspection, maintenance, repair, depreciation, and the amortization of indebtedness and interest thereon;" authorizing the imposition and collection of ready to serve charges; and extending the purposes for which rentals and charges may be made.

And said bill having been read at length the second time and agreed to as amended.

Ordered. To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1064, as follows:

An Act to repeal section eight of the act approved the twelfth day of July one thousand nine hundred and nineteen (Pamphlet Laws 941) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reporters expert typewriters clerks and other employes and providing for their compensation and mileage providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts or parts of acts inconsistent herewith" in so far as it relates to the preparation printing binding and distribution of the Separate Journal of the House of Representatives

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eight of the act approved the twelfth day of July one thousand nine hundred and nineteen (Pamphlet Laws 941) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reporters expert typewriters clerks and other employes and providing for their compensation and mileage providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts or parts of acts inconsistent herewith" is hereby repealed in so far as it relates to the preparation printing binding and distribution of the Separate Journal of the House of Representatives

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 492, as follows:

An Act to amend Section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and County purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by excluding stages omnibuses hacks cabs and other vehicles used in transporting passengers for hire owned used or possessed within this Commonwealth by any person or persons or by any corporate body or bodies from the provisions thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by the acts approved the thirteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred seventy-one) the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred nine) and the twenty first day of April one thousand nine hundred and thirty-three (Pamphlet Laws fifty-four) is hereby further amended to read as follows

Section 1 Be it enacted et cetera That all personal property of the classes hereinafter enumerated owned held or possessed by any person persons copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or by any joint stock company or association limited partnership bank or corporation whatsoever formed erected or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other State or government and liable to taxation within this Commonwealth whether such personal property be owned held or possessed by such person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation in his her their or its own right or as active trustee agent

attorney-in-fact or in any other capacity for the use benefit or advantage of any other person persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation is hereby made taxable annually for county purposes and in cities coextensive with counties for city and county purposes at the rate of four mills on each doller of the value thereof and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section seventeen hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other State or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section seventeen hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other State or government except shares of stock in any bank corporation or limited partnership that may be liable to a tax on its shares or its capital stock for State purposes under the laws of this Commonwealth or relieved from the payment of tax on its shares or capital stock for State purposes by the laws of the Commonwealth all moneys loaned or invested in other States Territories the District of Columbia or foreign countries all other moneyed capital in the hands of individual citizens of the State [all stages omnibuses hacks cabs and other vehicles used in transporting passengers for hire except steam and street passenger railway cars owned used or possessed within this Commonwealth by any person or persons or by any corporate body or bodies] all annuities yielding annually over two hundred dollars Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor to interest bearing accounts in any bank or banking institution savings institution or trust company And provided That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said four mills tax herein provided for or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said four mills tax on any of the said such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such association societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for county purposes and in cities coextensive with counties for city and county purposes shall be taxed or taxable for any other local purpose or for State purposes under the laws of this Commonwealth And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated hereafter received from any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth and not doing business within this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth and not doing business within this Commonwealth

Section 2 This Act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The House proceeded to the second reading and consideration of House Bill No. 870, as follows:

An Act to further amend the act approved the twenty-seventh day of June one thausand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" further defining State employes and original members and making further exception to compulsory membership in the system

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clauses six and nine of section one and section three of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 683) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Gneral Assembly met and it is hereby enacted by the authority of the same That the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings * * * * *

6 "State employe" shall mean any person holding a State office or position under the Commonwealth of Pennsylvania employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania in any capacity whatsoever and shall include also any attorney solicitor investigator appraiser and clerk employed by the year or by the month in the office of any register of wills howsoever appointed whose compensation is actually paid from Commonwealth moneys and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropriated by the Commonwealth for such purposes and also all officers and employes of the Pennsylvania State College paid on a yearly or monthly basis other than those paid wholly from Federal funds and also all officers and employes of the Delaware River Joint Commission paid on a yearly or monthly basis if the Delaware River Joint Commission shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserves necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes and also but only for the purposes of this act all officers and employes of any separate independent public corporation created by act of Assembly (not including however any municipal or quasi-municipal corporation) who immediately prior to their employment by such public corporation were employes of the Commonwealth so long as they remain officers or employes of such public corporation if such corporation shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserve necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes But the term "State employe" shall not include those persons defined as employes in section one paragraph seven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by section one paragraph seven of the act approved the twenty-first day of April one thousand nine hundred and twenty-one (Pamphlet Laws two hundred forty-five) excepting such officers and employes of the Department of Public Instruction as are not members of or who may withdraw from the public school employes' retirement association provided by said act and no member shall be deprived of credit for prior service as a State employe because of the fact that such service was rendered while he or she was a member of the public school employes' retirement association

The term "State employe" shall also include all State officers and employes regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session but who during a legislative session instead of a fixed anual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session or who receive no fixed annual or monthly salary but are paid only upon a per diem basis during legislative sessions and subsequent thereto

In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this paragraph and its decision shall be final

* * * * *

9 "Original member" of the retirement association shall mean a State employe who was at any time a State employe prior to January first one thousand nine hundred twenty-five whether or not such employment has been continuous and who shall have become a member of the retirement association on or before December thirty-first one thousand nine hundred thirty-five or in any case where subsequent to such date the definition of State employe has been changed so as to include additional persons not previously classed as State employes if any such person shall have become a member of the retirement association within thirty days after the effective date of the act under the provisions of which he was enabled to become a member of the association

Any such State employe who shall become an original member of the association after the approval of this amendment including those who having heretofore become a new member thereof shall become an original member under the provisions hereof shall pay to the retirement association a sum equal to a the back payments which such person would have made had he or she become a member of the retirement association when the retirement system was established Such back payments may be spread over a period of years by having such regular payroll deduction of such person increased by not less than one third of the amount thereof which deduction increase shall be credited to such back payments owing and shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time and shall be anticipated in full at the time of retirement before a retirement allowance is granted and if not so anticipated then the member's annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated

Original member of the retirement association shall also mean any judge in service on the second Monday of January one thousand nine hundred thirty who shall elect to become a member of the retirement association at any time during the term for which he was then elected or appointd and any person hereafter elected or appointed a judge who at the time of his election or appointment is an original member of the retirement association or who was retired voluntarily or involuntarily as an original member and is at the time of his election or appointment as a judge receiving a retirement allowance as an original member

* * * * * *

Section 3 A State employes' retirement association is hereby organized the membership of which shall consist of all State employes as defined in paragraph six of section one of this act who by written application to the Retirement Board shall either as an original member or a new member elect to be covered by the retirement system Any State employe who becomes a State employe subsquent to the thirty-first day of December nineteen hundred twenty-four except as provided in paragraphs nine and ten of section one of this act as to judges shall during the first six months of employment as a State employe have the option of membership but after the first six months of such employment as a State employe membership as a new member shall be compulsory Provided however That neither the Governor nor the Lieutenant Governor nor the head or deputy heads of any administrative department nor the members of any independent administrative

board or commission or of any departmental administrative board or commission or of any advisory board or commission nor the secretary to the Governor nor the budget secretary nor any legislative employe nor any person over the age of fifty years shall be compelled to become members of said State employes' retirement association

The head of each department board commission or other agency of the State government shall see to it that an application for membership is executed by each new State employe within said six months period and that payroll deductions are not delayed beyond said period

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1193, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell seven lots of ground with the messuages thereon if any and providing for the disposition of the proceeds derived as a result of sale of such lots

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor is hereby authorized and empowered to sell and convey for such price or prices as may be agreed upon seven lots of ground with the messuage thereon if any as follows

Lot No 1 (Formerly known as tollhouse property No 10) All that certain messuage or piece of ground situate in the Township of Jackson County of Lebanon and State of Pennsylvania bounded and described as follows viz

Beginning at a point on the Berks and Dauphin Turnpike north eleven degrees (11°) West one hundred and ninety-eight (198) feet along other land of the said Samuel Bahney to a point on land of the same thence along the same north seventy-nine (79°) East ninety-three (93) feet to a point on land of Dennis Gerhardt thence along the same south six and a half degrees (6½°) West two hundred and eight (208) feet to a point on the said Berks and Dauphin Turnpike thence along the same south seventy-nine degrees (79°) West thirty (30) feet to the place of beginning containing twelve thousand one hundred and seventy-seven (12,177) square feet

Being the same lot which by indenture dated the thirtieth day of August one thousand nine hundred and seventeen was conveyed by The President Managers and Company of the Berks and Dauphin Turnpike Road Company to the Commonwealth of Pennsylvania said deed being recorded in the office for the Recording of Deeds in and for the county of Lebanon in Corporation Deed Book number two page seven hundred and fifty-five

Lot No 2 (Formerly known as tollhouse property No 8) All that certain messuage tenement and tract of land situate in North Lebanon Township Lebanon County Pennsylvania bounded and described as follows to-wit

Beginning at a point in the middle of the Berks and Dauphin Turnpike Road a corner of this and land of John H Groh thence along the middle of said turnpike road south sixty-nine and one half degrees (69½°) West fifty (50) feet to a point thence along other land of William L Groh north twenty and one-half degrees (20½°) West one hundred and seventy-eight (178) feet to a point thence along land of said John H Groh north sixty-nine and one-half degrees (69½°) East fifty feet to a point thence along land of said John H Groh south twenty and one-half degrees (20½°) east one hundred and seventy-eight (178) feet to a point in the middle of the Berks and Dauphin Turnpike Road the place of beginning

Conveyed by the same indenture referred to under Lot No 1 above

Lot No 3 All that certain small piece or lot of ground with the toll house and other buildings thereon erected situate on the South Side of the Cornwall Turnpike Road in the Township of North Cornwall Lebanon County Pennsylvania beginning at a post on the west side of the Cornwall Turnpike Road thence along said turnpike road north thirty degrees (30°) west fifty (50) feet to a post thence by land of Frank F Hauck south sixty degrees (60°) west one hundred and fifty (150) feet to a twelve (12) feet wide alley thence along said alley south thirty degrees (30°) east fifty (50) feet to a post thence by lands of Frank F Hauck north sixty degrees (60°) east one hundred and fifty (150) feet to the place of beginning containing seven thousand five hundred (7,500) square feet net measure

Being the same lot which by indenture dated the twenty-ninth day of December one thousand nine hundred and seventeen was conveyed by Cornwall Turnpike Company to the Commonwealth of Pennsylvania said deed being recorded in the Office for the Recording of Deeds in and for the County of Lebanon in Corporation Deed Book number three page one hundred and seven

Lots No 4 and No 5 that certain messuage tenement and two contiguous tracks of land situate in the Township of Hanover County of Lehigh and State of Pennsylvania bounded and described as follows to wit

The first Beginning at a post in a public road leading from Rittersville to Catasauqua by lands of Calvin J Otto south 4¼ degrees east 27½ perches to a post thence by lands of the Estate of Weston Dodson deceased north 86 degrees East 31.6 perches to a stone thence by land of Charles Ziegenfuss in a public road leading from Bethlehem to Catasauqua north 35½ degrees west 32.7 perches to a post thence by the next hereinafter described tract south 86 degrees west 14½ perches to the place of beginning Containing four acres of land

The second Beginning at a post in line of land of William Hattenstein and Calvin J Otto at the junction of the two public roads hereinbefore mentioned thence partly by lands of William Hattenstein and Charles Zigenfuss in the aforesaid road from Bethlehem to Catasauqua south 35½ degrees east 26 perches to a post thence by the hereinbefore described tract south 86 degrees west 14½ perches to a post in the aforesaid public road leading from Rittersville to Catasauqua thence by the same by lands of Calvin J Otto north 4¼ degrees west 22.5 perches to the place of beginning Containing 146 perches of land more or less

Reserving however and excepting therefrom out of the first described tract a certain lot of ground at the southwestern corner thereof Containing in front on said road leading from Catasauqua 184 feet and of the same width extending in depth along land of West Dodson deceased 239 feet Containing nearly one acre of land more or less

Being the same two contiguous tracts of land which by deed poll dated the first day of November one thousand nine hundred and thirty-five was conveyed by Oliver H Peter Sheriff to the Commonwealth of Pennsylvania said deed poll being recorded in and for the county of Lehigh in Deed Book volume five hundred fifty-four page one hundred sixty-two

Lot No 6 All That Certain Messuage And Lot of Land situate in the Borough of Langhorne Bucks County Pennsylvania bounded and described as follows

Beginning at a corner on the north side of Maple Avenue in line of land of Phoebe Margerum thence along said land north twelve degrees forty-five minutes west one hundred forty-eight and five-tenths (148.5) feet to a corner thence by the same south seventy-seven degrees thirty-five minutes west sixty-six feet (66) to a corner in line of lands of Dr. Henry Lovett thence by the same north twelve degrees eleven minutes west two hundred eighty and five tenths (280.5) feet to a stone corner thence south seventy-seven degrees four minutes west one hundred eighteen and three tenths (118.3) feet to a corner thence north eleven degrees fifty-nine minutes west one hundred thirty-three and five tenths (133.5) feet to a corner stone in line of land of Mrs P M Minster thence along said lands north seventy-eight degrees thirty-three minutes east two hundred ninety-seven and seven tenths (297.7) feet to a corner thence by lands about to be conveyed to Emma M Buckman south twelve degrees forty-five minutes east five hundred fifty-five and four tenth (555.4) feet to a corner on the north side of Maple Avenue aforesaid thence along the north side thereof south seventy-seven degrees thirty-

five minutes west one hundred eighteen (118) feet to the place of beginning

Containing two acres and seventy-four (74) perches of land be the same more or less

Being the same lot and messuage which by deed poll dated the tenth day of January one thousand nine hundred and thirty-eight was conveyed by William L Stackhouse sheriff to the Commonwealth of Pennsylvania said deed poll being recorded in and for the county of Bucks in Deed Book number six hundred and fifty-seven page one hundred and sixty-eight

Lot No 7 All That Certain Messuage and Lot of Land situate in Hamiltonban Township Adams County Pennsylvania consisting of two (2) purparts bounded and described as follows

No 1 Beginning in the center of the Waynesboro Greencastle and Mercersburg Turnpike Road thence by lands now or late of George A Cline North 37 Degrees East 25¾ perches to a point thence by lands now or late of George Frederick Ziegler South 53 degrees East 4.5 perches to a stone thence by the same South 33½ degrees West 14.5 perches to a red oak sapling thence by the same South 29 Degrees West 11.1 perches to a center of the said turnpike road thence along the center of said turnpike road South 55¾ Degrees 6.92 perches to the place of beginning containing 140 perches of land neat measure

No 2 Beginning at an iron pin in the center of Waynesboro Greencastle and Mercersburg Turnpike road near Gate House No 2 thence North 28¾ Degrees East 11.28 perches to a point thence North 34 Degrees East 14.72 perches to a stone thence North 57½ Degrees West 4.5 perches to a stake and stone thence West 37¼ Degrees East 8.48 perches to a point thence South 32½ Degrees East 12.4 perches to a stake 4 feet South of a large hickory tree Thence South 32¾ Degrees West 29.32 perches to an iron pin in the aforesaid turnpike thence North 57 Degrees West 6.34 perches to an iron pin the place of beginning containing 102.8 perches of land neat measure

Being the same two contiguous tracts of land which the Waynesboro Greencastle and Mercersburg Turnpike Road Corporation by deed dated 25th day of November 1918 and recorded in the office for the recording of deeds in and for Adams County in Deed Book Volume 83 page 92 Granted and conveyed to the Commonwealth of Pennsylvania

Section 2 The moneys received as the purchase price of lots number one two three four five six and eight shall be paid into the Motor License Fund The money received as the purchase price of lot number seven shall be paid into the General Fund and shall be applied to the reduction of the claim of the Department of Revenue Commonwealth of Pennsylvania against the estate of C Sidney Mather and Tacie A Mather deceased et al Court of Common Pleas of Bucks County December Term one thousand nine hundred and thirty-seven numebr six

Section 3 The cost of each such conveyance shall be paid by the grantee

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for a tnird reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 283, as follows:

An Act permitting inquiry as to good repute and consent on cross-examination of prosecutrix in cases of statutory rape

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Upon the trial of any defendant charged with the unlawful carnal knowledge and abuse of woman child under the age of sixteen years wherein it is alleged that such woman child was not of good repute and that the carnal knowledge was with her consent it shall be competent on cross-examination of such woman child to inquire of her as to any matter touching her good repute and her consent to said act even though she may not have testified to such facts on direct examination

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 197, as follows:

An Act providing that officers and employes of the Commonwealth who are members of the Officers' Reserve Corps of the United States Army United States Navy or United States Marine Corps shall be entitled to leaves of absence without loss of pay time or rating while engaged in active service or in field training

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All officers and employes of the Commonwealth who are members of the Officers' Reserve Corps of the United States Army United States Navy or United States Marine Corps shall be entitled to leaves of absence from their respective duties without loss of pay time or efficiency rating on all days not exceeding thirty (30) days in any one year which they shall as such members of the Officers' Reserve Corps of the United States Army United States Navy or United States Marine Corps be engaged in active service of the United States Army United States Navy or United States Marine Corps or in field or sea training ordered or authorized by any law of the United States

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 721, as follows:

An Act to amend the act approved the eleventh day of October one thousand nine hundred thirty-eight (Pamphlet Laws sixty-two) entitled "An act to amend section two of the act approved the eleventh day of April one thousand nine hundred twenty-nine (Pamphlet Laws four hundred eighty-seven) entitled 'An act authorizing the Department of Welfare to determine the legal residence of indigent sane feeble-minded and epileptic persons returned to this Commonwealth by the authorities of another State or transferred from one poor district to another by the department and requiring the proper district to pay the cost of the care and treatment of such persons in accordance with the laws relating to indigent insane persons' by relieving poor districts of certain costs and placing such costs on the Commonwealth" by deferring the operation of the act for a further period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the eleventh day of October one thousand nine hundred thirty-eight (Pamphlet Laws sixty-two) entitled "An act to amend section two of the act approved the eleventh day of April one thousand nine hundred twenty-nine (Pamphlet Laws four hundred eighty-seven) entitled 'An act authorizing the Department of Welfare to determine the legal residence of indigent insane feeble-minded and epileptic persons returned to this Commonwealth by the authorities of another State or transferred from one poor district to another by the department and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons' by relieving poor districts of certain costs

and placing such costs on the Commonwealth" is hereby amended to read as follows

Section 2 This act shall become effective the first day of June one thousand nine hundred [thirty-nine] forty-one

Section 2 This amending act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 720, as follows:

An Act to amend section three of the act approved the eleventh day of October one thousand nine hundred thirty-eight (Pamphlet Laws sixty-three) entitled "An act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled 'An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties' as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care an ddischarge of mental patients with certain exceptions imposing such costs on the Commonwealth and repealing inconsistent laws" by deferring the operation of the act for a further period of time and permitting the care of mental patients in certain county city or institution district institutions during such time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the eleventh day of October one thousand nine hundred thirty-eight (Pamphlet Laws sixty-three) entitled "An act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled 'An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties' as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care and discharge of mental patients with certain exceptions imposing such costs on the Commonwealth and repealing inconsistent laws" is hereby amended to read as follows

Section 3 The amendment to section two hundred one of the act amended by this act shall become effective immediately upon its final enactment but in all other respects this act shall become effective on the first day of June one thousand nine hundred [thirty-nine] forty-one Provided That notwithstanding the amendment to said section two hundred one mental patients in the Commonwealth may continue to be cared for in any institution of any county city or institution district transferred to the Commonwealth under the provisions of the act approved the twenty-ninth day of September one thousand nine hundred thirty-eight (Pamphlet Laws sixty-three) during the period before the Commonwealth formally takes over the operation and management of any such institution as a State mental hospital or closes any such institution as provided in said act

Section 2 This amending act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 718, as follows:

An Act to amend the act approved the twenty-ninth day of September one thousand nine hundred thirty-eight (Pamphlet Laws fifty-three) entitled "An act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws" by extending the time within which the Commonwealth shall take over all such institutions and extending the time for the repeal of certain acts listed in section nine of said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections three seven and ten of the act approved the twenty-ninth day of September one thousand nine hundred and thirty-eight (Pamphlet Laws fifty-three) entitled "An act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare of the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws" are hereby amended to read as follows

Section 3 The Department of Welfare shall promptly make an investigation and survey of the institutions hereby transferred to the Commonwealth for the purpose of determining (1) which of the institutions are necessary having regard to the number of persons requiring care and treatment because of mental illness and the geographic location and capacity of other such mental hospitals and (2) which of the institutions having regard to existing facilities may be operated by the Commonwealth in such a manner as to insure the proper maintenance custody safety and welfare of mental patients Upon the completion of its investigation and survey the Department of Welfare shall submit to the Governor a report setting forth its findings and recommendations with respect to the institutions deemed necessary and suitable for the care maintenance and treatment of mental patients and the institutions deemed unnecessary or unsuitable for this purpose Upon receiving the report of the Department of Welfare the Governor shall from time to time but not later than the thirty-first day of May one thousand nine hundred [thirty-nine] forty-one having regard to the standards of necessity and suitability hereinbefore set out in this section determine which of the institutions shall be managed and operated by the Commonwealth as State mental hospitals and which institutions if any shall be closed Provided however That the Governor shall direct the State

Department of Welfare to take over the management and operation of any such institution which is operated and managed by any city of the first class as soon as practicable after the effective date of this act and before the completion of the investigation and survey hereinbefore required in this section Before the management and operation of any institution is taken over by the Department of Welfare the Governor shall issue his proclamation setting forth the date on which the Department of Welfare will take over the management and operation of the institution In the event it shall be determined that a particular institution is to be closed the Governor shall issue a proclamation setting forth the date on which such institution will be closed The original of any such proclamation shall be filed in the office of the Secretary of the Commonwealth and a copy thereof shall be furnished the county city or institution district authorities having charge of such institution

Section 7 After the effective date of this act and until the management and operation of a particular institution is formally assumed by the Department of Welfare or until a particular institution is closed under the provisions of this act but not later than the thirty-first day of May one thousand nine hundred [thirty-nine] forty-one the county city or institution district engaged in the operation and management of that institution shall continue to bear the expense of administering and operating the institution and the Commonwealth shall contribute towards the expense of indigent patients therein to the same extent and in the same manner as pertained under existing laws on the effective date of this act

Section 10 Section nine of this act shall become effective on the first day of June one thousand nine hundred [thirty-nine] forty-one and in all other respects this act shall become effective immediately upon its final enactment

Section 2 This amending act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 962, as follows:

An Act permitting railroad corporations to fix in their by-laws the time for annual and other meetings and the election of directors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

It shall be lawful for any railroad company incorporated under the laws of this Commonwealth to provide in its by-laws the time for the annual and other meetings of the stockholders of the corporation and the election of directors

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 709, as follows:

An Act for the protection of the public health by prohibiting the adulteration misbranding false labeling and false advertising of drugs including cosmetics and of instruments apparatus contrivances accessories and other devices used in the diagnosis cure mitigation treatment and prevention of disease providing for the detention embargoing seizure and destructions of unlawful drugs cosmetics and devices regulating dealing in new drugs conferring powers and imposing duties on the State Board of Pharmacy and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This act shall be known and may be cited as the "Drug and Cosmetic Act"

Section 2 Definitions For the purpose of this act

(a) The word "board" means the State Board of Pharmacy of the Commonwealth of Pennsylvania

(b) The word "person" includes individual partnership corporation and association

(c) The word "drug" means (1) articles recognized in the official United States Pharmacopoeia official Homoeopathic Pharmacopoeia of the United States or official National Formulary or any supplement to any of them (2) articles intended for use in the diagnosis cure mitigation treatment or prevention of disease in man or other animals (3) articles (other than food) intended to affect the structure of any function of the body of man or other animals and (4) aricles intended for use as a component of any article specified in clause (1) (2) or (3) but does not include devices or their components parts or accessories

(d) The word "device" (except when used in paragraph (j) of this section and in section 3 (j) and 10 (c) and 13 (c) means instruments apparatus and contrivances including their components parts and accessories intended (1) for use in the diagnosis cure mitigation treatment or prevention of disease in man or other animals or (2) to affect the structure of any function of the body of man or other animals

(e) The word "cosmetic" includes dentrifice and toilet article and means (1) articles intended to be rubbed poured sprinkled or sprayed on introduced into or otherwise applied to the human body or any part thereof for cleansing beautifying promoting attractiveness or altering the appearance and (2) articles itended for use as a component of any such articles except that such [term] word shall not include soap

(f) The term "official compendium" means the official United States Pharmacopoeia official Homoeopathic Pharmacopoeia of the United States official National Formulary or any supplement to any of them

(g) The word "label" means a display of written printed or graphic matter upon the immediate container of any article and a requirement made by or under authority of this act that any word statement or other informaion appear on the label shall not be considered to be complied with unless such word statement or other information also appears on the outside container or wrapper if any there be of the retail package of such article or is easily legible through the outside container or wrapper

(h) The word "immediate container" does not include package liners

(i) The word "labeling" means all labels and other written printed or graphic matter (1) upon an article or any of its containers or wrappers or (2) accompanying such article

(j) If an article is alleged to be misbranded because the labelling is misleading or if an advertisement is alleged to be false because it is misleading then in determining whether the labeling or advertisement is misleading there shall be taken into account (among other things) not only representations made or suggested by statement word design device sound or in any combination thereof but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the articles to which the labeling or advertisement relates under the conditions of use prescribed in the lebaling or advertisement thereof or under such conditions of use as are customary or usual

(k) The word "advertisement" means all representations disseminated in any manner or by any means other than by labeling for the purpose of inducing or which are likely to induce directly or indirectly the purchase of drugs devices or cosmetics

(l) The representation of a drug in its labeling or advertisement as an antiseptic shall be considered to be a representation that it is a germicide except in the case of a drug purporting to be or represented as an antiseptic for inhibitory use as a wet dressing ointment dusting powder or such other use as involves prolonged contact with the body

(m) The term "new drug" means (1) any drug the composition of which is such that such drug is not generally recognized among experts qualified by scientific training

and experience to evaluate the safety of drugs as safe for use under the conditions prescribed recommended or suggested in the labeling thereof or (2) any drug the composition of which is such that such drug as a result of investigations to determine its safety for use under such conditions has become so recognized but which has not otherwise than in such investigations been used to a material extent or for a material time under such conditions

(n) The term "contaminated with filth' applies to any drug device or cosmetic not securely protected from dust dirt and as far as may be necessary by all reasonable means from all foreign or injurious contaminations

(o) The provisions of this act regarding the selling of drugs devices or cosmetics shall be considered to include (1) the manufacture production processing packing exposure offer possession and holding of any such article for sale (2) the sale dispensing and giving of any such article and (3) the supplying or applying of any such articles in the conduct of any drug or cosmetic establishment

(p) The term "Federal Act" means the Federal Food Drug and Cosmetic Act

Section 3 Prohibited Acts The following acts and the causing thereof are hereby prohibited

(a) The manufacture sale or delivery holding or offering for sale of any drug device or cosmetic that is adulterated or misbranded

(b) The adulteration or misbranding of any drug device or cosmetic

(c) The receipt in commerce of any drug device or cosmetic that is adulterated or misbranded and the delivery or proffered delivery thereof for pay or otherwise

(d) The sale delivery for sale holding for sale or offering for sale of any article in violation of section 11 of this act

(e) The dissemination of any false advertisement

(f) The refusal to permit entry or inspection or to permit the taking of a sample as authorized by section sixteen of this act

(g) The giving of a guaranty or undertaking which guaranty or undertaking is false except by a person who relied on a guaranty or undertaking to the same effect signed by and containing the name and address of the person residing in this Commonwealth from whom he received in good faith the drug device or cosmetic

(h) The removal or disposal of a detained or embargoed article in violation of section six of this act

(i) The alteration mutilation destruction obliteration or removal of the whole or any part of the labeling of or the doing of any other act with respect to a drug device or cosmetic if such act is done while such article is held for sale and results in such article being misbranded

(j) The forging counterfeiting simulating or falsely representing or without proper authority using any mark stamp tag label or other identification device authorized or required by regulations promulgated under the provisions of this act

(k) The using on the labeling of any drug or in any advertisement relating to such drug of any representation or suggestion that an application with respect to such drug is effective under section eleven of this act or that such drug complies with the provisions of such section

Section 4 Injunction Proceedings In addition to the remedies hereinafter provided the board is hereby authorized to apply to the court of common pleas of the proper county for and such court shall have jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction restraining any person from violating any provision of section three of this act irrespective of whether or not there exists an adequate remedy at law Provided that whenever upon any such application which shall involve or relate to a newspaper magazine periodical or other publication published at regular intervals it appears to the satisfaction of the court (a) that restraining the dissemination of a false advertisement in any particular issue of such publication would delay the delivery of such issue after the regular time therefor and (b) that such delay would be due to the method by which the manufacture and distribution of such publication is customarily conducted by the publisher in accordance with sound business practice and not to any method or device adopted for the evasion of this section or to delay the issuance of an injunction or restraining order with respect to such false advertisement or any other advertisement the court shall exclude such issue from the operation of the temporary or permanent injunction

Section 5 Penalty Guaranty (a) Any person who violates any of the provisions of section three of this act is guilty of a misdemeanor and shall on conviction thereof be sentenced to undergo imprisonment for not more than six months or to pay a fine of not more than five hundred dollars or both but if the violation is committed after the prior conviction of such person under this section has become final such person shall be subject to imprisonment for not more than one year or a fine of not more than one thousand dollars or both

(b) No person shall be subject to the penalties of subsection (a) of this section for having violated section three (a) or (c) if he establishes a guaranty or undertaking signed by and containing the name and address of the person residing in this Commonwealth from whom he received in good faith the article to the effect that such article is not adulterated or misbranded within the meaning of this act designating this act

(c) No publisher radio-broadcast licensee or agency or medium for the dissemination of an advertisement except the manufacturer packer distributor or seller of the article to which a false advertisement relates shall be liable under this section by reason of the dissemination by him of such false advertisement unless he has refused on the request of the board to furnish to the said board the name and post office address of the manufacturer packer distributor seller or advertising agency residing in this Commonwealth who caused him to disseminate such advertisement

Section 6 Seizure (a) Whenever a duly authorized agent of the board finds or has probable cause to believe that any drug device or cosmetic is adulterated or misbranded as to be dangerous or fraudulent within the meaning of this act he shall affix to such article a tag or other appropriate marking giving notice that such article is or is suspected of being adulterated or misbranded and has been detained or embargoed and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court It shall be unlawful for any person to remove or dispose of such detained or embargoed article by sale or otherwise without such permission

(b) When an article detained or embargoed under subsection (a) has been found by such agent to be adulterated or misbranded he shall petition the judge of the court of common pleas in whose jurisdiction the article is detained or embargoed for a decree for the condemnation of such article When such agent has found that an article so detained or embargoed is not adulterated or misbranded he shall remove the tag or other marking

(c) If the court finds after hearing that a detained or embargoed article is adulterated or misbranded such article shall after entry of the decree be destroyed at the expense of the claimant thereof under the supervision of such agent and all court costs and fees and storage and other proper expenses shall be taxed against the claimant of such article or his agent Provided That when the adulteration or misbranding can be corrected by proper labeling or processing of the article the court after entry of the decree and after such costs fees and expenses have been paid and a good and sufficient bond conditioned that such article shall be so labeled or processed has been executed may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the board The expense of such supervision shall be paid by the claimant Such bond shall be returned to the claimant of the article on representation to the court of the said board that the article is no longer in violation of this act and that the expenses of such supervision have been paid

Section 7 Prosecutions It shall be the duty of each district attorney to whom the board reports any violation of this act to cause appropriate proceedings to be instituted in the proper courts without delay and to prosecute the same in the manner required by law Before any violation of this act is reported to any such attorney for the institution of a criminal proceeding the person

against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views before the board or its designated agent either orally or in writing in person or by attorney with regard to such contemplated proceeding

Section 8 Minor Violations Nothing in this act shall be construed as requiring the board to report for the institution of proceedings under this act minor violations of this act whenever the board believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning

Section 9 Adulterated Drugs and Devices a drug or device shall be deemed to be adulterated (a) (1) it consists in whole or in part of any filthy putrid or decomposed substance or (2) if it has been produced prepared packed or held under unsanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health or (3) if it is a drug and its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health or (4) if it is a drug and it bears or contains for purposes of coloring only a coal-tar color other than one from a batch certified by the United States Department of Agriculture

(b) If it purports to be or is represented as a drug the name of which is recognized in an official compendium and its strength differs from or its quality or purity falls below the standard set forth in such compendium Such determination as to strength quality or purity shall be made in accordance with the tests or methods of assay set forth in such compendium or in the absence of or inadequacy of such tests or methods of assay those prescribed by the United States Department of Agriculture No drug defined in an official compendium shall be deemed to be adulterated under this paragraph because it differs from the standard of strength quality or purity therefor set forth in such compendium if its difference in strength quality or purity from such standard is plainly stated on its label Whenever a drug is recognized in both the United States Pharmacopoeia and the Homoeopathic Pharmacopoeia of the United States it shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homoeopathic drug in whcih case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia

(c) If it is not subject to the provisions of paragraph (b) of this section and its strength differs from or its purity or quality falls below that which it purports or is represented to possess

(d) If it is a drug and any substance has been (1) mixed or packed therewith so as to reduce its quality or strength or (2) substituted wholly or in part therefor

Section 10 Misbranded Drugs and Devices A drug or device shall be deemed to be misbranded

(a) If its labeling is false or misleading in any particular

(b) If in package form unless its bears a label containing (1) the name and place of business of the manufacturer packer or distributor and (2) an accurate statement of the quantity of the contents in terms or weight measure or numerical count Provided That under clause (2) of this paragraph reasonable variations shall be permitted and exemptions as to small packages shall be established by regulations prescribed by the board

(c) If any word statement or other information required by or under authority of this act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words statements designs or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use

(d) If it is for use by man and contains any quantity of the narcotic or hypnotic substance alpha eucain barbituric acid betaeucain bromal cannabis carbroml chloral coca cocaine codeine heroin marihuana morphine opium paraldehyde peyote or sulphonmethane or any chemical derivative of such substance which derivative has been by the board after investigation found to be and by regulations under this act designated as habit forming unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning May be habit forming"

(e) If it is a drug and is not designated solely by a name recognized in an official compendium unless its label bears (1) the common or usual name of the drug if such there be and (2) in case it is fabricated from two or more ingredients the common or usual name of each active ingredient including the kind and quantity or proportion of any alcohol and also including whether active or not the name and quanity or proportion of any bromides ether chloroform acetanilid acetphenetidin amidopyrine antipyrine atropine hyoscine hyoscyamine arsenic digitalis digitalis glucosides mercury onabain strophanthin strychnine thyroid or any derivative or preparation of any such substance contained therein Provided That to the extent that compliance with the requirments of clause (2) of this pargraph is impracticable exemptions shall be established by regulations promulgated by the board

(f) Unless its labeling bears (1) adequate directions for use and (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health or against unsafe dosage or methods or duration of administration or application in such manner and form as are necessary for the protection of users Provided That where any requirement of clause (1) of this paragraph as applied to any drug or device is not necessary for the protection of the public health the board shall promulgate regulations exempting such drug or device from such requirements

(g) If it purports to be a drug the name of which is recognized in an official compendium unless it is packaged and labeled as prescribed therein Provided That the method of packing may be modified with the consent of the board Whenever a drug is recognized in both the United States Pharmacopoeia and the Homoeopathic Pharmacopoeia of the United States it shall be subject to the requirements of the United States Pharmacopoeia with respect to packaging and labeling unless it is labeled and offered for sale as a homeopathic drug in which case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia

(h) If it has been found by the board to be a drug liable to deterioration unless it is packaged in such form and manner and its label bears a statement of such precautions as the board shall by regulations require as necessary for the protection of public health No such regulation shall be established for any drug recognized in an official compendium until the board shall have informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body shall have failed within a reasonable time to prescribe such requirements

(i) (1) If it is a drug and its container is so made formed or filled as to be misleading or (2) if it is an imitation of another drug or (3) if it is offered for sale under the name of another drug

(j) If it is dangerous to health when used in the dosage or with the frequency or duration prescribed recommended or suggested in the labeling thereof

(k) If it is a drug sold at retail for use by man and and contains any quantity of aminopyrine barbituric acid cinchophen dinitrophenel or sulfanilamide unless it is sold on a written prescription signed by a member of the medical dental or veterinary profession who is licensed by law to administer such drug and its label bears the name and place of business of the seller the serial number and date of such prescription and the name of such member of the medical dental or veterinary profession

(l) A drug sold on a written prescription signed by a member of the medical dental or veterinary profession (except a drug sold in the course of the conduct of a business of selling drugs pursuant to diagnosis by mail) shall be exempt from the requirements of this section if

(1) Such member of the medical dental or veterinary profession is licensed by law to administer such drug and

(2) Such drug bears a label containing the name and place of business of the seller the serial number and date of such prescription and the name of such member of the medical dental or veterinary profession

Section 11 New Drugs (a) No person shall sell deliver offer for sale hold for sale or give away any new drug unless (1) an application with respect thereto has become effective under section 505 of the Federal Act or (2) when not subject to the Federal Act unless such drug has been tested and has not been found to be unsafe for use under the conditions prescribed recommended or suggested in the labeling thereof and prior to selling or offering for sale such drug there has been filed with the board an application setting forth (a) full reports of investigations which have been made to show whether or not such drug is safe for use (b) a full list of the articles used as components of such drugs (c) a full statement of the composition of such drug (d) full description of the methods used in and the facilities and controls used for the manufacture processing and packing of such drug (e) such samples of such drug and of the articles used as components thereof as the board may require and (f) specimens of the labeling proposed to be used for such drug

(b) An application provided for in subsection (a) (2) of this section shall become effective on the sixtieth day after the filing thereof except that if the board finds after due notice to the applicant and giving him an opportunity for a hearing that the drug is not safe for use under the conditions prescribed recommended or suggested in the proposed labeling thereof it shall prior to the effective date of the application issue an order refusing to permit the application to become effective

(c) This section shall not apply

(1) to a drug intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety in drugs provided the drug is plainly labeled "For investigational use only" or

(2) to a drug sold in this state at any time prior to the enactment of this act or introduced into interstate commerce at any time prior to the enactment of the Federal Act or

(3) to any drug which is licensed under the Federal Virus Serum and Toxin Act of July first one thousand nine hundred and two

(d) A drug dispensed on a written prescription signed by a physician dentist or veterinarian (except a drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail) shall be exempt from the requirements of this section if (1) such physician dentist or veterinarian is licensed by law to administer such drug and (2) such drug bears a label containing the name and place of business of the dispenser the serial number and date of such prescription and the name of such physician dentist or veterinarian

(e) An order refusing to permit an application under this section to become effective may be revoked by the State Board of Pharmacy

Section 12 Adultered Cosmetics A cosmetic shall be deemed to be adulterated

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual Provided That this provision shall not apply to coal-tar hair dye the label of which bears the following legend conspicuously displayed thereon "Caution This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made This product must not be used for dyeing the eyelashes or eyebrows to do so may cause blindness" and the labeling of which bears adequate directions for such preliminary testing For the purposes of this paragraph and paragraph (e) of this section the term "hair dye" shall not include eyelash dyes or eyebrow dyes

(b) If it consists in whole or in part of any filthy putrid or decomposed substance

(c) If it has been produced prepared packed or held under insanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health

(d) If its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health

(e) If it is not a hair dye and it bears or contains a coal-tar color other than one from a batch which has been certified by the United States Department of Agriculture

Section 13 Misbranded Cosmetics A Cosmetic shall be deemed to be misbranded

(a) If its labeling is false or misleading in any particular

(b) If in package form unless it bears a label containing (1) the name and place of business of the manufacturer packer or distributor and (2) and accurate statement of the quality of the contents in terms of weight measure or numerical count Provided That under clause (2) of this paragraph reasonable variations shall be permitted and exemptions as to small packages shall be established by regulations prescribed by the board

(c) If any word statement or other information required by or under authority of this act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words statements designs or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use

(d) If its container is so made formed or filled as to be misleading

Section 14 False Advertising (a) An advertisement of a drug device or cosmetic shall be deemed to be false if it is false or misleading in any particular

(b) For the purpose of this act the advertisement of a drug or device representing it to have any effect in albuminuria appendicitis arterio-sclerosis blood poisoning bone disease Bright's disease cancer carbuncles cholecystitis diabetes diptheria dropsy erysipelas gall-stones heart and vascular-diseases high blood pressure mastoiditis measles meningitis mumps nephritis otitis media paralysis pneumonia poliomyelitis (infantile paralysis) prostate gland disorders pyelitis scarlet fever sexual impotence sinus infection smallpox tuberculosis tumors typhoid uremia venereal disease shall also be deemed to be false except that no advertisement not in violation of subsection (a) of this section shall be deemed to be false under this subsection if it is disseminated only to members of the medical dental veterinary or pharmaceutical professions or appears only in the scientific periodicals of these professions or is disseminated only for the purpose of public-health education by persons not commercially interested directly or indirectly in the sale of such drugs or devices Provided That whenever the board determines that an advance in medical science has made any type of self medication safe as to any of the diseases named above the board shall by regulation authorize the advertisement of drugs having curative or therapeutic effect for such disease subject to such conditions and restrictions as the board may deem necessary in the interests of public health Provided That this sub-section shall not be construed as indicating that self-medication for diseases other than those named herein is safe or efficacious

Section 15 Regulations Hearings (a) The authority to promulgate regulations for the efficient enforcement of this act is hereby vested in the board The board is hereby authorized to make the regulations promulgated under this act conform in so far as practicable with those promulgated under the Federal Act

(b) Hearings authorized or required by this act shall be conducted by the board or such officer agent or employe as the board may designate for the purpose

(c) Before promulgating any regulation contemplated by section 10 (d) (f) (g) and (h) or 14 (b) the board shall give appropriate notice of the proposal and of the time and place for a hearing The regulation so promul-

gated shall become effective on a date fixed by the board (which date shall not be prior to thirty days after its promulgation) Such regulation may be amended or repealed in the same manner as is provided for its adoption except that in the case of a regulation amending or repealing any such regulation the board to such an extent as it deems necessary in order to prevent undue hardship may disregard the foregoing provisions regarding notice hearing or effective date

Section 16 Inspection Examinations The board or its duly authorized agent shall have free access at all reasonable hours to any factory warehouse or establishment in which foods drugs devices or cosmetics are manufactured processed packed or held for introduction into commerce or to enter any vehicle being used to transport or hold such drugs devices or cosmetics in commerce for the purpose

(1) of inspecting such factory warehouse establishment or vehicle to determine if any of the provisions of this act are being violated and

(2) to secure samples or specimens of any drug device or cosmetic after paying or offering to pay for such sample It shall be the duty of the board to make or cause to be made examinations of samples accrued under the provisions of this section to determine whether or not any provision of this act is being violated

Section 17 Publication And Dissemination of Information (a) The board may cause to be published from time to time reports summarizing all judgments decrees and court orders which have been rendered under this act including the nature of the charge and the disposition thereof

(b) The board may also cause to be disseminated such information regarding drugs devices and cosmetics as it deems necessary in the interest of public health and the protection of the consumer against fraud Nothing in this section shall be construed to prohibit the board from collecting reporting and illustrating the results of the investigation made by it

Section 18 Repeal All acts and parts of acts inconsistent with this act are hereby repealed

Section 19 Effective Date This act shall become effective on the first day of June one thousand nine hundred and forty

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 963, as follows:

An Act to amend section one of an act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (Pamphlet Laws forty-nine) entitled "An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred and forty-nine" as amended by an act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2852) entitled "An act to amend the act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (Pamphlet Laws forty-nine) entitled 'An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred and forty-nine' so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases and modifying limitations restrictions and conditions under which such consolidation or merger may be made the effect thereof and the rights of dissenting stockholders" so as to provide for consolidation or merger of corporations authorized to do business in this State

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section one of the act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (Pamphlet Laws forty-nine) entitled "An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred and forty-nine" as amended by an act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2852) entitled "An act to amend the act approved the twenty-fourth day of March one thousand eight hundred sixty-five (Pamphlet Laws forty-nine) entitled "An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred forty-nine' so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases and modifying limitations restrictions and conditions under which such consolidation or merger may be made the effect thereof and the rights of dissenting stockholders" is hereby further amended to read as follows

Section 1 Be it enacted Et Cetera That subject to the approval of the Interstate Commerce Commission in any case as to which that comission has jurisdiction and in all other cases subject to the approval of the Public Utility Commission of the Commonwealth of Pennsylvania it shall be lawful for any railroad company or corporation organized under the laws of this Commonwealth or of this Commonwealth and any other state or states and owning or operating a railroad either in whole within or partly within and partly without this State under authority of this and any other state or states to consolidate its capital stock franchises and property with the capital stock franchises and property of any other railroad company or companies or corporations organized under the laws of this Commonwealth or of this Commonwealth and any other state or states or under the laws of any other state or states or to merge or be merged into any such other railroad company or corporation whenever the two or more railroads of the companies or corporations so to be consolidated or merged shall or may form a continuous line of railroad with each other or by means of any intervening railroad Provided That railroads terminating on the banks of any river which are or may be connected by ferry or otherwise shall be deemed continuous under this act And provided further That nothing in this act contained shall be taken to authorize the consolidation or merger of any company or corporation of this Commonwealth with any company or corporation of any other state whose laws shall not also authorize the consolidation or merger nor to authorize any company or corporation organized under the laws of this Commonwealth or of this Commonwealth and any other state or states to be merged into any other company or corporation that is not so organized or authorized to do business in this State

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1253, as follows:

A Supplement to the act approved the eighth day of June one thousand nine hundred twenty-three (Pamphlet Laws six hundred eighty-five) entitled "An act prescribing the fees for the office of the Secretary of the Commonwealth" as amended providing for additional fees to be charged and collected by the Department of State

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the fees now imposed by law for the use of the State the fees of the Secretary of the Commonwealth for the use of the State shall be as follows

Receiving and filing each praecipe for search twenty-five cents

Each search where no other service is performed to which any fee is attached twenty-five cents

Photostatic copies for each page thirty-five cents

An equivalent fee for any like service thereof not herein specified

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1074, as follows:

An Act to amend sections one and two of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2460) entitled "An act creating a joint legislative commission to be known as the Joint State Government Commission providing for the appointment of its members and defining its powers and duties" changing the number and term of members further defining their powers and duties and terminating the terms of members now in office

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and two of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2460) entitled "An act creating a joint legislative commission to be known as the Joint State Government Commission providing for the appointment of its members and defining its powers and duties" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Speaker of the House of Representatives shall appoint [six] ten members of the House and the President pro tempore shall appoint five members of the Senate who together with the President Pro tempore of the Senate and the Speaker of the House of Representatives shall constitute a continuing joint legislative commission to be known as the Joint State Government Commission The members of the commission shall be appointed during each odd-numbered year and shall continue as members of the commission until the first day of [July] February of the next odd-numbered year [It shall be the duty of the commission to make studies for the use of the legislative branch of government seeking to improve the administrative organization of the State Government to eliminate waste and overlapping functions to institute economies to suggest ways and means of financing the Commonwealth upon a more scientific and equitable basis to gather budget information for the use of the General Assembly and to make such other studies and gather such other information as may be deemed useful to the General Assembly] Said commission shall organize by the selection of a chairman The commission shall have power to employ such clerical assistance as may be deemed necessary Said commission shall have power to call upon any department or agency of the State Government for such information as it deems pertinent to the studies in which it is engaged

Section 2 Said commission shall have power [to sit during the interim between legislative sessions and shall from time to time] and its duty shall be

(a) To investigate departments boards commission and officers of the State and local governments and to study their legislative financial and other problems

(b) To make studies for the use of the legislative branch of the government seeking to improve the administrative organization of the State and local governments to eliminate waste and overlapping functions and to institute economies

(c) To suggest ways and means of financing the Commonwealth upon a more scientific and equitable basis

(d) To gather budget information for the use of the General Assembly

(e) To make such other investigations and studies and to gather such other information as may be deemed useful to the General Assembly

(f) To sit during the interim between legislative sessions

(g) From time to time to report to the General Assembly such findings and recommendations accompanied with such drafts of legislation as it deems necessary for the information of and consideration by the General Assembly

Section 2 The terms of the appointed members of said commission now in office are hereby terminated on the effective date of this act

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1182, (Senate Bill No. 83), entitled:

An Act to amend section one of the act, approved the twenty-fifth day of April, one thousand nine hundred twenty-nine (P. L. 694), entitled "An act providing for the payment monthly by the counties to the Department of Revenue of the expenses of keeping convicts in State penitentiaries," by imposing upon the State the keeping of certain convicts.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1391, (Senate Bill No. 320), entitled:

An Act to amend section seven of the act, approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," by changing the provisions thereof as to the contents of record to be furnished wardens by clerks of the courts of quarter sessions.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 845, as follows:

An Act to create a commission to act jointly with commissions appointed for like purpose by the States of West Virginia and Maryland the Commonwealth of Virginia and the District of Columbia which together with three members to be appointed by the President of the United States shall constitute the Interstate Commission on the Potomac River Basin with power to cooperate in the abatement of the existing pollution and in the control of future pollution of the waters of the drainage basin of the Potomac River within the States of Maryland and West Virginia the Commonwealth of Virginia and the District of Columbia to authorize the Governor of the State to execute on behalf of this State a compact with representatives of other states for the purpose of forming the above mentioned commission and creating a Potomac Valley Conservancy District providing for the appointment of the Pennsylvania members of said commission and their terms of office and providing an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 There is hereby created a commission consisting of three members to act jointly with commissions appointed for like purposes by the States of West Virginia and Maryland the Commonwealth of Virginia and the District of Columbia and an additional three members to be appointed by the President of the United States and which together with the other commissions appointed as hereinbefore mentioned shall constitute and be known as the Interstate Commission on the Potomac River Basin The said commission for the Commonwealth of Pennsylvania shall consist of three members to be named by the Governor from the membership of the Pennsylvania Commission on Interstate Cooperation The members shall be appointed immediately after this act becomes effective and shall serve for terms of two years or until their successors are appointed They shall serve without compensation but shall be paid their actual expenses incurred in and incident to the performance of their duties as hereinafter set forth The Commonwealth shall contribute to the Interstate Commission on the Potomac River Basin its pro rata share of the expenses of said commission which shall be such sums as may be appropriated for the purpose but not less than the sum of three thousand dollars ($3,000) per year for the biennium beginning June first one thousand nine hundred and thirty-nine

The Governor of the Commonwealth is hereby authorized and directed to execute a compact on behalf of the Commonwealth of Pennsylvania with the other States and the District hereinabove referred to who may by their legislative bodies so authorize a compact in form substantially as follows

"A COMPACT

Whereas it is recognized that abatement of existing pollution and the control of future pollution of interstate streams can best be promoted through a joint agency representing the several states located wholly or in part within the area drained by any such interstate stream and

Whereas The Congress of the United States has given its consent to the States of Maryland and West Virginia the Commonwealths of Pennsylvania and Virginia and the District of Columbia to enter into a compact providing for the creation of a conservancy district to consist of the drainage basin of the Potomac River and the main and tributary streams therein for 'the purpose of regulating controlling preventing or otherwise rendering unobjectionable and harmless the pollution of the waters of said Potomac drainage area by sewage and industrial and other wastes'

Now Therefore the States of Maryland and West Virginia the Commonwealths of Pennsylvania and Virginia and the District of Columbia hereinafter designated signatory bodies do hereby create the Potomac Valley Conservancy District hereinafter designated the Conservancy District comprising all of the area drained by the Potomac River and its tributaries and also do hereby create the Interstate Commission on the Potomac River Basin hereinafter designated the Commission under the articles of organization as set forth below

ARTICLE I

The Interstate Commission on the Potomac River Basin shall consist of three members from each signatory body and three members appointed by the President of the United States Said Commissioners other than those appointed by the President shall be chosen in a manner and for the terms provided by law of the signatory body from which they are appointed and shall serve without compensation from the Commission but shall be paid by the Commission their actual expenses incurred and incident to the performance of their duties

(A) The Commission shall meet and organize within thirty days after the effective date of this compact shall elect from its number a chairman and vice-chairman shall adopt suitable by-laws shall make adopt and promulgate such rules and regulations as are necessary for its management and control and shall adopt a seal

(B) The Commission shall appoint and at its pleasure remove or discharge such officers and legal engineering clerical expert and other assistants as may be required to carry the provisions of this compact into effect and shall determine their qualifications and fix their duties and compensation Such personnel as may be employed shall be employed without regard to any civil service or other similar requirements for employes of any of the signatory bodies The Commission may maintain one or more offices for the transaction of its business and may meet at any time or place within the area of the Conservancy District

(C) The Commission shall keep accurate accounts of all receipts and disbursements and shall make an annual report thereof and shall in such report set forth in detail the operations and transactions conducted by it pursuant to this compact The Commission however shall not incur any obligations for administrative or other expenses prior to the making of appropriations adequate to meet the same nor shall it in any way pledge the credit of any of the signatory bodies Each of the signatory bodies reserves the right to make at any time an examination and audit of the accounts of the Commission

(D) A quorum of the Commission shall for the transaction of business the exercise of any powers or the performance of any duties consist of at least a majority of the members of the Commission provided however that no action of the Commission relating to policy shall be binding on any one of the signatory bodies unless at least two of the Commissioners from such signatory body shall vote in favor thereof

ARTICLE II

The Commission shall have the power and its duties shall be

(A) To coordinate tabulate and summarize technical and other data now available or as shall become available in the future from any source on the pollution of the streams of the Conservancy District and on the character and conditions of such streams and to prepare reports thereon annually and at such other times as may be deemed advisable by the Commission

(B) To supplement existing information and data and to secure new data by such investigations analyses on other means as may be necessary to secure adequate information on the character and condition of the streams of the Conservancy District as they now exist or may be affected by the future discharge of sewage and industrial and other wastes into the said stream

(C) To cooperate with the legislative and administrative agencies of the signatory bodies or the equivalent thereof and with other interested commissions and similar organizations for the purpose of promoting uniform laws rules or regulations for the abatement and control of pollution of streams in the said Conservancy District

(D) To disseminate to the public information on the aims and purposes of the Commission and on the harmful and uneconomical results of stream pollution through the issuance of bulletin circulars correspondence literature and reports

(E) To cooperate with other organizations engaged in fact-finding and research activities on the treatment of sewage and industrial waste or other wastes and if deemed advisable to institute and conduct such research and fact-finding activities

(F) To make and if needful from time to time revise and to recommend to the signatory bodies reasonable minimum standards for the treatment of sewage and industrial or other wastes now discharged or to be discharged in the future to the streams of the Conservancy District and also for cleanliness of the various streams in the Consevancy District

ARTICLE III

The moneys necessary to finance the Commission in the administration of its business in the Conservancy District shall be provided through appropriations from the signatory bodies and the United States in the manner prescribed by the laws of the several signatory bodies and of the United States and in amounts as follows

The pro rata contribution shall be based on such factors as population the amount of industrial and domestic pollution and a flat service charge as shall be determined

from time to time by the Commission subject however to the approval ratification and appropriation of such contribution by the several signatory bodies And further provided that the total of such sums from all signatory bodies shall not exceed a total of thirty thousand dollars ($30,000) per annum

ARTICLE IV

Pursuant to the aims and purposes of this compact the signatory bodies mutually agree

1 Faithful cooperation in the abatement of existing pollution and the prevention of future pollution in the streams of the Conservancy District

2 The enactment of adequate and insofar as is practicable uniform legislation for the abatement and control of such pollution

3 The appropriation of biannual sums of the proportionate basis as set forth in Article III

ARTICLE V

This compact shall become effective immediately after it shall have been ratified by the majority of the legislatures of the States of Maryland and West Virginia the Commonwealths of Pennsylvania and Virginia and by the Commissioners of the District of Columbia and approved by the Congress of the United States provided however that this compact shall not be effective as to any signatory body until ratified thereby

ARTICLE VI

Any signatory body may by Legislative action after one year's notice to the Commission withdraw from this compact"

Section 2 If any section sentence subdivision or clause of this act is for any reason held invalid or unconstitutional such decision shall not affect the validity of the remaining portions of this act

Section 3 The sum of six thousand dollars ($6,000) is hereby specifically appropriated to the commission created by this act for the purposes herein mentioned to be paid on warrant of the Auditor General on requisition of the chairman of the commission

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF VOTE

Mr. HARKINS. Mr. Speaker, I move that the vote by which House Bill No. 596, Printer's No. 305, entitled

An Act authorizing the annexation to an adjacent borough of a part of a township of the first class, situate in the same county, not exceeding one hundred (100) acres in area which is situate within the watershed of and drains into the borough, and regulating the procedure pertaining thereto; and providing for the adjustment and apportionment of the assets and liabilities of said townships

on page 4 of today's calendar, was ordered to be transcribed for a third reading be reconsidered.

Mr. PRESTON. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Harkins, vote on the question?

Mr. HARKINS. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Lawrence, Mr. Preston, vote on the question?

Mr. PRESTON. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. HARKINS. Mr. Speaker, I move that the vote by which this bill passed second reading be reconsidered.

Mr. PRESTON. Mr. Speaker, I second the motion.

The motion was agreed to.

Mr. HARKINS. Mr. Speaker, I move that the vote by which the title was agreed to be reconsidered.

Mr. PRESTON. Mr. Speaker, I second the motion.

Mr. HARKINS. Mr. Speaker, I move that the vote by which the various section were separately read and agreed to be reconsidered.

Mr. PRESTON. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question recurring,

Will the House agree to the first section?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, line 4 by inserting after the word "annexed" the following: "Provided, however, That the provisions of this act shall not apply when the portion of any first class township to be annexed, represents twenty per centum or more of the assessed value of such township."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second to the ninth sections were separately read and agreed to.

On the question,

Will the House agree to the title?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 4 of title by inserting after the word "area" the following: "and not exceeding in value twenty per centum of the assessed value of such township and"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

RECESS

The SPEAKER. If there are no objectoins the Chair is about to declare a recess for ten minutes. Are there objections? The Chair hears none and declares a recess for ten minutes.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER (Ellwood J. Turner) in the Chair.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 543, as follows:

An Act to amend the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" by making the provisions of said act mandatory as to all delinquent taxes except in counties of the first second and third classes and in cities extending such provisions to taxes on unseated lands further regulating the lien of such taxes removing the right to revive extend or continue such liens validating preserving and extending liens in certain cases prescribing the time for selling properties for the nonpayment of such taxes and the effect of such sales upon mortgages and other liens changing the period of redemption on properties purchased at such sales by the county and requiring the county commissioners to sell such properties within a certain period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" is hereby amended to read as follows

Section 1 Be it enacted et cetera That from and after the passage of this act it shall be the duty of each receiver or collector of any county city borough town township school district poor district or institution district taxes to make a return to the county commissioners of such taxes which are assessed and levied on seated or unseated lands and which are unpaid and for which no liens have been filed at the time this act becomes effective All such taxes except in cities and in counties of the first second and third class which were assessed and levied for the years preceding the year of one thousand nine hundred and thirty-eight and which are unpaid and for which no liens have been filed shall be so returned by the receiver or collector of taxes or delinquent tax collector or taxing authority in whose hands such taxes now repose for collection within six months from the effective date of this act and the liens of any taxes for said years so returned under the authority of this amendment shall be valid and are hereby ratified and confirmed and a county treasurer's sale may be had for such taxes at any time when a treasurer's sale is held or on any day to which said sale may be adjourned or readjourned in the manner provided by existing law Provided however That the return of any tax under this act shall not establish revive or reestablish any tax lien against real estate which was transferred to any bona fide purchaser during the time before such return was made or when any such lien was lost nor shall such return affect the priority of the lien of any mortgage or other lien which gained priority because of the failure of the collector to return the tax at the regular time All taxes assessed and levied in the year one thousand nine hundred and thirty-eight and subsequent years shall be so returned not later than the first Monday of May in the year succeeding the year in which the respective taxes were assessed and levied filing therewith a description of said real estate by adjoiners or otherwise sufficient to identify said land with name of the owner or reputed owner against whom such taxes were assessed and levied and the amounts of taxes unpaid and the year during which the said taxes were assessed or levied In addition to penalties under existing laws interest at the rate of six per centum per annum shall be added beginning on the first day of May of the year following the levy and assessment of such tax until such taxes are paid or the seated lands responsible therefor are sold as hereinafter provided

Section 2 Sections four and five of said act as amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 940) are hereby further amended to read as follows

Section 4 All taxes unpaid and so returned and docketed as aforesaid shall be a first lien subject as hereinafter stated on said real estate liable for the payment thereof together with all charges interest expenses and fees added thereto for failure to pay promptly and such liens shall have priority to and be fully paid and satisfied out of the proceeds of any judicial sale of said property before any mortgage obligation claim lien or estate with which said property may have or shall become charged or for which it may become liable save and except only the costs of the sale and of the writ upon which it is made and liens in favor of the Commonwealth of Pennsylvania which shall have priority to such tax liens All taxes returned under this or any previous statute supplied hereby shall be first liens for a period of five years from the date of their return or until sold as hereinafter provided or unless sooner discharged [or extended as hereinafter provided]

Section 5 Such tax so returned and filed and entered upon said docket shall remain a lien upon said property until fully paid and satisfied or until the property shall be sold in accordance with provisions hereof Provided however That no such lien shall continue for a longer period than five years from the date of the entry of such return in said return docket [unless within such period of five years such lien is extended as herein provided If for any reason any property subject to such lien has not been sold during a period of five years from the date of the return of the taxes the county treasurer may before the expiration of such period file such taxes as liens in the office of the prothonotary whereupon the lien thereof shall continue for another period of five years from the date of filing in the prothonotary's office] except as hereinafter provided

Section 3 Section eight of said act as last amended by the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 239) is hereby further amended to read as follows

Section 8 Such sale shall be made for taxes entered on the return docket or last revived or extended during the year of one thousand nine hundred and thirty-four or any year prior thereto on the first Monday of August [in the second year succeeding the year in which the respective taxes are assessed and levied or on any day to which such sale may be adjourned or readjourned from time to time except in the case of taxes levied for the year one thousand nine hundred and thirty or any year prior thereto and returned under the provisions of this or any other law in which case and for such taxes the sale shall be held in the year one thousand nine hundred thirty-three or on any day to which such sale is adjourned or readjourned] in the year one thousand nine hundred and thirty-nine or as adjourned from day to day thereafter by the treasurer until all such sales shall be completed and in all other cases within a period of five years from the date such taxes have heretofore been entered on the tax return docket or from the date the lien thereof has last been extended or continued by filing the same in the office of the prothonotary or from the date such taxes shall hereafter be entered on said docket except in cases where such sale has been or shall hereafter be adjourned or readjourned beyond such period of time under the authority of any other act of Assembly In all such cases of adjournment or readjournment and in all cases where the lien of any tax would under the provisions of this amendment expire or be lost prior to

the first Monday of August one thousand nine hundred and thirty-nine such liens are hereby revived preserved and extended and shall remain in full force and effect until the time of such adjourned or readjourned sale or until the first Monday of August one thousand nine hundred and thirty-nine as the case may be Provided That the advertisement and notice of a sale as required by this act may be given preceding the date of any adjourned or readjourned sale in which case no prior advertisement or notice shall be required and in case the sales for different years taxes be held on the same date the advertisements and notices may be consolidated Provided further That if any such sale be adjourned or readjourned after advertisement and notice by public announcement at such sale adjournment or readjournment no additional advertisement or notice shall be necessary for such adjourned or readjourned sale Provided further That no such adjournment or readjournment shall be for a longer period than thirty days unless the county treasurer with the consent in writing of the county commissioners and the approval of the judge of the court of the county in which the sale is pending shall declare at the time fixed for a sale of any adjournment or readjournments thereof that because of widespread economic and business depression and usual unemployment incident thereto a sale would be inadvisable in which case any such sale may be adjourned or readjourned at any one time and from time to time for a longer period [not exceeding two years and six months and] but in no case beyond the expiration of the period fixed for such sale by this amendment or beyond the date of the actual holding of the first subsequent sale for any other year's taxes provided that when after advertisement of a sale it has been determined as aforesaid to adjourn any sale for taxes the county treasurer shall publish at the expense of the county in at least two newspapers of general circulation in the county if so many be published in the county a brief notice or advertisement announcing said adjournment and the actual new date to which such sale for taxes has been adjourned

For each tract of land so disposed of the county treasurer shall be entitled to the following fees which shall be taxed as part of the costs of such proceeding and shall be paid the same as other costs

Advertising each tract including printer's charge the actual cost

Selling each tract or part thereof	$ .25
Writing and signing each deed	1.50
Acknowledging every deed	.50
Writing and filing every bond to acknowledge the purchase money	.25

The county shall in the first instance be liable for the cost of advertising treasurers' sales and the fees collected for such advertising shall be paid into the county treasury for the use of the county

For receiving and paying over the purchase money or taxes collected by him the county treasurer shall be entitled to a commission of two per centum (2%) thereof such commission to be deducted from the amount to be paid to the taxing district upon any settlement with the taxing district and upon presentation to the taxing district of a transcript of the information required to be compiled by the county treasurer by section eleven hereof

Section 4 Section nine of said act as amended by the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 661) and by the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1321) is hereby further amended to read as follows

Section 9 No sale shall be valid where the taxes and interest have been paid prior to said advertisement or where the taxes interest and costs have been paid after advertisement and before sale or when such taxes are not legally due and collectible [No] Every such sale shall discharge the lien of [any] every mortgage [which shall have been recorded before such taxes became liens by return and docketing as herein provided and which is or shall be prior to all other liens except other mortgages] obligations claim lien or estate with which said property may have or shall become charged or for which it may become liable including ground rents [municipal claims and or other taxes and] except no such sale shall discharge the lien of any [ground rent] municipal claim or tax remaining unpaid Any real estate sold under this act may be redeemed by the owner his heirs or legal representatives or by any lien creditor or his heirs assigns or legal representatives or by anyone interested in said real estate for the benefit of the owner thereof at any time within [five] two years after such sale if such real estate has been purchased [by the county otherwise] within two years after such sale by the payment to the county treasurers of the full amount which the purchaser paid to said treasurer for taxes interest and costs and fifteen per centum of the amount of tax in addition thereto In case the purchaser has paid any taxes of any kind whatsoever assessed and levied against said property the same shall be reimbursed to said purchaser before any redemption shall take effect No sale of seated lands for taxes under the provisions of this act shall be prejudiced or defeated by proof that there was personal property to be found on the premises sufficient to pay the taxes assessed thereon nor shall such sale be prejudiced by reason of the fact that such lands so assessed as seated lands were at the time unseated

When any real estate is so sold no lien whatsoever against such real estate shall be deemed to be discharged during the period for redemption but if such real estate is not redeemed then all liens against the same except such liens as are hereinbefore specifically saved shall be deemed to be discharged from the date that the right of redemption expired

When any real estate is so redeemed by a lien creditor or his heirs assigns or legal representatives or by any person interested for the benefit of the owner the county treasurer shall issue to the person redeeming such real estate a certificate stating the fact of such redemption a brief description of the real estate redeemed such real estate a certificate stating the fact of such redemption a brief description of the real estate redeemed and the amount of the redemption money paid which certificate may be entered in the office of the prothonotary of the county as a judgment against the owner of the real estate for the amount stated therein The lien of any such judgment shall have priority over all other liens against such real estate except such liens as would not have been discharged had no redemption been made

Section 5 Section twelve of said act is hereby amended to read as follows

Section 12 It shall be the duty of the county treasurer at the first term of a court of common pleas of the proper county succeeding any such sale to make a report and return wherein he shall set forth a brief description of the land or property sold the name of the person (where known) in which the same is assessed the amount of tax and the year for which the same is assessed the time when and the newspapers in which the advertisement for sale was made with a copy of said advertisement the time of sale the name of the purchaser and the price for which each respective property was sold Upon the presentation of said report or return if it shall appear to said report or return if it shall appear to said court that such sale has been regularly conducted under the provsiions of this act the said report and the sale so made shall be confirmed nisi

The county treasurer shall at the expense of the county publish a general notice once ni a newspaper of general circulation throughout the county stating that the report of the county treasurer with respect to sales for delinquent taxes has been presented to the court giving the date thereof and that exceptions thereto may be filed within sixty dyas after the date of return otherwise the report will be confirmed absolutely

In case no objections or exceptions are filed to any such sale within sixty days after the date of return a decree of absolute confirmation shall be entered as of course by the prothonotary Any objections or exceptions to such a sale may raise the legality of the taxes for nonpayment of which the real estate was sold or the return thereof or the validity of the sale for the reason that the tax was actually paid or question the regularity or legality of the proceedings of the treasurer in any respect In case any objections or exceptions are filed they shall be disposed of according to the practice of the court When the same was overruled or set aside a decree of absolute

confirmation shall be entered by the court If such objections or exceptions are sustained and the court deems the defect not amendable it shall by its order or decree invalidate the sale From the decision of the court of common pleas any party interested may appeal to the Supreme or Superior Court as in other cases If no objections or exceptions are filed as herein provided or where objections or exceptions are finally overruled and the sale confirmed absolutely the validity of the assessment of the tax and its return for nonpayment and the validity of the proceedings of the treasurer with respect to such sale shall not thereafter be inquired into judicially in equity or by civil proceedings by the person or persons in whose name such property was sold his or her or their heirs or his her or their grantees or assigns subsequent to the date of the assessment of the taxes for which such sale was made and such sale after the period of redemption shall be terminated shall be deemed to pass a good and valid title to the purchaser [as against the person or persons in whose name such property was sold] free from any liens or encumbrances whatsoever except such liens as are hereinbefore specifically saved and in all respects as good and effective as if acquired by a sheriff's deed provided the purchaser has filed the bond for surplus moneys as hereinafter provided

Section 6 Section sixteen of said act as amended by the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1321) is hereby further amended to read as follows

Section 16 When the county commissioners shall purchase any real property at a county treasurer's sale they shall provide a book wherein shall be entered (a) the name of the person as whose land the same was sold (b) a brief description of the property together with any lot and block number (c) the amount of taxes interest and costs for which it was sold Such property shall not so long as it remains the property of the county be cnarged in the duplicate [for the next five years] During the redemption period following such sale if the land remains unredeemed the commissioners shall in separate columns in the same book charge every such tract of land with like connty city borough town township school and poor taxes as would have been chargeable against the land had the same not been purchased by the county commissioners The right of redemption of lands heretofore purchased by the county commissioners shall remain in the real owner of such lands or other persons interested for five years after such sale to the county commissoiners and of all lands hereafter purchased by the county commissioners such right shall remain for two years after such sale and such redemption may be accomplished by a payment within such period to the county treasurer of all taxes interest and costs due thereon at the time of sale and interest thereon and also the taxes and interest which have been annually levied and charged thereon after the sale and interest thereon beginning on the first day of January in the year succeeding the year when the respective taxes were levied All redemptions of property purchased by the county commissioners shall be noted upon their records and the county treasurer shall forthwith cause an entry of redemption to be made on the records in like manner as if such property were purchased by other than county commissioners

Section 7 Sections seventeen eighteen and twenty-one of said act are hereby amended to read as follows

Section 17 If the owner of any real property his heirs or legal representatives or lien creditor his heirs assigns or legal representatives or other person interested in property so purchased by the county commissioners shall not redeem the same within such period the county commissioners shall [at any time] unless restrained by the court of common pleas within six months after the expiration of such period sell [any] such lands at public sale [and make deed therefor] or private sale in the manner provided by law for the best price or prices obtainable Any such lands now owned by the county for which the redemption period has expired unless restrained by the court of common pleas shall be sold as herein provided within six months after the effective date of this act Any taxpayer of the county may object to the court of common pleas to the proposed sale of any property or properties and the court shall fix a time and hear the matter and decide what apears to it to be for the best interests of the county and shall so order Such decision shall be final After any such sale or in the case of any redemption the property shall be charged by the assessor in the name of the last purchaser or redeemer and such lands shall again be liable for taxes as other lands

The county commissioners before making sale of real property purchased by them at tax sales shall give at least thirty days' notice once a week for three consecutive weeks of such sales particularly designating the tracts that are to be sold This notice shall be inserted in two newspapers published in the county if so many are published in said county if there be only one then in such newspaper published in the county

Such advertisement shall set forth

(a) The purpose of such sale
(b) The time of such sale
(c) The place of such sale
(d) The terms of such sale
(e) A list of [seated] lands affected and their location and the owner or reputed owner of each

After such sale the county commissioners shall make and deliver a deed being acknowledged before an officer authorized to acknowledge deeds Such deed shall pass such title as the county commissioners have a right to convey

Section 18 [Nothing contained in this act shall be construed to repeal the] The act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how and upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the method for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly is hereby repealed in so far as it relates to the filing of tax claims or tax liens and the revival thereof by the various political subdivisions other than cities counties of the first second and third classes and the political subdivisions within or coextensive with cities and such counties

Section 21 No tax collector for any political subdivision in cities or in counties of the first second or third classes shall make any return of taxes as provided in this act if the taxing authorities shall notify such tax collector in writing that returns shall not be made but that delinquent taxes are to be collected by the filing of liens in the office of the prothonotary

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. BRETHERICK. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 698, entitled:

An Act to amend the act approved the sixteenth day of May, one thousand nine hundred and twenty-three

(P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom, for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," limiting the said act so that it shall not be effective in any city or in counties other than counties of the first second and third classes as to the future filing of tax claims, removing the right to revive, extend or continue existing liens of tax claims in cities and in counties other than counties of the first second and third classes, prescribing the time for selling properties for the nonpayment of such claims and in certain cases extending existing liens.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. WATKINS. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 296, entitled:

An Act to validate mortgage sales of real estate by foreign fiduciaries executors and administrators and the titles acquired by purchasers at such sales

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Downey,	Leydic,	Sarraf,
Ackermann,	Eckels,	Lichtenwalter,	Scanlon,
Allen,	Ely,	Long	Schrock,
Allmond,	Ewing,	Lovett,	Schrope,
Alspach,	Falkenstein,	Lyons,	Schwab,
Andrews,	Fauset	Madden,	Seif,
Atkins,	Finnerty,	Malloy,	Serrill,
Auker,	Fisher,	Marr,	Shaw,
Baker,	Fiss,	Matthews,	Shearer,
Balliet,	Flanagan,	McClester,	Simons,
Balthaser,	Fleming,	McGarrity,	Skale,
Bardes,	Foor,	McKinney,	Sloan,
Bennett,	Freed,	McLane,	Snyder,
Bohn,	Fullerton,	McNally,	Sollenberger,
Boles,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,
Bower,	Gorski,	Mooney,	Sweeney,
Boyd,	Habbyshaw,	Moran,	Tahl,
Bretherick,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.,
Brunner,	Haudenshield,	O'Connor,	Thompson, G. R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	Ominsky,	Trout,
Calvin,	Hindman,	O'Neill,	VanAllsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christley,	Holland,	Preston,	Walsh,
Clearwater,	Hoyt,	Readinger,	Watkins,
Cohen, H. B.,	Huntley,	Reagan,	Webster,
Cohen, R. E.,	Imbrie,	Reese, D. P.,	Weiss,
Cook,	James,	Reese, R. E.	Welsh, E. B.,
Cooper,	Jirolanio,	Regan,	Welsh, M. J.,
Cordier,	Johnston,	Reynolds,	Westrick,
Corrigan,	Jones,	Rhodes,	Wilkinson,
Cortese,	Kane,	Rider,	Williams,
Curran,	Keenan,	Riley	Wilson,
Dalrymple,	Kenehan	Robertson,	Winner,
Denman,	Kline,	Rooney,	Wood, H. M.,
DeNote,	Knoble,	Rose,	Wood, L. H.,
Dick,	Kowalski,	Roseberry,	Wood, N.,
Dix,	Krise,	Rosenfeld,	Woodside,
Donahue,	Lee,	Rothenberger,	Yeakel,
Donohoe,	Leisey,	Royer,	Turner,
	Levy,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 900, as follows:

An Act to amend sections one thousand four hundred two two thousand five hundred fifty-six and two thousand five hundred fifty-nine and to repeal section two thousand five hundred fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended clarifying the conditions of the bond of the city treasurer providing for the determination of certain expenses in connection with the collection of taxes for the city county institution district school and poor district and repealing a certain inconsistent section

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section one thousand four hundred two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended by the acts approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 363) and the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 719) is hereby further amended to read as follows

Section 1402 Bond Salary The city treasurer shall give lawful fidelity bond to the Commonwealth with two or more sufficient sureties or with a surety company authorized by law to act as surety to be approved by the city council in such sum as it may by ordinance direct conditioned [for the honest and faithful discharge of his official duties] for the accounting for and paying over all moneys received by him in his capacity as city treasurer and the safe-keeping and payment over of all public moneys entrusted to his care and that as tax collector of city county institution district and poor taxes he shall account for and pay over all moneys received by him as taxes penalties and interest [and account for all tax items contained in the duplicates delivered to him during his term of office which remain uncollected] The city treasurer and his sureties shall be discharged from further liability on any bond as tax collector as soon as all tax items contained in the duplicates delivered to him are either (1) collected and paid over or (2) certified to the city council for entry as liens in the office of the prothonotary or (3) returned to the county treasurer or city treasurer for sale or (4) in the case of personal property occupation poll and per

capita taxes a record of those which remain uncollected is filed with the tax authority [together with the oath of the tax collector that he has made a diligent effort to collect such taxes] The city treasurer shall be required to give but one bond which shall include his duties as city treasurer and collector of city county institution district school and poor taxes and shall cover the full term of his office Should the [city] county institution district school district or poor district be of the opinion at any time that the bond given is not sufficient additional security may be required to be given at the expense of the taxing district requiring the same The treasurer shall not in any event be required to give bond or bonds aggregating an amount in excess of the tax to be collected by him The bond or bonds given by the city treasurer shall be for the use of the city the county the institution district the school district and the poor district He shall as city treasurer receive a fixed annual salary to be provided by ordinance His compensation as tax collector for the city county institution district school district and poor district shall be fixed as provided in article twenty-five of this act

Section 2 Sections two thousand five hundred fifty-six of said act as amended by the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2641) is hereby further amended to read as follows

Section 2556 Treasurer as Tax Collector of City County School and Poor Taxes Compensation Assistants Expense t Be Shared The compensation or commission of the [said] city treasurer as collector of city county institution district school and poor taxes shall during the terms of the tax collectors in offices at the time this act takes effect be and remain as now provided by law Thereafter the said tax collector shall be paid an annual salary for the collection of all city county institution district school and poor taxes which salary where not definitely fixed by this act shall be fixed before the election of any tax collector jointly by the [city council the county commissioners and the board of school directors within the limits hereinafter prescribed] taxing authorities other than institution and poor districts whose taxes are collected under the provisions of this act In the case of newly created cities the said salary where not definitely fixed by this act shall be fixed by said taxing authorities before any duplicates are delivered to the city treasurer In fixing the salary of the tax collector the [city the school district and the county] taxing authorities fixing the same shall each have one vote which one vote shall be divided into fractions assigning an equal fraction of one vote to each member of the same taxing authority

In cities having a population of twenty-five thousand inhabitants and less the annual salary of the tax collector shall not be less than one thousand six hundred dollars ($1,600) nor more than three thousand five hundred dollars ($3,500)

In cities having a population of more than twenty-five thousand inhabitants and not exceeding fifty thousand the annual salary of the tax collector shall not be less than three thousand five hundred dollars ($3,500) nor more than five thousand dollars ($5,000)

In cities having a population of more than fifty thousand inhabitants and not exceeding fifty-five thousand inhabitants the annual salary of the tax collector shall be six thousand dollars ($6,000)

In cities having a population of more than fifty-five thousand inhabitants the annual salary of the tax collector shall not exceed seven thousand five hundred dollars ($7,500)

The tax collector shall appoint all necessary deputies clerks and assistants whose number and salaries shall be fixed jointly by the city council the board of school directors and the county commissioners in the same manner as in the case of the tax collector Said deputies clerks and assistants shall give fidelity bond payable to the Commonwealth for the use of the city county institution district and school disrict conditioned on the faithful accounting and payment over all tax moneys received by them

The city shall provide and furnish for the tax collector at his office as city treasurer suitable office space light heat furniture and janitor service

The [city county and the school district] taxing authorities other than institution and poor districts shall in equal proportions pay the cost of stationery supplies printing notices postage telephone service office equipment and incidental expenses necessarily incurred in the conduct of the tax collector's office [the premiums on the bonds of his deputies clerks and assistants] these expenses to be determined by a board consisting of one representative from each such taxing authority to be appointed by such taxing authority [and the] The salaries of the tax collector and his deputies clerks and assistants [Said salaries] shall be paid monthly or semi-monthly in the same manner as other officers of said city county and school district

The [city county and the school district] taxing authorities other than institution and poor districts shall be required to pay [each one-third of] in equal proportions the premium on the [bond] bonds required to be given by law by the tax collector and his deputies clerks and assistants to the Commonwealth The city treasurer upon the expiration of his term of office shall surrender the unsatisfied tax duplicate or duplicates in his possession to his successor in office who shall collect the unpaid taxes charged therein and settle the duplicate or duplicates as provided by law Before such duplicates are surrendered to a successor the tax accounts of the outgoing treasurer shall be adjusted and balance to the satisfaction of the incoming treasurer and the respective taxing authorities before any release of the bond of the out-going treasurer shall be given

Section 3 That section two thousand five hundred and fifty-nine of said act as amended by the act of June twenty-first one thousand nine hundred thirty-five (Pamphlet Laws 363) is hereby further amended to read as follows

Section 2559 Powers of City Treasurer as Tax Collector The city treasurer as the collector of taxes may appoint as many deputies as may be authorized to enable him to collect the said taxes or any of them which deputies shall be paid by the said treasurer The city treasurer as the collector of the several taxes and his deputies shall have and exercise all the powers vested by law in the several collectors of State and county taxes and in all the remedies for the collection thereof and shall have additional power and authority after five day's notice to seize by levy and distress any personal property on the premises assessed belonging to tenants purchasers or others without regard to the date of assessment or levy of the tax and to sell the same giving ten days' public notice of such sale by written or printed advertisement and to levy upon any personal propery of the delinquent that may be found within the county for the collection of said taxes and after notice of sale to sell the same for the payment of said taxes The several warrants shall be effectual to authorize the said treasurer as collector of taxes to collect the said taxes

Section 4 Section two thousand five hundred fifty-three of said act and the amendments thereto are hereby repealed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boles,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,

Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,
Bower,	Gorski,	Mooney,	Sweeney,
Boyd,	Habbyshaw,	Moran,	Tahl,
Bretherick,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.
Brunner,	Haudenshield,	O'Connor,	Thompson, G. R.
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	Ominsky,	Trout,
Calvin,	Hindman,	O'Neill,	VanAllsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clearwater,	Hoyt,	Readinger,	Watkins,
Cohen, H. B.,	Huntley,	Reagan,	Webster,
Cohen, R. E.,	Imbrie,	Reese, D. P.,	Weiss,
Cook,	James,	Reese, R. E.	Welsh, E. B.,
Cooper,	Jirolanio,	Regan,	Welsh, M. J.,
Cordier,	Johnston,	Reynolds,	Westrick,
Corrigan,	Jones,	Rhodes,	Wilkinson,
Cortese,	Kane,	Rider,	Williams,
Curran,	Keenan,	Riley,	Wilson,
Dalrymple,	Kenehan,	Robertson,	Winner,
Denman,	Kline,	Rooney,	Wood, H. M.,
DeNote,	Knoble,	Rose,	Wood, L. H.,
Dick,	Kowalski,	Roseberry,	Wood, N.,
Dix,	Krise,	Rosenfeld,	Woodside,
Donahue,	Lee,	Rothenberger,	Yeakel,
Donohoe,	Leisey,	Royer,	Turner,
Downey,	Levy,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1258, entitled:

An Act to repeal section ten of the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 480), entitled "An act relating to tax assessments in counties of the first class; conferring powers and imposing duties on the board of revision of taxes, and its agents and employes, and repealing general, local and special laws."

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—127

Ackermann,	Ely,	Krise,	Serrill,
Allmond,	Ewing,	Lee,	Shearer,
Alspach,	Fisher,	Leisey,	Simons,
Atkins,	Fiss,	Leydic,	Sloan,
Auker,	Fleming,	Lichtenwalter,	Snyder,
Balliet,	Foor,	Lyons,	Sollenberger,
Bardes,	Freed,	Madden,	Stambaugh,
Bennett,	Fullerton,	Marr,	Stewart,
Boorse,	Gates,	Matthews,	Stockham,
Boose,	Gillan,	McClester,	Sweeney,
Bower,	Gillette,	McGarrity,	Tahl,
Boyd,	Goll,	McKinney,	Taylor,
Bretherick,	Habbyshaw,	McNally,	Terry,
Bronson,	Haines,	McVay,	Thistle,
Brown, S. W.,	Hall,	Montgomery,	Thompson, G. R.,
Brunner,	Hamilton,	Moser, F. S.,	Tiemann,
Cadwalader,	Harbeson,	Moser, J. L.,	Trout,
Calvin,	Haudenshield,	Muir,	VanAllsburg,
Carpenter,	Henry,	O'Dare,	Van Belle,
Christler,	Hewitt,	Peacock,	Voorhees,
Clearwater,	Hocke,	Peale,	Wagner,
Cook,	Hoffman, J. N.,	Reagan,	Watkins,
Cooper,	Hoyt,	Reese, D. P.,	Webster,
Cordier,	Huntley,	Rhodes,	Wilkinson,
Cortese,	Imbrie,	Riley,	Wilson,
Curran,	James,	Robertson,	Winner,
Dalrymple,	Johnston,	Rose,	Wood, H. M.,
Denman,	Jones,	Roseberry,	Wood, L. H.,
Dick,	Kane,	Royer,	Wood, N.,
Dix,	Kline,	Sarge,	Woodside,
Donahue,	Knoble,	Schrock,	Yeakel,
Eckels,	Kowalski,	Seif,	Turner,
			Speaker.

NAYS—23

Achterman,	Holland,	Rider,	Weiss,
Andrews,	Lovett,	Rosenfeld,	Welsh, E. B.,
Broad,	O'Connor,	Rothenberger,	Welsh, M. J.,
Cohen, R. E.,	Powers,	Skale,	Westrick,
Hess,	Preston,	Stank,	Williams,
Hindman,	Readinger,	Walsh,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 782, as follows:

An Act requiring cities of the first class to pay portions of their compensation heretofore withheld to officers and men employed in the police department fire department and park guards

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever heretofore and subsequent to the first day of January one thousand nine hundred and thirty-two any city of the first class for any reason shall have reduced the compensation regularly paid to any officers or men employed by it in the police department fire department or as park guards in the park service of such city for any period or periods of time such city is hereby required within six months after the effective date of this act to pay all such persons from whom any part of their compensation has been withheld or to the personal representatives of any such person who may have died the full amount of any portion of such compensation not heretofore paid Together with interest from the date the said compensation was due and payable Any such person who has not heretofore been paid the full amount of compensation due him shall be entitled to such payments notwithstanding the fact that he may have acknowledged in writing or otherwise receipt of the full amount of the compensation due him

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. REUBEN E. COHEN. Mr. Speaker and members of the House, some years ago the policemen, park guards and firemen of the city of Philadelphia were requested, with a club in one hand, to accept a voluntary cut in their salaries. It has always been my feeling, and I think it always will be, that the servants of the people who take the greatest risks of any public servants, protecting property and life in our cities and towns should be paid more adequately than they are today or have been paid

in the past. All this piece of legislation does is to give back to these men their so-called voluntary cuts in salaries which they had to accept some years ago. I believe the American Federation of Labor has expressed its feeling that the bill should be passed, because it is only doing the fair thing for this class of public employee, and for that reason I ask the Democrats on this side of the House to join with the Philadelphia Democrats and Republicans on the other side in the passing of this bill.

Mr. VAN BELLE. Mr. Speaker and members of the House, I think I can speak for Mr. Hamilton, the co-sponsor of this bill, in addition to myself, in thanking our colleague from Philadelphia, Mr. Reuben Cohen, for lending his support to this very worthy measure. I appeal to the members of this House to vote "yes" on this bill.

On the question recurring.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Ely,	Lichtenwalter,	Scanlon,
Ackermann,	Ewing,	Long,	Schrock,
Allen,	Falkenstein,	Lovett,	Schrope,
Allmond,	Fauset,	Lyons,	Schwab,
Alspach,	Finnerty,	Madden,	Seif,
Andrews,	Fisher,	Malloy,	Serrill,
Atkins,	Fiss,	Marr,	Shaw,
Auker,	Flanagan,	Matthews,	Shearer,
Baker,	Fleming,	McClester,	Simons,
Balliet,	Foor,	McGarrity,	Skale,
Balthaser,	Freed,	McKinney,	Sloan,
Bardes,	Fullerton,	McLane,	Snyder,
Bennett,	Furman,	McNally,	Sollenberger,
Bohn,	Gates,	McVay,	Stambaugh,
Boles,	Gillan,	Melchiorre,	Stank,
Boney,	Gillette,	Mihm,	Stewart,
Boorse,	Goll,	Montgomery,	Stockham,
Boose,	Gorski,	Mooney,	Sweeney,
Bower,	Habbyshaw,	Moran,	Tahl,
Boyd,	Haines,	Moser, F. S.,	Tarr,
Bretherick,	Hall,	Moser, J. L.,	Taylor,
Broad,	Hamilton,	Muir,	Terry,
Bronson,	Harbeson,	Munley,	Thistle,
Brown, H. S.,	Harkins,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Connor,	Thompson, G. R.,
Brunner,	Henry,	O'Dare,	Tiemann,
Burns,	Hess,	O'Keefe,	Tronzo,
Burris,	Hewitt,	Ominsky,	Trout,
Cadwalader,	Hindman,	O'Neill,	VanAllsburg,
Calvin,	Hocke,	Peacock,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peale,	Voorhees,
Check,	Hoffman, S. K.,	Powers,	Wagner,
Chervenak,	Holland,	Preston,	Walsh,
Christler,	Hoyt,	Readinger,	Watkins,
Clearwater,	Huntley,	Reagan,	Webster,
Cohen, H. B.,	Imbrie,	Reese, D. P.,	Weiss,
Cohen, R. E.,	James,	Reese, R. E.,	Welsh, E. B.,
Cook,	Jirolanio,	Regan,	Welsh, M. J.,
Cooper,	Johnston,	Reynolds,	Westrick,
Cordier,	Jones,	Rhodes,	Wilkinson,
Corrigan,	Kane,	Rider,	Williams,
Cortese,	Keenan,	Riley,	Wilson,
Curran,	Kenehan,	Robertson,	Winner,
Dalrymple,	Kline,	Rooney,	Wood, H. M.,
Denman,	Knoble,	Rose,	Wood, L. H.,
DeNote,	Kowalski,	Roseberry,	Wood, N.,
Dick,	Krise,	Rosenfeld,	Woodside,
Dix,	Lee,	Rothenberger,	Yeakel,
Donahue,	Leisey,	Royer,	Turner,
Donohoe,	Levy,	Sarge,	Speaker.
Downey,	Leydic,	Sarraf,	
Eckels,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 843, as follows:

An act to amend section two thousand twenty-two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by changing provisions regulating dedicated roads streets lanes alleys and drainage facilities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two thousand twenty-two of the act approved the twenty-fourth day of June one housand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 2022 No responsibility on Township where Plans not Approved If any road street lane or alley or any drainage facilities in connection therewith shall be opened constructed or dedicated for public use or travel except in strict accordance with plans approved as provided in this subdivision neither the township commissioners nor any public authorities shall place construct or operate any sewer drain water pipe or other facilities or do any work of any kind in or upon such road street lane or alley and neither the township commissioners nor any other public authorities shall have any responsibility of any kind with respect to any such road street lane alley or drainage facilities notwithstanding any use of the same by the public unless such road street lane alley or drainage facilities are accepted by ordinance Provided however that nothing herein contained shall prevent the laying of trunk sewers drains water or gas mains if required by engineering necessity for the accommodation of other territory If any person shall open any road street lane or alley or any drainage facility in connection therewith without submitting and obtaining approval of plans as provided in this subdivision and if the township commissioners shall have no information that such road street lane or alley or drainage facility in connection therewith shall be intended for public use or travel the township commissioners may in their discretion file with the recorder of deeds of the county a certificate containing a description of the land served by such road street lane or alley or drainage facility in connection therewith and a statement that as the township commissioners have not approved such plans neither the township commissioners nor any other public authority shall have any responsibility to furnish any facilities or services with respect to such land or any responsibility of any kind with respect to such road street lane or alley or drainage facility in connection therewith Such owner shall be designated as grantor in the records of the office of the recorder of deeds and the township shall be designated as grantee therein but it shall be unnecessary for such certificate to be executed by any other party than the township filing the same Nothing herein contained shall be deemed to prevent the township commissioners from enforcing the provisions of this statute in any case in which any such road street lane or alley or any drainage facility in connection therewith is intended for public use or travel

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boles,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,
Bower,	Gorski,	Mooney,	Sweeney,
Boyd,	Habbyshaw,	Moran,	Tahl,
Bretherick,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.,
Brunner,	Haudenshield,	O'Connor,	Thompson, G. R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	Ominsky,	Trout,
Calvin,	Hindman,	O'Neill,	VanAllsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clearwater,	Hoyt,	Readinger,	Watkins,
Cohen, H. B.,	Huntley,	Reagan,	Webster,
Cohen, R. E.,	Imbrie,	Reese, D. P.,	Weiss,
Cook,	James,	Reese, R. E.	Welsh, E. B.,
Cooper,	Jirolanio,	Regan,	Welsh, M. J.,
Cordier,	Johnston,	Reynolds,	Westrick,
Corrigan,	Jones,	Rhodes,	Wilkinson,
Cortese,	Kane,	Rider,	Williams,
Curran,	Keenan,	Riley,	Wilson,
Dalrymple,	Kenehan,	Robertson,	Winner,
Denman,	Kline,	Rooney,	Wood, H. M.,
DeNote,	Knoble,	Rose,	Wood, L. H.,
Dick,	Kowalski,	Roseberry,	Wood, N.,
Dix,	Krise,	Rosenfeld,	Woodside,
Donahue,	Lee,	Rothenberger,	Yeakel,
Donohoe,	Leisey,	Royer,	Turner,
Downey,	Levy,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 584, entitled:

An Act to establish a separate orphans' court in and for the county of Northampton

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. JIROLANIO. Mr. Speaker and members of the House, due to the fact that the Constitution in Article V, Section 22, provides that whenever a county has one hundred fifty thousand people the Legislature may, if it sees fit, establish an Orphan's Court. I am now asking the members of my political faith to go along with this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boles,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,
Bower,	Gorski,	Mooney,	Sweeney,
Boyd,	Habbyshaw,	Moran,	Tahl,
Bretherick,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.,
Brunner,	Haudenshield,	O'Connor,	Thompson, G. R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	Ominsky,	Trout,
Calvin,	Hindman,	O'Neill,	VanAllsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clearwater,	Hoyt,	Readinger,	Watkins,
Cohen, H. B.,	Huntley,	Reagan,	Webster,
Cohen, R. E.,	Imbrie,	Reese, D. P.,	Weiss,
Cook,	James,	Reese, R. E.	Welsh, E. B.,
Cooper,	Jirolanio,	Regan,	Welsh, M. J.,
Cordier,	Johnston,	Reynolds,	Westrick,
Corrigan,	Jones,	Rhodes,	Wilkinson,
Cortese,	Kane,	Rider,	Williams,
Curran,	Keenan,	Riley,	Wilson,
Dalrymple,	Kenehan,	Robertson,	Winner,
Denman,	Kline,	Rooney,	Wood, H. M.,
DeNote,	Knoble,	Rose,	Wood, L. H.,
Dick,	Kowalski,	Roseberry,	Wood, N.,
Dix,	Krise,	Rosenfeld	Woodside,
Donahue,	Lee,	Rothenberger,	Yeakel,
Donohoe,	Leisey,	Royer,	Turner,
Downey,	Levy,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 585, entitled:

An Act abolishing the office of one of the judges learned in the law in the third judicial district of this Commonwealth and repealing inconsistent legislation

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. JIROLANIO. Mr. Speaker and members of the House, I rise in opposition to the passage of House Bill No. 585, Printer's No. 310, which actually does this: it abolishes a Judge of the Court of Common Pleas of the County of Northampton. At the present time we have three Judges

of the Court of Common Pleas. You heard the statement made last night wherein many counties have more people and more business and have been carrying on that work with fewer judges. Of course, I did not want to take personal issue with the gentleman who made that statement, but when seated in this hall my eyes are often attracted to that good saying above, "And ye shall know the truth and the truth shall make you free."

Therefore I come before you this afternoon to give you what I consider to be the true picture of the County of Northampton relative to the question of whether or not this county shall lose one of its judges, and in that respect members of the House, I must give you a complete picture of our judiciary and I must give you some history. I must tell you about the county itself because those points and those facts you must know in order to vote intelligently upon this measure.

I do not stand before this microphone this afternoon as a Democrat. I appear before you this afternoon as a member of the Legislature, as a member of the Bar and as a citizen of the County of Northampton and of the state of Pennsylvania.

Let us go back to 1921. At that time the County of Northampton had two judges. The President Judge was the Honorable Russell C. Stewart, a prominent Republican of this State and a fine Judge if ever there was one. That gentleman appeared at that time before the Judiciary General Committee and stated to that Committee that, due to the fact that Northampton County was composed and had within it certain things and certain facts which I will enumerate later on, it would be necessary and important for that County to have three judges in the Court of Common Pleas instead of two. In pursuance to the appearance of Judge Russell C. Stewart the Legislature of the state of Pennsylvania saw fit to give to the County of Northampton an additional judge. Then we had three judges.

Let me give you a picture of what happened in my county in the years from 1929 until 1934 and 1935. In the April term of 1934 the civil list of the county of Northampton contained five hundred and eighty-six cases upon the dockets. In my county cases at that time from 1929 were not disposed of. The result was that if a citizen of that county had a just legal claim he would not institute suit because no matter what attorney he went to he was told this his case could not be heard under any circumstances for a period of two years, and the result was that citizens of Northampton county lost what was justly due them.

In 1935 there was elected a judge in my county upon a platform that if he was elected he would see to it that the civil court lists would be brought up to date, and in pursuance of that promise the bench of Northampton county pursued and carried out that promise. They worked diligently month after month with the result that they brought that list up to date.

Now, you may say, why is it that Northampton county with a population of one hundred and sixty-nine thousand people should have three Courts of Common Pleas, while other counties like the county of Westmoreland with a population of two hundred and nine thousand, Lancaster county with a population of one hundred and ninety-seven thousand, and Lehigh county with a population of one hundred and seventy-seven thousand, can carry on their work with only two judges of the Court of Common Pleas.

Ladies and gentlemen I want to give you the answer, and the logical reason why it becomes necessary for the county of Northampton to have more than two judges of the Court of Common Pleas. In the first place, members of the House, Northampton county is the greatest industrial county in the eastern end of the state of Pennsylvania. We have within that county the Bethlehem Steel Company. The Bethlehem Steel Company maintains its main office in that county. We produce in that county more cement than any other state in the United States. We produce in that county one-half of all of the slate mined in the United States of America. These facts which I give you are taken from the Ninth Industrial Directory, issued by the Department of Internal Revenue for the year 1938, and let me just quote to you the figures that appear in that very book. Although Northampton is less populated than any of the counties I mentioned, it has a primary horsepower of four hundred and sixty-eight thousand. Lancaster county only has ninety-two thousand; Westmoreland county one hundred and seven thousand and Lehigh county ninety thousand, so that you can see although the county of Northampton has less people it has more primary horsepower which is necessary for manufacturing than any one of those counties. Westmoreland with two hundred ninety thousand people has a less compensation wage than my county of Northampton to the tune of thirty-two million dollars a year. What does that mean? That means that Northampton county is highly industrial, and when a county is highly industrial it has more suits both civil and criminal in its terms of court.

Last night you heard statements and I do not want to take issues with those statements, I would never question the integrity of a member of the House, but I do believe that someone who was the originator of those very figures was careless with the truth. I believe that that carelessness with the truth was done with a malicious and wilful intent in order to pursuade the members of the House to see this bill, not in its true light but in the light in which a particular group that has seen fit to sponsoring this measure wants you to see it.

Let me tell you this, last year in the month of June in the County of Northampton, Judge William M. McKean, President Judge, died. Governor Earle did not see fit to appoint his successor until the first Monday in December of 1938, so for a period of six months Northampton County carried on its work with two judges in the Court of Common Pleas. Let us see what happened in those six months. During one of the criminal court terms I happened to be one of the attorneys in some cases, and a gentleman, a very prominent Republican by the name of Stanley Fehr also had some cases. I am told that he is going to be the candidate on the Republican ticket for the office of District Attorney for the County of Northampton. Three other lawyers also had cases in the court of Northampton County during that criminal court term. We had two judges sitting during the regular term, and when the end of the term came on a Friday, low and behold the courts of Northampton County did not have sufficient time to complete the criminal list. As a result Mr. Jirolanio, Mr. Fehr and the other attorneys, together with their clients, who were defendants, had to return home and wait until the following term in order to find out whether or not they were innocent or guilty of certain crimes. You may say "What happened?" Let me

go back to the figures that I related from this book. There you will find that Northampton County has about twenty-nine to thirty percent of its population of foreign decent. That is in comparison with Lancaster County, where they only have two thousand of their total population of one hundred seventy-seven thousand of foreign decent, and in comparison with other counties, we exceed them by over four hundred percent. That has something to do with the fact that the criminal courts of our county are crowded on their dockets.

Let us go to the civil end of the courts, and there what do you find during that term? The gentleman last night stated that only one hundred and eighty some cases were on the trial lists of the courts of Northampton County for the entire year. In answer to that, members of the House, let me tell you that the trial list called last Monday morning, Northampton County had one hundred and twelve cases. How can any member of the House of Representatives or any single person rise up before the members of the House of Representatives and give figures which do not tally at all with the figures that I have given to the members of the House? As a member of the bar I answered the trial lists on Monday morning.

Let me go on further. Let me say that all of the members of the House, every member from the County of Northampton and the Chairman of the Committee on Judiciary General received from the Bar Association of Northampton County a letter stating that the bar of Northampton County was bitterly opposed to the abolition of a Court of Common Pleas. Last night it was stated that only thirty some members attended that meeting. Members of the House, I took off one Monday night, the only Monday night that I have ever missed in this session, in order that I could be in attendance at Easton to attend that meeting, which was attended by Judge Herbert E. Laub, and Judge McCloskey, one a Republican and one a Democrat. At that meeting the Judges of the Courts of Northampton County said that in order to protect the welfare and the interests of the people of Northampton County we must have three Courts of Common Pleas, otherwise you will again have Northampton County back in the same condition that existed between the years of 1929 and 1934.

I say to you, members of the House, last night I did not ask anything unfair or unreasonable when I asked this House, to give the members of the bar and members of the bench and the people of my county of Northampton an opportunity to come here, let them be heard and then pass upon this bill after you have heard what they have to say. Members of the House, I do not think that I was unreasonable; I do not think that was an unfair statement to make. Bear in mind that this measure does not affect Republicans, it does not affect the Democrats, but it affects the welfare of the people of Northampton county.

I am going to give you a little history of why the opposition is so strong in Northampton county at the present time. Sometime ago in the county of Northampton a gentleman by the name of Schmidt resided there. Mr. Schmidt was a very wealthy man. He had invested heavily in hosiery mills and in the stock market. However, he died, I believe in 1934 or 1935. At that time he left assets to the tune of nine hundred thousand dollars, but his liabilities were one million four hundred thousand dollars. When the account was being prepared the claims were so complex that the attorney for the estate saw fit to come into court and ask for the appointment of an auditor. Mind you the attorney for the estate same in and told the Court of Northampton County that this estate was so complex, so mixed up that he asked for relief and requested the appointment of an auditor. The auditor was appointed, ladies and gentleman, and when he went through all those claims he reduced them to the tune of two hundred fifty thousand dollars from the original amount of one million four hundred thousand dollars. He then made his report. It took that gentleman about six months of intensive hard work to go through the estate of a man who had seen fit to invest more money than he actually had, and for that work a charge was made against the estate of Schmidt in the amount of seven thousand five hundred dollars. It happened that Schmidt had a brother, who is still living and who is President of the National Bank of Nazareth, Pennsylvania. He had gone on notes for his brother to the tune of fifty-eight thousand dollars. It also appears that the bank of which the gentleman was President was also on notes to the tune of fifty-eight thousand dollars. This gentleman was greatly aroused when he heard of the fee that was charged. He said, "Look how much more would have gone into the bank; look how much more my bank and myself would have received and how much less I would have been forced to pay if they would not have appointed an auditor."

In pursuance of that, with a malicious and wicked mind this man is now working to destroy the principles of the judiciary in Northampton County. I tell you, ladies and gentlemen of this House, that is the motivating force behind the introduction of these bills. The bankers of the state of Pennsylvania, especially in my county, are not satisfied with taking everything away from everybody, owning the whole community and the real estate and taking the homes away from the poor people, they are also at this time trying to undermine the judiciary of Northampton County because they won't spend, mind you gentlemen, they won't spend according to their whims and desires.

Members of the House, you have heard that only thirty members attended the meeting of the Bar Association. I do not frankly remember whether there were thirty or more there, but I do know this, that Adams Dodson, a very prominent Republican, who is Secretary of our Bar Association, sent a notice to every lawyer in Northampton County ten days ahead of time, as required by the by-laws of our Bar Association, to attend the meeting to be held in Easton. Certainly it was not his fault that only thirty attended and that the others did not see fit to attend. Let me tell why there were not more there. We have over thirty-five banks in our county, they have solicitors, they own mortgages upon the homes of the attorneys, and if those attorneys had attended that meeting, there would have been reprisals against them individually and collectively by the bankers association of Northampton County.

I say to you members of the House that the abolition of a Judge in my county is uncalled for, it is unwarranted. The things that took place last night are unjustifiable. I feel that the citizens of my county have a right to come here and be heard, and I say to you, members of the House not as a Democrat, but as a citizen of my county that I appear against this bill because my county cannot stand

the abolition of a Judge of a Court of Common Pleas.

Mr. JOHN N. HOFFMAN. Mr. Speaker and members of the House, I hope that my temper shall not manifest itself in any ungracious word or act toward my colleague from Northampton county, Mr. Jirolanio. I appreciate very highly the statements the gentleman found it expedient to make, because I believe from the force of his argument he has added a great many votes toward the passage of this bill.

I do not want to take up the time of the House to make any lengthy debate upon this bill. I addressed the House yesterday on that question and gave facts and figures and it would be needless to repeat that information today. I do however want to correct the impression that may have been created by the gentleman when he said that I made a statement last night with reference to the number of mmbers of the Bar present at that meeting. That has an element of doubt. I refer you to a letter from the Secretary of the Bar Association, Mr. Adams Dodson, dated April 22nd, in which he says this:

> "The meeting of the Bar Association held April 10th, when a special meeting, at which thirty-two members were present. I believe the total membership of the Bar Association of Northampton County is ninety-seven."

The gentleman from Northampton, Mr. Jirolanio, made reference to an issue back in 1921. Fortunately my memory serves me correctly on that score, for I was responsible at that time for introducing the bill in this House by which a third Judge was given to Northampton county. A bill for a separate Orphans' Court Judge was introduced in the Senate by the then Senator Hackett, on the solicitation of the Bench of Northampton county, for what they believed at that time to be a necessity. There was a compromise by substituting a Common Pleas Court Judge in lieu of an Orphans' Court Judge. Since the gentleman took occasion to refer to that ancient period I would like to remind the gentleman from Northampton County that since that time there has been an expenditure of $217,-728.14 for the cost of audits and $218,253.70 for the cost of fees of auditors, so that when I am appealing to you today, Mr. Speaker and members of the House, for the passage of these companion bills, I am setting aside any political aspect as to this question, and I am looking at it entirely from a business standpoint and on the basis of economy.

Upon the suggestion of the gentleman from Northampton, in his ready approval of the bill introduced providing for an Orphans' Court Judge, he was subtle in his mind to believe that we were going to establish an Orphans' Court Judge and at the same time hold for Northampton County the three Common Pleas Judges. The idea in the first place is highly preposterous. We are at a point in our economic state of life where to even suggest the addition of eighteen or twenty thousand dollars for a third judge of Northampton County would be ridiculous and I would not blame the citizens of Northampton County if they crucified their Representatives for introducing an act by which the additional cost would be placed upon the state and correspondingly upon the county for the purpose of providing another judge.

The gentleman made reference to the inscription, "And ye shall know the truth and the truth shall make you free." But I believe the getnleman has overlooked that other wisdom that has been expressed by one of the ancient sacred writers to the effect that "Words fitly spoken are apples of gold in pictures of silver." If he would confine himself to the facts and understand the situation, and honestly reveal them as they pertain to Northampton County, the gentleman from Northampton County, although a member of the Bar, would gladly acquiesce in giving to the citizens of Northampton County their constitutional rights. When he stated to the House of Representatives this afternoon that the Constitution of the state of Pennsylvania provides when the population is more than one hundred fifty thousand, such county may have a Judge of the Orphans' Court, he overlooked the fact that the word is "shall." The act makes it mandatory. Therefore, the people of Northampton County who are bearing this enormous expense, which is absolutely unfair, are merely asking for their rights, their constitutional privilege, to exercise that which the law says it shall have.

Now, Mr. Speaker and ladies and gentlemen of the House, there comes a time in every man's life when he approaches a solemn moment, when he performs a sacred deed and that is when he subscribes his name to his last will and testament, expressing and manifesting through that document a means by which his own desires may be perpetuated in the taking care of his household and his family, and the sacred word tells us that the man who fails to provide for his own household is worse than an infidel. Consequently that man faces the responsibilities of providing for those he loves and cares for, when that man leaves behind him a silent voice that speaks as to how he would like to have the administration of his affairs as relates to his family conducted. I submit to you, Mr. Speaker and members of the House from the element of the moral standpoint and from the standpoint of justice to which it is attached, a man's will as he expressed it, so far as it relates to the distribution of his wealth, and the manifestation of that distribution has to be done in the spirit of honor, in the spirit of fairness, and there should be no occasion in a county like Northampton County, where there is going to be this enormous and tremendous expense paid for officers and for officers' fees, in order that a man's wishes, though silent in death, speaking through his death, cannot be administered in fairness and in equity.

Therefore I appeal to you, members of the House, as a citizen from Northampton County, believing as I do, that I have fitly represented them in this issue, I ask your support for the passage of this bill.

Mr. JIROLANIO. Mr. Speaker, I desire to interrogate the gentleman from Northampton.

The SPEAKER. Will the gentleman from Northampton permit himself to be interrogated?

Mr. JOHN N. HOFFMAN. I will, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, will the gentleman from Northampton be kind enough to read to the members of the House the entire letter which he received from Adams Dodson, Secretary of the Bar Association of Northampton County, in its entirety.

Mr. JOHN N. HOFFMAN. If it is the desire of the Speaker to have this letter read in toto I will be glad to do so.

The SPEAKER. The gentleman's request is not one for the Chair to decide. It is a request obviously to be decided by the gentleman from Northampton.

Mr. JOHN N. HOFFMAN. I have no objection to the request except that it adds to the expense of putting it into the record.

The SPEAKER. The gentleman from Northampton will have to decide that question for himself.

Mr. JOHN N. HOFFMAN. Mr. Speaker, in order to avoid suspicion I will be glad to read the letter. It is as follows:

April 22, 1939

Honorable John N. Hoffman,
House of Representatives,
Harrisburg, Pennsylvania.

My dear Mr. Hoffman:

Your letter of April 18 it at hand inquiring further particulars about the meeting of the Northampton County Bar Association held April 10, and other matters. I appreciate very much the interest that you have taken in this matter. To answer your questions in the order you asked them, I reply as follows:

The meeting of the Bar Association held April 10 was a special meeting, at which 32 members were present. I believe the total membership of the Bar Association of Northampton County is 97. The resolution, a copy of which I forwarded to you, was passed unanimously, as stated to you in my letter of April 13.

As to the silence on House Bill 584, the companion bill of 585, the following should explain the non-action as to House Bill 584:

During 1937 our Bar Association went on record as favoring a separate Orphans' Court in Northampton County, not, however, by reducing the number of Common Pleas' Judges from three to two. The Senators and Assemblymen were sent copies of this resolution. For this reason the Bar Association did not feel it necessary to go on record again as favoring a separate Orphans' Court.

However, the Bar Association does not favor a separate Orphans' Court if the separate Orphans' Court entails a reduction in the amount of Common Pleas' Judges. The Bar Association feels that three Common Pleas' Judges are necessary in Northampton County to carry on an efficient administration of the business of the Court. It feels that it would be a great mistake to reduce the number of Common Pleas' Judges in Northampton County from three to two.

It passed no resolution at this time urging a separate Orphans' Court—in addition to the present three Common Pleas' Judges — for two reasons, among others. First, the Bar Association did not wish to ask of the Legislature the additional expense of $12,500 or more in times as bad as these times. Second, the three Common Pleas' Judges have decided to sit as Orphans' Court Judges so as to obviate the expense of a fourth Judge (the fourth Judge being an Orphans' Court Judge); and so as to obviate the expense of appointment of auditors in estates.

I hope the above conveys to you the thought of the Bar Association, as expressed at its meeting of April 10.

Again may I express my appreciation for your interest in this matter?

Very truly yours,
ADAMS DODSON
Secretary, Northampton County
Bar Association.

Mr. JIROLANIO. Mr. Speaker, will the gentleman from Northampton be kind enough to read the letter dated April 10th, received April 13th, which contains a resolution from the Bar Association of Northampton County, showing that they are not in favor of the abolition of a Judge of the Court of Common Pleas.

Mr. JOHN N. HOFFMAN. Mr. Speaker, I shall be glad to read the letter, which is as follows:

April 13, 1939.

Honorable John N. Hoffman,
House of Representatives,
Harrisburg, Pennsylvania.

Dear Sir:

House Bill No. 585 has been called to the attention of the Northampton County Bar Association, the purpose of which bill is to reduce the number of Common Pleas' Judges in Northampton County from three to two. At a special meeting of the Bar Association held for the purpose of considering this bill, the following resolution was unanimously passed:

"Resolved That the Bar Association of Northampton County express its disapproval of House Bill No. 585 eliminating one of the Judges of Northampton County, for the reason that the Bar Association is convinced that an efficient administration of the business of the Court requires the retention of three Judges of the Court of Common Pleas; and that copies of this resolution be sent to the Governor of the Commonwealth the Speaker of the House of Representatives; State Senator and Assemblymen from the 18th District; and the Chairman of the Judiciary Committee of the Senate and the House."

In accordance with the direction contained in the resolution, this letter is sent to you.

Very truly yours,
H. ADAMS DODSON
Secretary, Northampton County
Bar Association.

AD|cs

Mr. Speaker and members of the House, in justice to myself I would like to have permission from the Speaker and the members of the House to read a letter that I wrote to Mr. Dodson in reply to that letter.

The SPEAKER. The gentleman has the floor and if there is no objection the gentleman may proceed.

Mr. JOHN N. HOFFMAN. Mr. Speaker, the letter reads as follows:

April 18th, 1939.

Mr. Adams Dodson,
Secretary, Northampton County
Bar Association
Bethlehem, Penna.

In re: H. B. 584 and H. B. 585

Dear Mr. Dodson:

Thank you for your letter of the 13th instant received today citing a Resolution passed by the Bar Association of Northampton County expressing disapproval of House Bill No. 585, which has been read by me with interest.

May I ask you to please further inform me definitely the number of Members of the Bar Association in attendance at the meeting when the Resolution was considered, and by what vote, pro and con, was the Resolution adopted.

What strikes me as strangely peculiar about the Resolution is the complete silence and lack of reference with regard to H. B. 584. One would naturally imply that silence on that Bill would constitute approval by the Bar Association. It must be obvious to your Association that H. B. 584 could not be considered separately and apart from H. B. 585.

My only purpose as one of the Assemblymen from Northampton County, and to do justice to myself and constituents, is to seek to know all the related facts from both sides, and then judge the merits on the basis of preponderant facts, and I will appreciate if you can help me to this end.

Sincerely Yours

JOHN N. HOFFMAN,
Assemblyman,
Second District-Northampton County.

Mr. JIROLANIO. Mr. Speaker and members of the House, I just want to say one more thing. The gentleman

from Northampton County has stated that the cost of the auditors' fees, not the cost of audits, because the cost of audits would be the same whether you would have an Orphans' Court or Common Pleas Court, the cost of the fees received by auditors from 1921 to the present date, a period of nineteen years, is two hundred eighteen thousand dollars, which amounts to about eleven thousand dollars per year. Now that eleven thousand dollars was paid out of funds which were in litigation at that time. Under this bill you have the cost to the state of Pennsylvania of twelve thousand five hundred dollars as a salary for the judge, who will become the President Judge of the Orphans' Court, you would have two tipstaves at a salary of two thousand five hundred dollars each, you would have the salary of a court stenographer at three thousand five hundred dollars, and then you would have the salary of his own private secretary at three thousand dollars. In other words making a total expense of twenty-three thousand dollars. Then in addition, with the elimination of one Judge of the Court of Common Pleas you would have the cost of bringing into Northampton County judges to sit as extra judges at a cost of twenty dollars per day and expenses, which is paid by the Commonwealth of Pennsylvania. I just ask you to take those figures in comparison with the cost that he gave us of eleven thousand dollars per year, according to his own assertion. I ask you to pay some attention to the letter that was read by the Honorable Representative John N. Hoffman from Northampton County, sent to him by the Bar Association, wherein they said they were bitterly opposed to the abolition of the Judge of the Court of Common Pleas.

Mr. ANDREWS. Mr. Speaker and members of the House, I have waited for this moment for forty-five years. During all that period we have had the Legislature, the Bar Associations in the various counties, appointing and creating new judges so that some of the judges may take longer vacations, but this is the first time within my memory that we have had an honest county, a county that comes before the Legislature and says, "Gentlemen, we do not have work for four judges. We only have work for three judges and we only want three judges." If there is any money left over to the present administration from a financed budget, they ought to erect a monument to Northampton County and to the gentleman from Northampton County who has come here so courageously to urge the cause of economy in connection with judicial expense.

The other gentleman from Northampton County has stated if they only have two Common Pleas' Court Judges in his county, they will have to have visiting judges. I say I hope so because, goodness knows we want to send some of the gypsy judges from Cambria County.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—112

Ackermann,	Eckels,	Lee,	Shearer,
Alspach,	Ely,	Leisey,	Simons,
Andrews,	Ewing,	Lyons,	Snyder,
Auker,	Fauset,	Marr,	Sollenberger,
Balliet,	Fisher,	Matthews,	Stambaugh,
Bardes,	Fiss,	McClester,	Stewart,
Boney,	Foor,	McKinney,	Stockham,
Boorse,	Fullerton,	McNally,	Sweeney,
Boose,	Gates,	McVay,	Tahl,
Bower,	Gillette,	Montgomery,	Taylor,
Boyd,	Habbyshaw,	Moran,	Thistle,
Bretherick,	Haines,	Muir,	Thompson, G. R.,
Bronson,	Hall,	O'Brien,	Tiemann,
Brown, S. W.,	Hamilton,	O'Connor,	Tronzo,
Brunner,	Harbeson,	O'Dare,	VanAllsburg,
Calvin,	Haudenshield,	Peale,	Van Belle,
Chervenak,	Henry,	Reagan,	Voorhees,
Christler,	Hoffman, J. N.,	Reese, D. P.,	Wagner,
Clearwater,	Hoyt,	Rhodes,	Webster,
Cook	Huntley,	Riley,	Westrick,
Cool,	Imbrie,	Robertson,	Wilson,
Cordier,	James,	Rose,	Winner,
Cortese,	Johnston,	Roseberry,	Wood, H. M.,
Curran,	Jones,	Royer,	Wood, L. H.,
Dalrymple,	Kline,	Sarge,	Woodside,
Denman,	Knoble,	Schrock,	Yeakel,
Dick,	Kowalski,	Seif,	Turner,
Dix,	Krise,	Serrill,	Speaker
Donahue,			

NAYS—44

Achterman,	Cohen, R. E.,	Long,	Rooney,
Allmond,	Falkenstein,	McLane,	Rosenfeld,
Baker,	Flanagan,	Mihm,	Rothenberger
Balthaser,	Harkins,	Mooney,	Scanlon,
Bohn,	Hess,	Moser, J. L.	Schrope,
Boles,	Hindman,	Powers,	Stank,
Broad,	Hoffman, S. K.,	Preston,	Tarr,
Brown, H. S.,	Holland,	Readinger,	Weiss,
Burns,	Jirolanio,	Regan,	Welsh, E. B.,
Carpenter,	Keenan,	Reynolds,	Welsh, M. J.,
Check,	Kenehan,	Rider,	Wilkinson,
Cohen, H. B.,			Williams,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 899, entitled:

An Act to amend section 571 of the act approved May first, one thousand nine hundred thirty-three (Pamphlet Laws 103) entitled, "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," as amended, by changing the conditions of the tax collectors bond, fixing the time when the same shall be entered into and providing that the bond shall cover the collection of township, county and school, institution and poor district taxes.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boles,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melcniorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,
Bower,	Gorski,	Mooney,	Sweeney,
Boyd,	Habbyshaw,	Moran,	Tahl,
Bretherick,	Haines,	Moser, F. S.,	Tarr,

Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.,
Brunner,	Haudenshield,	O'Connor,	Thompson, G. R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	Ominsky,	Trout,
Calvin,	Hindman,	O'Neill,	VanAllsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clearwater,	Hoyt,	Readinger,	Watkins,
Cohen, H. B.,	Huntley,	Reagan,	Webster,
Cohen, R. E.,	Imbrie,	Reese, D. P.,	Weiss,
Cook,	James,	Reese, R. E.	Welsh, E. B.,
Cooper,	Jirolanio,	Regan,	Welsh, M. J.,
Cordier,	Johnston,	Reynolds,	Westrick,
Corrigan,	Jones,	Rhodes,	Wilkinson,
Cortese,	Kane,	Rider,	Williams,
Curran,	Keenan,	Riley,	Wilson,
Dalrymple,	Kenehan,	Robertson,	Winner,
Denman,	Kline,	Rooney,	Wood, H. M.,
DeNote,	Knoble,	Rose,	Wood, L. H.,
Dick,	Kowalski,	Roseberry,	Wood, N.,
Dix,	Krise,	Rosenfeld,	Woodside,
Donahue,	Lee,	Rothenberger,	Yeakel,
Donohoe,	Leisey,	Royer,	Turner,
Downey,	Levy,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1259, entitled:

An Act requiring certain taxes of the political subdivisions in counties of the first class to be stricken from the records and prohibiting such taxes from being included in the computation of the solvent debts of such political subdivisions.

And said bill having been read at length the third time, considered and agreed to.

On the question;

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shaw,
Balliet,	Fleming,	McClester,	Shearer,
Balthaser,	Foor,	McGarrity,	Simons,
Bardes,	Freed,	McKinney,	Skale,
Bennett,	Fullerton,	McLane,	Sloan,
Bohn,	Furman,	McNally,	Snyder,
Boles,	Gates,	McVay,	Sollenberger,
Boney,	Gillan,	Melchiorre,	Stambaugh,
Boorse,	Gillette,	Mihm,	Stank,
Boose,	Goll,	Montgomery,	Stewart,
Bower,	Gorski,	Mooney,	Stockham,
Boyd,	Habbyshaw,	Moran,	Sweeney,
Bretherick,	Haines,	Moser, F. S.,	Tahl,
Broad,	Hall,	Moser, J. L.	Tarr,
Bronson,	Hamilton,	Muir,	Taylor,
Brown, H. S.,	Harbeson,	Munley,	Terry,
Brown, S. W.,	Harkins,	O'Brien,	Thistle,
Brunner,	Haudenshield,	O'Connor,	Thompson, E. F.,
Burns,	Henry,	O'Dare,	Thompson, G. R.,
Burris,	Hess,	O'Keefe,	Tiemann,
Cadwalader,	Hewitt,	Ominsky,	Tronzo,
Calvin,	Hindman,	O'Neill,	Trout,
Carpenter,	Hocke,	Peacock,	Van Allsburg,
Check,	Hoffman, J. N.,	Peale,	Van Belle,
Chervenak,	Hoffman, S. K.,	Powers,	Voorhees,
Christler,	Holland,	Preston,	Wagner,
Clearwater,	Hoyt,	Readinger,	Walsh,
Cohen, H. B.,	Huntley,	Reagan,	Watkins,
Cohen, R. E.,	Imbrie,	Reese, D. P.,	Webster,
Cook,	James,	Reese, R. E.,	Weiss,
Cooper,	Jirolanio,	Regan,	Welsh, E. B.,
Cordier,	Johnston,	Reynolds,	Welsh, M. J.,
Corrigan,	Jones,	Rhodes,	Westrick,
Cortese,	Kane,	Rider,	Wilkinson,
Curran,	Keenan,	Riley,	Williams,
Dalrymple,	Kenehan,	Robertson,	Wilson,
Denman,	Kline,	Rooney,	Winner,
DeNote,	Knoble,	Rose,	Wood, H. M.,
Dick,	Kowalski,	Roseberry,	Wood, L. H.,
Dix,	Krise,	Rosenfeld,	Wood, N.,
Donahue,	Lee,	Rothenberger,	Woodside,
Donohoe,	Leisey,	Royer,	Yeakel,
Downey,	Levy,	Sarge,	Turner,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 732, Printer's No. 324 was passed over at the request of Mr. FISHER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1054, entitled:

An Act providing a method of annexation of parts of townships of the first class, to contiguous cities of the second class, boroughs or other contiguous townships of the first class, and regulating the proceedings pertaining thereto.

On the question,

Will the House agree to the bill on third reading?

Mr. HARKINS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 2 of title, by inserting after the word "class" the following: "not in excess of twenty per centum of the assessed value of any such township"

Amend Sec. 1, page 1, line 7, by inserting after the word "act" the following: "Provided, however, That the provisions of this act shall not apply when the portion of any first class township to be annexed represents twenty per centum or more of the assessed value of such township."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 841, entitled:

An Act to amend section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending, revising consolidating and changing the law relating thereto" by authorizing the designation of certain highways upon which motor vehicle traffic may be regulated.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boles,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,
Bower,	Gorski,	Mooney,	Sweeney,
Boyd,	Habbyshaw,	Moran,	Tahl,
Bretherick,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.,
Brunner,	Haudenshield,	O'Connor,	Thompson, G.R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	Ominsky,	Trout,
Calvin,	Hindman,	O'Neill,	Van Allsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clearwater,	Hoyt,	Readinger,	Watkins,
Cohen, H. B.,	Huntley,	Reagan,	Webster,
Cohen, R. E.,	Imbrie,	Reese, D. P.,	Weiss,
Cook,	James,	Reese, R. E.	Welsh, E. B.,
Cooper,	Jirolanio,	Regan,	Welsh, M. J.,
Cordier,	Johnston,	Reynolds,	Westrick,
Corrigan,	Jones,	Rhodes,	Wilkinson,
Cortese,	Kane,	Rider,	Williams,
Curran,	Keenan,	Riley,	Wilson,
Dalrymple,	Kenehan,	Robertson,	Winner,
Denman,	Kline,	Rooney,	Wood, H. M.,
DeNote,	Knoble,	Rose,	Wood, L. H.,
Dick,	Kowalski,	Roseberry,	Wood, N.,
Dix,	Krise,	Rosenfeld,	Woodside,
Donahue,	Lee,	Rothenberger,	Yeakel,
Donohoe,	Leisey,	Royer,	Turner,
Downey,	Levy,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1234, entitled:

An Act authorizing counties of the second class to acquire property and erect thereon maintenance warehouses for roads, highways, bridges and tunnels, by purchase or the exercise of the right of eminent domain; providing for the acquiring of fee simple title thereto, and the issuance of bonds therefor.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boles,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,
Bower,	Gorski,	Mooney,	Sweeney,
Boyd,	Habbyshaw,	Moran,	Tahl,
Bretherick,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.,
Brunner,	Haudenshield,	O'Connor,	Thompson, G.R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	Ominsky,	Trout,
Calvin,	Hindman,	O'Neill,	VanAllsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clearwater,	Hoyt,	Readinger,	Watkins,
Cohen, H. B.,	Huntley,	Reagan,	Webster,
Cohen, R. E.,	Imbrie,	Reese, D. P.,	Weiss,
Cook,	James,	Reese, R. E.	Welsh, E. B.,
Cooper,	Jirolanio,	Regan,	Welsh, M. J.,
Cordier,	Johnston,	Reynolds,	Westrick,
Corrigan,	Jones,	Rhodes,	Wilkinson,
Cortese,	Kane,	Rider,	Williams,
Curran,	Keenan,	Riley,	Wilson,
Dalrymple,	Kenehan	Robertson,	Winner,
Denman,	Kline,	Rooney,	Wood, H. M.,
DeNote,	Knoble,	Rose,	Wood, L. H.,
Dick,	Kowalski,	Roseberry,	Wood, N.,
Dix,	Krise,	Rosenfeld,	Woodside,
Donahue,	Lee,	Rothenberger,	Yeakel,
Donohoe,	Leisey,	Royer,	Turner,
Downey,	Levy,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 563, as follows:

An Act to further amend sections eight ten and clause (a) of section fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 435) entitled "An act to provide for

the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by providing additional grounds for refusing suspending or revoking licenses further regulating the procedure of the board giving associations of funeral directors the right of appeal in certain cases and extending the power of the board to make rules and regulations.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections eight ten and clause (a) of section fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" as amended by section one of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1324) are hereby further amended to read as follows

Section 8 The board by a majority vote thereof may refuse to grant refuse to renew suspend or revoke a license of any applicant or licensee for the following reasons

(a) The practice of any fraud or deceit in obtaining or attempting to obtain a license

(b) Violation of the health laws of this Commonwealth

(c) The conviction of a crime involving moral turpitude

(d) The use of misleading advertising

(e) Gross incompetency negligence or misconduct in the carrying on of such business or profession

(f) Violation of or non-compliance with the provisions of this act or the rules and regulations of the board

(g) Loaning borrowing or using a license of another or of knowingly aiding or abetting in any way the granting of improper licenses

(h) Soliciting patronage other than by legitimate advertisement or paying a commission or agreeing to pay a commission to any person or persons for soliciting or for business secured or paying any gratuity to any person with intent to have such person aid in securing business or being a party to any arrangement whereby business is obtained through the sale or solicitation of funeral contracts or burial associations or like unprofessional conduct

Section 10 (a) Any applicant or licensee whose license has been refused suspended or revoked by the board shall within thirty days have the right of appeal to the court of common pleas of Dauphin County where the matter shall be heard by the court without a jury The action of said court shall be final The case shall be heard upon the record certified to the court by the board The court may in proper cases remit the record to the board for the taking of further testimony

(b) Any association of funeral directors or any party in interest shall be entitled to be heard by the board The said association of funeral directors or any person having an interest in the controversy may by an action in equity obtain an injunction to prevent the illegal operation of a person firm corporation or establishment in violation of law or the regulations of the board For such purposes the common pleas court of the county where the violations occur or where the defendant may be served shall have jurisdiction

(c) The board shall render a decision in a case heard by it as promptly as possible but not later than thirty days after the hearing Immediate notice of the decision shall be furnished to the parties in interest or their counsel Any association of funeral directors or party in interest being a party to a proceeding before the board shall have the same right of appeal to the court as is allowed to any defendant or respondent and under the same procedure

Section 14 (a) The board shall be charged with the enforcement of this act It shall be empowered to formulate necessary rules and regulations not inconsistent with this act for the proper conduct of the business or profession of undertaking and as may be deemed necessary or proper to safeguard the interests of the public and the standards of the profession and the board may require an embalming school training of apprentices in addition to other requirements It shall also be empowered with the approval of the Secretary of Health to formulate rules and regulations governing interments and disinterments shipment of bodies sanitation facilities preparation of bodies dead of contagious diseases The board shall mail a copy of all regulations to each licensee and registered apprentice annually

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. REYNOLDS. Mr. Speaker, I desire to interrogate the gentleman from Allegheny.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SEIF. I will, Mr. Speaker.

Mr. REYNOLDS. Mr. Speaker, will the gentleman from Allegheny explain to the House the purpose of this bill?

Mr. SEIF. Mr. Speaker, does the gentleman require the whole bill explained or simply the amendments?

Mr. REYNOLDS. Mr. Speaker, the amendments offered by the gentleman from Allegheny.

Mr. SEIF. Mr. Speaker, it will be noticed on printed page 3 of the bill the first amendment reads that no person can be a party to any arrangement whereby business is obtained through the sale or solicitation of funeral contracts or burial associations.

The purpose of the amendment is this: The bill as it now stands provides that no funeral man or undertaker may solicit business. This amendment provides that he cannot circuitously through agents or, as they say in the legal profession, "through runners," solicit business. It has been the practice of police officers, sometimes morgue attendants, hospital clerks and others to call a funeral director, an acquaintance of theirs, and tell him to go to a certain place where some person has died. The funeral man who has been thus solicited will run out there and say that he has been sent there by the hospital or some morgue or some such agent, and those people will then feel that they should not retain any other undertaker, but feel that they are obligated to retain this funeral director. Of course, this form of running we are trying to stop by this amendment.

Mr. REYNOLDS. Mr. Speaker and members of the House, I am hoping this bill will pass because it will do away with a lot of unethical practice that has been carried on by some very bad people who are put in places of confidence, in the city of Philadelphia especially. We have in hospitals quite often a clerk, and after someone has died, the clerk will call in some unscrupulous undertaker and give him the address of the person who has passed away. The undertaker goes there and poses as a representative of the morgue or a representative of the hospital, and through that influence he receives an order and gets the body. After he has the body in his possession he puts an exorbitant price on the family, and they will have to keep him or else pay his price for services up to that time. I

have noticed in the House that undertakers have been labeled as being this and being that; that they are high priced, and we are trying as doctors and everyone else to get rid of that type of undertaker. This bill will go a long ways in that direction. The undertakers of the state of Pennsylvania as a whole are men of high caliber. We wish to have the confidence of all the people in the state of Pennsylvania. Therefore we are against any kind of runners, whether they be policemen, ambulance chasers, morgue attendants, hospital attendants or anyone else, because we want to run the undertaking business on a high plane, in order that people might not pay an exorbitant price but pay according to their own wishes. I hope that this House will vote unanimously in favor of this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eckels,	Leydic,	Scanlon,
Ackermann,	Ely,	Lichtenwalter,	Schrock,
Allen,	Ewing,	Lovett,	Schrope,
Allmond,	Falkenstein,	Lyons,	Schwab,
Alspach,	Fauset,	Madden,	Seif,
Andrews,	Finnerty,	Malloy,	Serrill,
Atkins,	Fisher,	Marr,	Shaw,
Auker,	Fiss,	Matthews,	Shearer,
Baker,	Flanagan,	McClester,	Simons,
Balliet,	Fleming,	McGarrity,	Skale,
Balthaser,	Foor,	McKinney,	Sloan,
Bardes,	Freed,	McLane,	Snyder,
Bennett,	Fullerton,	McNally,	Sollenberger,
Bohn,	Furman,	McVay,	Stambaugh,
Bois,	Gates,	Melchiorre,	Stank,
Boney,	Gillan,	Mihm,	Stewart,
Boorse,	Gillette,	Montgomery,	Stockham,
Boose,	Goll,	Mooney,	Sweeney,
Bower,	Gorski,	Moran,	Tahl,
Boyd,	Habbyshaw,	Moser, F. S.,	Tarr,
Bretherick,	Haines,	Moser, J. L.,	Taylor,
Broad,	Hall,	Muir,	Terry,
Bronson,	Hamilton,	Munley,	Thistle,
Brown, H. S.,	Harbeson,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Harkins,	O'Connor,	Thompson, G. H.,
Brunner,	Haudenshield,	O'Dare,	Tiemann,
Burns,	Henry,	O'Keefe,	Tronzo,
Burris,	Hess,	Ominsky,	Trout,
Cadwalader,	Hewitt,	O'Neill,	Van Allsburg,
Calvin,	Hindman,	Peacock,	Van Belle,
Carpenter,	Hocke,	Peale,	Voorhees,
Check,	Hoffman, J. N.,	Powers,	Wagner,
Chervenak,	Hoffman, S. K.,	Preston,	Walsh,
Christler,	Holland,	Readinger,	Watkins,
Clearwater,	Hoyt,	Reagan,	Webster,
Cohen, H. B.,	Huntley,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Imbrie,	Reese, R. E.,	Welsh, E. B.,
Cook,	James,	Regan,	Welsh, M. J.,
Cooper,	Jirolanio,	Reynolds,	Westrick,
Cordier,	Johnston,	Rhodes,	Wilkinson,
Corrigan,	Jones,	Rider,	Williams,
Cortese,	Kane,	Riley	Wilson,
Curran,	Keenan,	Robertson,	Winner,
Dalrymple,	Kenehan	Rooney,	Wood, H. M.,
Denman,	Kline,	Rose,	Wood, L. H.,
DeNote,	Knoble,	Roseberry,	Wood, N.,
Dick,	Kowalski,	Rosenfeld,	Woodside,
Dix,	Krise,	Rothenberger,	Yeakel,
Donahue,	Lee,	Royer,	Turner,
Donohoe,	Leisey,	Sarge,	Speaker.
Downey,	Levy,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1361, entitled:

An Act to amend clause (10) of section 3, sections 5 and 6, paragraphs (2), (3), (4), (6), and (11) of section 8, sections 9 and 11, paragraph C of section 12 and section 15 of the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2724), entitled "An act relating to soil conservation and soil erosion, and regulating land use practices contributing to soil wastage and soil erosion; providing for the organization of soil conservation districts, as governmental subdivisions of the Commonwealth, with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources; prescribing the officers and employes thereof, and defining their powers and duties; creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act; providing financial assistance to such soil conservation districts; prescribing penalties; and making an appropriation," by changing the vote necessary for the establishment of districts, the making of regulations and the dissolution of districts and requiring voters to be land owners.

On the question,

Will the House agree to the bill on third reading?

Mr. SHEARER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 5), page 12, line 8, by striking out: "cose" and inserting in lieu thereof: "case"

Amend Sec. 1 (Sec. 5), page 12, line 14, by striking out the word: "The" and inserting in lieu thereof: "the"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 844, entitled:

An Act to amend the first paragraph of section one thousand seven hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending, revising, consolidating and changing the law relating thereto" by changing the power of commissioners to levy taxes.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Ely,	Lichtenwalter,	Scanlon,
Ackermann,	Ewing,	Long,	Schrock,
Allen,	Falkenstein,	Lovett,	Schrope,
Allmond,	Fauset,	Lyons,	Schwab,
Alspach,	Finnerty,	Madden,	Seif,

Andrews,	Fisher,	Malloy,	Serrill,
Atkins,	Fiss,	Marr,	Shaw,
Auker,	Flanagan,	Matthews,	Shearer,
Baker,	Fleming,	McClester,	Simons,
Balliet,	Foor,	McGarrity,	Skale,
Balthaser	Freed,	McKinney,	Sloan,
Bardes,	Fullerton,	McLane,	Snyder,
Bennett,	Furman,	McNally,	Sollenberger,
Bohn,	Gates,	McVay,	Stambaugh,
Boles,	Gillan,	Melchiorre,	Stank,
Boney,	Gillette,	Mihm,	Stewart,
Boorse,	Goll,	Montgomery,	Stockham,
Boose,	Gorski,	Mooney,	Sweeney,
Bower,	Habbyshaw,	Moran,	Tahl,
Boyd,	Haines,	Moser, F. S.,	Tarr,
Bretherick,	Hall,	Moser, J. L.,	Taylor,
Broad,	Hamilton,	Muir,	Terry,
Bronson,	Harbeson,	Munley,	Thistle,
Brown, H. S.,	Harkins,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Connor,	Thompson, G. R.,
Brunner,	Henry,	O'Dare,	Tiemann,
Burns,	Hess,	O'Keefe,	Tronzo,
Burris,	Hewitt,	Ominsky,	Trout,
Cadwalader,	Hindman,	O'Neill,	VanAllsburg,
Calvin,	Hocke,	Peacock,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peale,	Voorhees,
Check,	Hoffman, S. K.,	Powers,	Wagner,
Chervenak,	Holland,	Preston,	Walsh,
Christler,	Hoyt,	Readinger,	Watkins,
Clearwater,	Huntley,	Reagan,	Webster,
Cohen, H. B.,	Imbrie,	Reese, D. P.,	Weiss,
Cohen, R. E.,	James,	Reese, R. E.	Welsh, E. B.,
Cook,	Jirolanio,	Regan,	Welsh, M. J.,
Cooper,	Johnston,	Reynolds,	Westrick,
Cordier,	Jones,	Rhodes,	Wilkinson,
Corrigan,	Kane,	Rider,	Williams,
Cortese,	Keenan,	Riley,	Wilson,
Curran,	Kenehan,	Robertson,	Winner,
Dalrymple,	Kline,	Rooney,	Wood, H. M.,
Denman,	Knoble,	Rose,	Wood, L. H.,
DeNote,	Kowalski,	Roseberry,	Wood, N.,
Dick,	Krise,	Rosenfeld,	Woodside,
Dix,	Lee,	Rothenberger,	Yeakel,
Donahue,	Leisey,	Royer,	Turner,
Donohoe,	Levy,	Sarge,	Speaker.
Downey,	Leydic,	Sarraf,	
Eckels,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1189, entitled:

An Act to amend section six hundred and ten of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by authorizing the board of supervisors to pay dues assessed by the State association of township supervisors.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ely,	Lichtenwalter,	Scanlon,
Ackermann,	Ewing,	Long,	Schrock,
Allen,	Falkenstein,	Lovett,	Schrope,
Allmond,	Fauset,	Lyons,	Schwab,
Alspach,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boles,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,
Bower,	Gorski,	Mooney,	Sweeney,
Boyd,	Habbyshaw,	Moran,	Tahl,
Bretherick,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.,
Brunner,	Haudenshield,	O'Connor,	Thompson, G. R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	Ominsky,	Trout,
Calvin,	Hindman,	O'Neill,	Van Allsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clearwater,	Hoyt,	Readinger,	Watkins,
Cohen, H. B.,	Huntley,	Reagan,	Webster,
Cohen, R. E.,	Imbrie,	Reese, D. P.,	Weiss,
Cook,	James,	Reese, R. E.	Welsh, E. B.,
Cooper,	Jirolanio,	Regan,	Welsh, M. J.,
Cordier,	Johnston,	Reynolds,	Westrick,
Corrigan,	Jones,	Rhodes,	Wilkinson,
Cortese,	Kane,	Rider,	Williams,
Curran,	Keenan,	Riley,	Wilson,
Dalrymple,	Kenehan,	Robertson,	Winner,
Denman,	Kline,	Rooney,	Wood, H. M.,
DeNote,	Knoble,	Rose,	Wood, L. H.,
Dick,	Kowalski,	Roseberry,	Wood, N.,
Dix,	Krise,	Rosenfeld,	Woodside,
Donahue,	Lee,	Rothenberger,	Yeakel,
Donohoe,	Leisey,	Royer,	Turner,
Downey,	Levy,	Sarge,	Speaker.
Eckels,	Leydic,	Sarraf,	

NAYS—1

Andrews,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 812, (Senate Bill No. 186), entitled:

An Act to amend subsection twelve of section seven hundred and two of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by empowering townships of the second class to prohibit the storage of abandoned and junked automobiles.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Marr,	Shaw,

Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boles,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,
Bower,	Gorski,	Mooney,	Sweeney,
Boyd,	Habbyshaw,	Moran,	Tahl,
Bretherick,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.,
Brunner,	Haudenshield,	O'Connor,	Thompson, G. R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	Ominsky,	Trout,
Calvin,	Hindman,	O'Neill,	VanAllsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clearwater,	Hoyt,	Readinger,	Watkins,
Cohen, H. B.,	Huntley,	Reagan,	Webster,
Cohen, R. E.,	Imbrie,	Reese, D. P.,	Weiss,
Cook,	James,	Reese, R. E.	Welsh, E. B.,
Cooper,	Jirolanio,	Regan,	Welsh, M. J.,
Cordier,	Johnston,	Reynolds,	Westrick,
Corrigan,	Jones,	Rhodes,	Wilkinson,
Cortese,	Kane,	Rider,	Williams,
Curran,	Keenan,	Riley	Wilson,
Dalrymple,	Kenehan,	Robertson,	Winner,
Denman,	Kline,	Rooney,	Wood, H. M.,
DeNote,	Knoble,	Rose,	Wood, L. H.,
Dick,	Kowalski,	Roseberry,	Wood, N.,
Dix,	Krise,	Rosenfeld,	Woodside,
Donahue,	Lee,	Rothenberger,	Yeakel,
Donohoe,	Leisey,	Royer,	Turner,
Downey,	Levy,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 666, (Senate Bill No. 39), entitled:

An Act validating county treasurers sales for delinquent taxes when the reports and returns of such sales were made to the court of common pleas and the deeds thereto were executed and acknoweldged by an attache of the office of the county treasurer and not by the county treasurer as required by law

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boles,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,
Bower,	Gorski,	Mooney,	Sweeney,
Boyd,	Habbyshaw,	Moran,	Tahl,
Bretherick,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.,
Brunner,	Haudenshield,	O'Connor,	Thompson, G. R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	Ominsky,	Trout,
Calvin,	Hindman,	O'Neill,	VanAllsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clearwater,	Hoyt,	Readinger,	Watkins,
Cohen, H. B.,	Huntley,	Reagan,	Webster,
Cohen, R. E.,	Imbrie,	Reese, D. P.,	Weiss,
Cook,	James,	Reese, R. E.	Welsh, E. B.,
Cooper,	Jirolanio,	Regan,	Welsh, M. J.,
Cordier,	Johnston,	Reynolds,	Westrick,
Corrigan,	Jones,	Rhodes,	Wilkinson,
Cortese,	Kane,	Rider,	Williams,
Curran,	Keenan,	Riley,	Wilson,
Dalrymple,	Kenehan,	Robertson,	Winner,
Denman,	Kline,	Rooney,	Wood, H. M.,
DeNote,	Knoble,	Rose,	Wood, L. H.,
Dick,	Kowalski,	Roseberry,	Wood, N.,
Dix,	Krise,	Rosenfeld,	Woodside,
Donahue,	Lee,	Rothenberger,	Yeakel,
Donohoe,	Leisey,	Royer,	Turner,
Downey,	Levy,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1184, (Senate Bill No. 147), entitled:

An Act to amend an act approved the twenty-first day of July, one thousand nine hundred and thirteen (Pamphlet Laws 863) entitled "A supplement to an act approved the eleventh day of June one thousand eight hundred seventy-nine entitled "An act to authorize cities of the first class to levy and fix a tax rate to fix the time of opening and closing the tax duplicates to regulate the appropriations and expenditures of said cities and prescribing penalties for the violation of the provisions of this act" by providing that the same shall not apply to the books of personal property taxes and to extend the time for the opening of the books and the payment of personal property taxes

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,

Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boles,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,
Bower,	Gorski,	Mooney,	Sweeney,
Boyd,	Habbyshaw,	Moran,	Tahl,
Bretherick,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.,
Brunner,	Haudenshield,	O'Connor,	Thompson, G. R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt	Ominsky,	Trout,
Calvin,	Hindman,	O'Neill,	VanAllsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clearwater,	Hoyt,	Readinger,	Watkins,
Cohen, H. B.,	Huntley,	Reagan,	Webster,
Cohen, R. E.,	Imbrie,	Reese, D. P.,	Weiss,
Cook,	James,	Reese, R. E.,	Welsh, E. B.,
Cooper,	Jirolanio,	Regan,	Welsh, M. J.,
Cordier,	Johnston,	Reynolds,	Westrick,
Corrigan,	Jones,	Rhodes,	Wilkinson,
Cortese,	Kane,	Rider,	Williams,
Curran,	Keenan,	Riley,	Wilson,
Dalrymple,	Kenehan,	Robertson,	Winner,
Denman,	Kline,	Rooney,	Wood, H. M.,
DeNote,	Knoble,	Rose,	Wood, L. H.,
Dick,	Kowalski,	Roseberry,	Wood, N.,
Dix,	Krise,	Rosenfeld,	Woodside,
Donahue,	Lee,	Rothenberger,	Yeakel,
Donohoe,	Leisey,	Royer,	Turner,
Downey,	Levy,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 722, entitled:

An Act to amend section four sections nine ten and fifteen as amended and sections seventeen twenty-one twenty-eight of an act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An Act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior Acts of Assembly" making additional provisions for the filing and consolidation of tax claims in counties of the first class providing further procedure for preserving such liens and enforcing payment of such claims

On the question,

Will the House agree to the bill on third reading?

Mr. CORTESE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 4 (Sec. 15), page 10, line 28, by striking out the words: "of the" where they first appear in said line.

Amend Sec. 4 (Sec 1.5), page 10, line 28, by removing the underscoring beneath the word "claimant"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL PASSED OVER

There being no objection House Bill No. 1156, Printer's No. 347, was passed over at the request of Mr. GILLAN.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 674, as follows:

An Act requiring justices of the peace and aldermen to use only the forms of warrants notices writs and processes as furnished by the county commissioners through the county controllers requiring that records of the issuance thereof be kept and returns be made quarterly thereon to the county controllers and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The county commissioners may prepare and furnish through the controller's office of each county all forms of warrants notices writs and processes relating to or incident to (1) desertion and non-support (2) surety of peace (3) violations of vehicle code (4) criminal offences (5) juvenile court cases and (6) miscellaneous summary offenses not specifically enumerated above These forms may be prepared and distributed in pads containing fifty forms each and each attached to a stub and consecutively numbered Upon each such form there shall be in addition to the specific number the name of the county and of the offense The county controller shall keep a record of the number of each such form delivered and the specific number thereon and the name of the justice of the peace or alderman to whom delivered

Section 2 No justice of the peace or alderman shall issue in any county where such forms are prepared and issued by the county commissioners any warrant notice writ or process covering any of the enumerated offenses as above set forth unless he shall use the forms of warrants notices writs and processes as supplied to him by the controller of the county in which he is a justice of the peace or alderman Each justice of the peace and alderman shall upon preparing such a warrant notice writ or process enter on the stub of such form which stub shall remain in the pad the name and address of the person for whom such warrant notice writ or process was issued and the dates of such issuance and the return thereof

Section 3 Each justice of the peace and alderman in any county which has accepted the provisions of this act shall on the first day of each January April July and October of each year file a report with the county con-

troller of the number of forms the type of offense and the numbers thereon

Section 4 Any justice of the peace or alderman in any county which has accepted the provisions of this act who issues any form of warrant notice writ or process other than that supplied by the county controller or who fails to enter upon the stub of each form as issued the record as required by this act or who fails to file the reports as required and at the times specified upon conviction thereof shall be sentenced to pay a fine of three hundred dollars ($300.) or to undergo an imprisonment of thirty (30) days or both in the discretion of the court

Section 5 This act shall become effective the first day of January one thousand nine hundred and forty

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. JACOB L. MOSER. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Fleming.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. FLEMING. I shall, Mr. Speaker.

Mr. JACOB L. MOSER. Mr. Speaker, I would have the gentleman from Allegheny county give us some information concerning the Mayors of third class cities—do they hold police court?

Mr. FLEMING. Mr. Speaker, it would be my thought that the mayors of third class cities do, but I do not see where that has anything to do with the bill.

Mr. JACOB L. MOSER. Mr. Speaker, do the Mayors perform the same duty in holding police court as do the aldermen and justices of the peace?

Mr. FLEMING. Mr. Speaker, I would say that it would be somewhat different but along the same line.

Mr. JACOB L. MOSER. Mr. Speaker, will the gentleman from Allegheny kindly tell us whether or not they have police magistrates in the police courts in the city of Pittsburgh.

Mr. FLEMING. They do, Mr. Speaker.

Mr. JACOB L MOSER. Mr. Speaker and members of the House, this bill does not provide for mayors who hold police court. They perform the same duties as aldermen and justices of the peace and therefore they would come under the category of this bill. There is no provision providing for the mayors who hold police court. Further on in the bill it is specifically provided that certain forms shall be used. The mayors who hold police court would not be compelled to use those forms, and therefore, Mr. Speaker and members of the House, I consider this a piece of class legislation and I ask the members of the House vote this bill down.

Mr. FLEMING. Mr. Speaker and members of the House, it is not my desire in any way to prolong the debate on this bill, in fact I am somewhat astounded that there is any objection to it, because in no way is it a regulatory measure. It only provides for uniform forms to be used by various justices of the peace and aldermen in counties that desire to take advantage of this bill. Any counties that do not desire to take advantage of the bill and furnish these forms to their aldermen and justices of the peace, are not required to take advantage of the provisions of the bill. Therefore I ask the members of the House to vote for the bill and give those counties who want to furnish the forms the opportunity to furnish them.

Mr. HOMER S. BROWN. Mr. Speaker and members of the House, I think Mr. Fleming has a good idea in mind but I am wondering whether or not he has considered the imperfections in this bill insofar as they relate to the constitutionality of it. I would like to interrogate the gentleman from Allegheny briefly on that question.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. FLEMING. I shall, Mr. Speaker.

Mr. HOMER S. BROWN. Mr. Speaker, I should like to ask the gentleman from Allegheny if it is not a fact that justices of the peace and aldermen are constitutional officers.

Mr. FLEMING. That is correct, Mr. Speaker.

Mr. HOMER S. BROWN. Mr. Speaker, I would like to ask the gentleman whether or not he is familiar with the case know as the McNair case decided by the Supreme Court last year, which had to do with interference with the rights of certain courts of the minor judiciary by a certain procedure in the Court of Quarter Sessions in Allegheny county.

Mr. FLEMING. Mr. Speaker, I would say to the gentleman that I am somewhat familiar with it but certainly not as much so as he would be.

Mr. HOMER S. BROWN. Mr. Speaker, I should like to ask the gentleman whether or not if a controller would refuse to issue a form, would the justice of the peace then be prevented from carrying on the duties of his office except under penalty of fine, under this bill.

Mr. FLEMING. Mr. Speaker, in answer to the gentleman from Allegheny, it would be my belief that a controller who would refuse to issue the forms to a duly elected justice of the peace or alderman would himself be guilty of malfeasance or misfeasance in office, and could be brought to trial for it.

Mr. HOMER S. BROWN. Mr. Speaker, that does not answer my question. If a controller refused to issue a form under this act, and if a justice of the peace was to carry on his office which is given to him under the Constitution, would he not then be subject to a penalty if he used any form except the form which should have been provided by the controller.

Mr. FLEMING. Mr. Speaker, no.

Mr. HOMER S. BROWN. Mr. Speaker, I would like to ask the gentleman how he arrives at that conclusion.

The SPEAKER. The Chair feels that the gentleman should make his statements more brief.

Mr. FLEMINC. Mr. Speaker, no sir.

The SPEAKER. The Chair feels that the gentleman is becoming loquacious.

Mr. HOMER S. BROWN. Mr. Speaker and members of the House, I feel that we ought to have uniform forms for the minor judiciary and I believe this is a good idea, but you see we cannot have a bill of this kind. Here is a bill that says that a controller shall issue forms. The controller could close up his office and go on his way, the justice of the peace needs forms but he cannot use his own forms and he cannot perform his constitutional office if he uses any other warrant except the warrant provided by the controller. If he does he is subject to a penalty. Certainly that was never intended under the Constitution, that the one officer should so ham-string another officer so as to prevent that officer from performing his duties. I therefore ask the gentleman from Alle-

gheny, since he has a good idea to let the bill go over or place it on the postponed calendar and see if we cannot make the bill workable. I feel certain under this bill we have nothing except some printing, and it will be stricken down by the court.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. FLEMING. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 649, entitled:

An Act to add clause twenty-one to section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing appropriations for the support maintenance discipline and training of units of the National Guard and regulating the expenditure and accounting of such moneys

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boles,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,
Bower,	Gorski,	Mooney,	Sweeney,
Boyd,	Habbyshaw,	Moran,	Tahl,
Bretherick,	Haines,	Moser, F. S.,	Tarr,
Brood,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.,
Brunner,	Haudenshield,	O'Connor,	Thompson, G. R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	Ominsky,	Trout,
Calvin,	Hindman,	O'Neill,	VanAllsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clearwater,	Hoyt,	Readinger,	Watkins,
Cohen, H. B.,	Huntley,	Reagan,	Webster,
Cohen, R. E.,	Imbrie,	Reese, D. P.,	Weiss,
Cook,	James,	Reese, R. E.	Welsh, E. B.,
Cooper,	Jirolanio,	Regan,	Welsh, M. J.,
Cordier,	Johnston,	Reynolds,	Westrick,
Corrigan,	Jones,	Rhodes,	Wilkinson,
Cortese,	Kane,	Rider,	Williams,
Curran,	Keenan,	Riley,	Wilson,
Dalrymple,	Kenehan,	Robertson,	Winner,
Denman,	Kline,	Rooney,	Wood, H. M.,
DeNote,	Knoble,	Rose,	Wood, L. H.,
Dick,	Kowalski,	Roseberry,	Wood, N.,
Dix,	Krise,	Rosenfeld,	Woodside,
Donahue,	Lee,	Rothenberger,	Yeakel,
Donohoe,	Leisey,	Royer,	Turner,
Downey,	Levy,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 484, entitled:

An Act requiring the Department of the Auditor General to examine and audit the dockets and accounts of justices of the peace, aldermen and magistrates and prohibiting any other department officer or agency of the State Government from so doing

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. REUBEN E. COHEN. Mr. Speaker, I would like to interrogate the gentleman from Lehigh, Mr. Moser.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. JACOB L. MOSER. I will, Mr. Speaker.

Mr. REUBEN E. COHEN. Mr. Speaker, I have just been consulted, and I would like to yield to my colleague, the gentleman from York, Mr. Herbert B. Cohen.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to inquire of the gentleman from Lehigh, Mr. Moser whether it was not his intention at the time he introduced this bill to restrict the Department of Revenue from making an audit of the justices of the peace and of the magistrates?

Mr. JACOB L. MOSER. It was, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, is it not a fact that in Committee the restriction instead of following the intent of the gentleman from Lehigh, as applying to the Department of Revenue, was amended so that it applied to the Auditor General?

Mr. JACOB L. MOSER. Mr. Speaker, the bill was returned from the floor of the House for amendment in Committee.

Mr. HERBERT B. COHEN. Mr. Speaker, was it amended in committee so that it restricted the Auditor General rather than the bill as it was originally introduced by you, restricting the Department of Revenue?

Mr. JACOB L. MOSER. Mr. Speaker, I had the amendments prepared and submitted them to the committee.

Mr. HERBERT B. COHEN. Mr. Speaker, the bill has been changed, is that correct?

Mr. JACOB L. MOSER. Yes, sir, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Lehigh why the change was found necessary?

Mr. JACOB L. MOSER. Mr. Speaker, well for the

simple reason that they could work out of the Revenue Department just as well as out of the Auditor General's office.

Mr. HERBERT B. COHEN. Mr. Speaker, does the gentleman realize that by restricting the auditing of magistrates' accounts to the Department of Revenue he has a situation whereby the collecting agency would be auditing its own work?

Mr. JACOB L. MOSER. Mr. Speaker, it would. They would also be doing the work for the Auditor General's Department.

Mr. HERBERT B. COHEN. Do I understand from the sponsor of this bill that the bill as it is presently before the House provides that the same department that is doing the collecting will audit its own work?

Mr. JACOB L. MOSER. Mr. Speaker, it has been doing that since 1927.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to inquire of the gentleman whether under the Acts of 1927 the Department of Revenue's work was not also audited by the Auditor General?

Mr. JACOB L. MOSER. Mr. Speaker, the Act was placed upon the statute books in 1927 under the fiscal code, and therefor it could not be under both Departments.

Mr. HERBERT B. COHEN. Do I understand that the Auditor General also audited the Department of Revenue?

Mr. JACOB L. MOSER. Since 1929, Mr. Speaker.

Mr. HERBERT B. COHEN. The bill as now presented in the House would mean that the Department of Revenue would be the only agency making these collections and making the audits, and their work would not be supervised by the Auditor General or audited by the Auditor General.

Mr. JACOB L. MOSER. Mr. Speaker, they are able to do that work.

Mr. HERBERT B. COHEN. Mr. Speaker, I am not questioning that. My question is whether this bill does not provide that the Department of Revenue will make the collections and will audit its own work without any audit by the Auditor General.

Mr. JACOB L. MOSER. Mr. Speaker, they audit the books. They do not collect.

Mr. HERBERT B. COHEN. Mr. Speaker, does this act not restrict the Auditor General and deprive the Auditor General of the right of auditing the books of magistrates and justices of the peace?

Mr. JACOB L. MOSER. Mr. Speaker, it does. It is not necessary to have two sets of auditors.

Mr. HERBERT B. COHEN. Mr. Speaker, will the gentleman from Lehigh inform this House how the Auditor General can audit the books of the Department of Revenue, without going to the original books of the justices of the peace and audit them to determine whether or not the Department of Revenue has performed its work in a proper manner?

Mr. JACOB L. MOSER. Mr. Speaker, that is information they should be able to obtain from the Revenue Department.

Mr. HERBERT B. COHEN. Mr. Speaker, would that not mean that the Auditor General would make that audit without going to the original source to determine whether or not it is correct?

Mr. JACOB L. MOSER. Mr. Speaker, the Revenue Department can furnish the Auditor General with any information he may desire.

Mr. HERBERT B. COHEN. Mr. Speaker, would the Auditor General under those circumstances have any check on the work done by the Department of Revenue?

Mr. JACOB L. MOSER. He would, Mr. Speaker.

Mr. HERBERT B. COHEN. How?

Mr. JACOB L. MOSER. Through the Revenue Department, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, how would the Auditor General check on that work?

Mr. JACOB L. MOSER. Mr. Speaker, through the Revenue Department.

Mr. HERBERT B. COHEN. Mr. Speaker, would not the Auditor General, under the plan of the gentleman from Lehigh be forced to accept the report of the Department of Revenue as to the status of the accounts of justices of the peace as being officially correct?

Mr. JACOB L. MOSER. Mr. Speaker, he would.

Mr. HERBERT B. COHEN. Mr. Speaker, the Auditor General would then be denied the right of ascertaining the accuracy of those accounts under this bill, is that not correct?

Mr. JACOB L. MOSER. Mr. Speaker, he would receive this information and whatever other information he would need from the Revenue Department.

MOTION TO DROP BILL FROM THE CALENDAR

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I cannot conceive that it is the intention of this House to destroy a situation and check that has existed in this Commonwealth for some time, to destroy the functions of a constitutional officer empowered from time immemorial to conduct the auditing of the various departments and bureaus of the Commonwealth. This bill, in an attempt to alleviate the aldermen and justices of the peace from what they considered to be a multiplicity of investigations, audits or collections, or what not, says to a constitutional officer elected and empowered to make audits, "You cannot go back to the original source to determine whether the work of the department of Revenue is or is not correct." It is a situation similar to that which arose in the McKesson-Robbins case, where the auditor did not go back to determine whether or not the inventories were there, with the result that the stockholders of McKesson-Robbins have been subjected to losses about which we have been publicly acquainted. This bill would say that the Auditor General cannot determine whether or not the collections under the Department of Revenue are correct.

I cannot conceive that it is the desire of the membership of this House to pass that type of legislation and I therefore, in view of numerous conversations I have had with the membership, move Mr. Speaker, that House Bill No. 484, Printer's No. 351 be dropped from the calendar.

On the question,

Will the House agree to the motion?

Mr. JACOB L. MOSER. Mr. Speaker and members of the House, the idea which prompted me to introduce this bill is this: Some months ago I happened to be in one of the upstate counties. I dropped into an alderman's office, and had a conversation with him. Before that two or three men left his office and he told me that the auditors had been there to audit his books. I said, "That is fine, how did you get along?" While we were talking a second

group of auditors came in and they remained there about an hour and a half rechecking after the other set of auditors had been there. I thought it was unnecessary to have two sets of auditors traveling over the state of Pennsylvania, when one set would be sufficient.

I ask, Mr. Speaker, that this motion be voted down.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I cannot conceive that the membership of this House is willing to take a situation which has arisen just because an alderman or a squire up in some central county feels that he does not want to be exposed to a multiplicity of investigations, and that they should take a situation such as that to undermine a long-standing procedure in the Commonwealth of Pennsylvania. It is very bad government to have the same party making the collections make the audits. You men would not do that in your business. You would not justify a situation such as that in your own activities. I cannot see how we can justify a situation such as that in the business of the Commonwealth. They are always talking about the fact that there is too much government in business. I have always maintained that we ought to put a little business in government. We ought to say in our duties that we are going to apply the same rules that we do in our own individual activities, and we surely would not allow any of our employees, if they were out collecting money, allow the same employees to be the ones that would audit their own collections. That is just exactly what the sponsor now intends to accomplish. I can easily see that the gentleman at its very inception did not have that idea in mind, because the bill as originally presented in the House would have deprived the Department of Revenue from going in to make audits and would have allowed the Auditor General to continue his time-worn duties of making audits, but somewhere during the passage of this bill someone has prevailed upon the gentleman to so change the bill that the purpose the gentleman had in mind has been lost, and now a greater problem is placed before the membership of this House.

Let me tell you that when the General State Authority was established, just to show you how the government of the Commonwealth of Pennsylvania has definitely adhered to dual auditing, when the General State Authority was established, due to the fact that the Auditor General was a member of the General State Authority, the act establishing the General State Authority provided that the audits of the General State Authority should be done by the Department of Revenue. The authors of the bill realized that due to the fact that the Auditor General was a member of the General State Authoriy, it was not good government to have the Auditor General conduct the audits of a department that he himself was a member of.

Still in this situation, in order to overcome something that might be an inconvenience to some squires or aldermen or justices of the peace of the Commonwealth, in order to obviate that inconvenience we are now confronted with the problem of saying to the Department of Revenue, and this is no reflection on that Department of Revenue them or an other Department of Revenue, it is a reflection on ourselves that we should even think about doing that—we are saying to the Department of Revenue, "You will go out and make these collections and after you make the collections you go out and audit your own accounts." I say that we would not have that done in our own individual business, and I recommend to the House that they surely should not allow that to be done in the business of the Commonwealth.

Mr. JACOB L. MOSER. Mr. Speaker and members of the House, the remark that Mr. Cohen has made when he stated that the Revenue Department was collecting their own accounts—I wish to say that the revenue department receives and does not pay.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. JACOB L. MOSER. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 34.

An Act to further amend section five hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the incurring of temporary indebtedness and the repayment thereof.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 576

Commonwealth of Pennsylvania,
Governors Office, Harrisburg, April 25, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 576, Printer's No. 162, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES

RECONSIDERATION OF VOTE

Mr. WOODSIDE. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. HABBYSHAW. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Dauphin, Mr. Woodside, vote on the final passage of this bill?

Mr. WOODSIDE. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Dauphin, Mr. Habbyshaw, vote on the final passage of this bill?

Mr. HABBYSHAW. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. WOODSIDE. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. WOODSIDE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 3 of the title, by striking out at the beginning of the line the following: "[thirty-three]" and inserting in lieu thereof the following: "thirty-four".

Amend Section 1, page 2, line 2 by striking out at the end of the line the following: "[thirty-]".

Amend Section 1, page 2, line 3 by striking out at the beginning of the line the following: "[three]" and inserting in lieu thereof the following: "thirty-four".

Amend Section 1, page 2, line 29 by striking out at the end of the line, in boldface brackets, the following: "[forty-two]" and inserting in lieu thereof the following: "[forty] forty-two".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL ON THIRD READING

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. CORTESE.

The House resumed the consideration on third reading of House Bill No. 95, entitled:

An Act authorizing the sale of real estate under a judgment obtained on a tax claim or claims to be made by the sheriff, free and clear of tax and municipal claims, for a sum less than the total amount of delinquent tax and municipal claims, under certain conditions, and providing for the distribution of the sum realized upon such sales and for the procedure in such cases.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. REUBEN E. COHEN. Mr. Speaker and members of the House, without intending to be critical of the Republican platform during the last election—I stopped criticizing them at eleven o'clock on the evening of November 7th—I would like to point out that this bill, although it is not so generally known, may be the first redemption or partial redemption of the pledge of the Republican party to bring employment back to Pennsylvania.

In Philadelphia for many years past the great Cramp shipyards have been floundering in the dust along the banks of the Delaware river because of the inability of the operating managers of that plant to meet the huge piling up of taxes on the real estate covered by that plant. That, together with the pressing circumstances in the shipyards has resulted in this great industry not being able to gain a foothold and getting back on their feet. For several years various committees have attempted, without any success whatsoever, to begin this industry over again, but they have failed because there has always been one major obstacle in the way, and that was their inability to raise upwards of one million dollars to pay back taxes on the land of the Cramp shipyard. This piece of legislation today for the first time gives some ray of hope to the committee which has been working very diligently for the past several months endeavoring to rehabilitate the plant so that Philadelphia might get its proper share of the boom in the shipbuilding business, which is now evident in all the shipyards in America. If the city of Philadelphia is willing under the provisions of this bill to agree as the bill provides under court supervision, to a compromise in the amount of taxes which are due, I feel sure that the committee which has been down in Washington hoping for Federal aid will be able to get other persons so interested that the plant may open in the near future.

For this reason, Mr. Speaker and members of the House, I ask the Democratic members of the House to help this administration redeem one of the major planks in the last campaign, a platform that is to bring reemployment back to Pennsylvania.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eckels,	Leydic,	Sarraf,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boles,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,
Bower,	Gorski,	Mooney,	Sweeney,
Boyd,	Habbyshaw,	Moran,	Tahl,
Bretherick,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.
Brunner,	Haudenshield,	O'Connor,	Thompson, G. R.
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	Ominsky,	Trout,
Calvin,	Hindman,	O'Neill,	VanAllsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clearwater,	Hoyt,	Readinger,	Watkins,
Cohen, H. B.,	Huntley,	Reagan,	Webster,
Cohen, R. E.,	Imbrie,	Reese, D. P.,	Weiss,
Cook,	James,	Reese, R. E.,	Welsh, E. B.,

Cooper,	Jirolanio,	Regan,	Welsh, M. J.,
Cordier,	Johnston,	Reynolds,	Westrick,
Corrigan,	Jones,	Rhodes,	Wilkinson,
Cortese,	Kane,	Rider,	Williams,
Curran,	Keenan,	Riley,	Wilson,
Dalrymple,	Kenehan,	Robertson,	Winner,
Denman,	Kline,	Rooney,	Wood, H. M.,
DeNote,	Knoble,	Rose,	Wood, L. H.,
Dick,	Kowalski,	Roseberry,	Wood, N.,
Dix,	Krise,	Rosenfeld,	Woodside,
Donahue,	Lee,	Rothenberger,	Yeakel,
Donohoe,	Leisey,	Royer,	Turner,
Downey,	Levy,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 25, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, May 1, 1939, at eight o'clock, Eastern Standard Time and when the House of Representatives adjourns this week it reconvene on Monday evening, May 1, 1939, at eight o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMITTEE MEETINGS

There will be meetings of the Committees on

Boroughs, Wednesday, April 26th at 10:00 a. m., in Room 546.

Cities—Second Class, Wednesday, April 26th at 11:00 a. m., in Room 326.

Corporations and Industry, Wednesday, April 26th at 10:30 a. m., in Room 418.

Counties, Wednesday, April 26th at 11:00 a. m., in Room A.

Dairy Industries, Wesnesday, April 26th at 11:00 a. m. in Room 325.

Elections, Wednesday, April 26th at 12 noon in Room 546.

Game, Wednesday, April 26th at 9 a. m. in Room 325.

Insurance, Thursday, April 27th at 10:30 a. m. in Room 323.

Judiciary General, Wednesday, April 26th at 10:00 a. m. in Room A.

Labor, Wednesday, April 26th, at 12 noon in Room 541.

Military Affairs, Wednesday, April 26th at 12:30 p. m. in Room 541.

Municipal Corporations, Wednesday, April 26th at 10:30 a. m. in Room 546.

Professional Licensure, Wednesday, April 26th at 11:00 a. m. in Room 541.

Public Utilities, Wednesday, April 26th at 11:00 a. m. in Room 100.

State Government, Wednesday, April 26th at 12:15 p. m. in Room 147.

Townships, Tuesday, April 25th, immediately after Session, in Room 418.

Welfare, Wednesday, April 26th at 9:00 a. m. in Room 323.

There will be a Public Hearing before the Committee on Labor on House Bill No. 496, on Monday, May 1st at 4:00 p. m. in Room 541.

ADJOURNMENT

Mr. MORAN. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1 p. m.

The motion was agreed to, and (at 5:42 p. m.) the House adjourned until Wednesday, April 26, 1939, at 1 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

Session 1939. 133d of the General Assembly.

Vol. 23. HARRISBURG, PA., WEDNESDAY, APRIL 26, 1939. No. 43.

SENATE

WEDNESDAY, April 26, 1939.

The Senate met at 2:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

Our Blessed God, amidst the beauty of resurrected nature and the increasing evidence of Thy handiwork in the unfolding loveliness of the springtime, our hearts would truly be thankful for these manifestations of Thy goodness and mercy and love to us Thy children.

We feel the inner urge of the very best that is in us to strive more diligently to be worthy of the benefactions showered so copiously upon us and with which production we have nothing whatever to do. Whether one be righteous or unrighteous, just or unjust, bonded or free, Jew or Gentile, Thy goodness is provided alike unto us all.

Of a certainty the Psalmist was voicing the same expression of Divine goodness bestowed upon man even though unworthy, as we entertain today, when he exclaimed: "What is man that Thou art mindful of him, or the son of man that Thou visitest him?"

So amidst the changing scenes of our work-a-day lives, Thou rememberest us with Thy goodness and mercy and we humbly pray for this divine continuance today, for should it be removed for just a moment, we must die. For Thy name's sake we pray. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. GELDER and Mr. OWLETT, the further reading was dispensed with, and the Journal was approved.

The PRESIDENT. The Chair recognizes the Sergeant-at-Arms.

The SERGEANT-AT-ARMS. Mr. President, I have the pleasure of introducing a representative of the newspapermen, Mr. Fisher.

The PRESIDENT. Mr. Fisher will approach the rostrum.

Mr. FISHER. Mr. President, I am instructed by the Soup and Cream Court to serve this subpoena, yukes take'em.

The PRESIDENT. Like the Honorable Thomas Kennedy, I say, "You cannot do that to me." Take it away.

Mr. FISHER. Mr. President, you cannot throw me out.

The PRESIDENT. The Clerk will read the subpoena.

SUBPOENA, YUKES TAKE'EM

Pennsylvania Legislative Correspondents Assn., SS-Boo Hoo, Pfui, Hi, Ho, Silver and a Hey Nonny Na.
Biennial Dinner of 1939:

To All Legislators, Politicians, Democrats, Lobbyists, Reliefers, Accusers, Accused, Lame Ducks, Candidates for President, Candidates for Governor, Administration Advisors, Job-Holdovers, and Job-Hunters, Greeting:

We command you, and each of you, that you, and all of you, everyone of you, together and separately, be and appear in your proper or improper person before the Grand Inquest of 1939, self-appointed to hear, decide and kid all matters in variance between the parties, Republican and Democratic, wherein the Legislative Correspondents are plaintive plaintiffs and All Others are denying defendants; at the Penn-Harris Hotel, in Harrisburg, tonight at 6:30 o'clock p. m., then and there to give evidence of your ability to take it.

Hereof fail not, under penalty which may ensue. Omit not to bring your singular ticket with you, under penalty of not eating, drinking or laughing.

REQUESTING SENATE TO ADJOURN AT 4 P. M.

Mr. GELDER offered the following resolution which was twice read:

In the Senate, April 26, 1939.

Resolved, That when the Senate adjourns today, it adjourn at 4 p. m., in accordance with the subpoena just served on the President.

Mr. SHAPIRO. Mr. President, I object to the resolution.

The PRESIDENT. The objection is out of order.

Mr. GELDER. Mr. President, it is a preferred resolution. I ask for its immediate adoption.

The PRESIDENT. Does the Chair hear objection?

Mr. SHAPIRO. I object, Mr. President.

The PRESIDENT. The Chair hears no objection.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 95, (Senate Bill No. 707), entitled:

An Act authorizing the sale of real estate under a judgment obtained on a tax claim or claims to be made by the sheriff, free and clear of tax and municipal claims, for a sum less than the total amount of delinquent tax and municipal claims, under certain conditions, and providing for the distribution of the sum realized upon such sales and for the procedure in such cases.

Which was committed to the Committee on Municipal Government.

House Bill No. 296, (Senate Bill No. 708), entitled:

An Act to validate mortgage sales of real estate by foreign executors and administrators, and the titles acquired by purchasers at such sales.

Which was committed to the Committee on Judiciary General.

House Bill No. 563, (Senate Bill No. 709), entitled:

An Act to further amend sections eight, ten, and clause (a) of section fourteen of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons, and providing penalties," by providing additional grounds for refusing suspending or revoking licenses; further regulating the procedure of the board; giving associations of funeral directors the right of appeal in certain cases; and extending the power of the board to make rules and regulations.

Which was committed to the Committee on Public Health.

House Bill No. 584, (Senate Bill No. 710), entitled:

An Act to establish a separate orphans' court in and for the county of Northampton.

Which was committed to the Committee on Judiciary General.

House Bill No. 585, (Senate Bill No. 711), entitled:

An Act abolishing the office of one of the judges learned in the law in the third judicial district of this Commonwealth; and repealing inconsistent legislation.

Which was committed to the Committee on Judiciary General.

House Bill No. 649, (Senate Bill No. 712), entitled:

An Act to add clause twenty-one to section seven hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," by authorizing appropriations for the support, maintenance, discipline and training of units of the National Guard, and regulating the expenditure and accounting of such moneys.

Which was committed to the Committee on Military Affairs.

House Bill No. 782, (Senate Bill No. 713), entitled:

An Act requiring cities of the first class to pay portions of their compensation heretofore withheld to officers and men employed in the police department, fire department and park guards.

Which was committed to the Committee on Municipal Government.

House Bill No. 841, (Senate Bill No. 714), entitled:

An Act to amend by adding Claus XLVI to section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "First Class Township Law" by authorizing the designation of certain highways upon which motor vehicle traffic may be regulated

Which was committed to the Committee on Highways

House Bill No. 843, (Senate Bill No. 715), entitled:

An Act to amend section two thousand twenty-two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "First Class Township Laws," by changing provisions regulating dedicated roads, streets, lanes, alleys and drainage facilities.

Which was committed to the Committee on County Government.

House Bill No. 844, (Senate Bill No. 716), entitled:

An Act to amend the first paragraph of section one thousand seven hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "First Class Township Law" by changing the power of commissioners to levy taxes.

Which was committed to the Committee on County Government.

House Bill No. 899, (Senate Bill No. 717), entitled:

An Act to amend section 571 of the act approved May first, one thousand nine hundred thirty-three (P. L. 103) entitled, "The Second Class Township Law," as amended, by changing the conditions of the tax collectors bond, fixing the time when the same shall be entered into and providing that the bond shall cover the collection of township, county and school, institution and poor district taxes.

Which was committed to the Committee on County Government.

House Bill No. 900, (Senate Bill No. 718), entitled:

An Act to amend sections one thousand four hundred two, two thousand five hundred fifty-six, and two thousand five hundred fifty-nine, and to repeal section two thousand five hundred fifty-three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one, (P. L. 932), entitled, "Third Class City Law," as amended, clarifying the conditions of the bond of the city treasurer; providing for the determination of certain expenses in connection with the collection of taxes for the city, county, institution district, school and poor district; providing for delinquent tax collectors for the collection of taxes; and repealing a certain inconsistent section.

Which was committed to the Committee on Municipal Government.

House Bill No. 1189, (Senate Bill No. 719), entitled:

An Act to amend section six hundred and ten of the act, approved the first day of May, one thousand nine-hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," by authorizing the board of supervisors to pay dues assessed by the State association of township supervisors.

Which was committed to the Committee on County Government.

House Bill No. 1234, (Senate Bill No. 720), entitled:

An Act authorizing counties of the second class to acquire property and erect thereon maintenance warehouses for roads, highway,s bridges and tunnels, by purchase or the exercise of the right of eminent domain; providing for the acquiring of fee simple title thereto, and the issuance of bonds therefor.

Which was committed to the Committee on County Government.

House Bill No. 1258, (Senate Bill No. 721), entitled:

An Act to repeal section ten of the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 480), entitled "An act relating to tax assessments in counties of the first class; conferring powers and imposing duties on the board of revision of taxes, and its agents and employes, and repealing general, local and special laws."

Which was committed to the Committee on Municipal Government.

House Bill No. 1259, (Senate Bill No. 722), entitled:

An Act requiring certain taxes of the political subdivisions in counties of the first class to be stricken from the records and prohibiting such taxes from being included in the computation of the solvent debts of such political subdivisions.

Which was committed to the Committee on Municipal Government.

HOUSE CONCURS IN SENATE BILL NO. 39

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 39, entitled:

An Act validating county treasurers sales for delinquent taxes, when the reports and returns of such sales were made to the court of common pleas, and the deeds thereto were executed and acknowledged, by an attache of the office of the county treasurer and not by the county treasurer as required by law.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL NO. 147

He also returned to the Senate, Senate Bill No. 147, entitled:

An Act to amend an act approved the twenty-first day of July, one thousand nine hundred and thirteen, (P. L. 863), entitled "A supplement to an act approved the eleventh day of June, one thousand eight hundred seventy-nine, entitled 'An act to authorize Cities of the first class to levy and fix a tax rate, to fix the time of opening and closing the tax duplicates, to regulate the appropriations and expenditures of said cities, and prescribing penalties for the violation of the provisions of this act,'" by providing that the same shall not apply to the books of personal property taxes, and to extend the time for the opening of the books, and the payment of personal property taxes.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL NO. 186

He also returned to the Senate, Senate Bill No. 186, entitled:

An Act to amend subsection twelve of section seven hundred and two of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled: "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by empowering townships of the second class to prohibit the storage of abandoned and junked automobiles.

with the information that the House has passed the same without amendments.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 39, entitled:

An Act validating county treasurers sales for delinquent taxes, when the reports and returns of such sales were made to the court of common pleas, and the deeds thereto were executed and acknowledged, by an attache of the office of the county treasurer and not by the county treasurer as required by law.

Senate Bill No. 147, entitled:

An Act to amend an act approved the twenty-first day of July, one thousand nine hundred and thirteen, (P. L. 863), entitled "A supplement to an act approved the eleventh day of June, one thousand eight hundred seventy-nine, entitled 'An act to authorize Cities of the first class to levy and fix a tax rate, to fix the time of opening and closing the tax duplicates, to regulate the appropriations and expenditures of said cities, and prescribing penalties for the violation of the provisions of this act,'" by providing that the same shall not apply to the books of personal property taxes, and to extend the time for the opening of the books, and the payment of personal property taxes.

Senate Bill No. 186, entitled:

An Act to amend subsection twelve of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by empowering townships of the second class to prohibit the storage of abandoned and junked automobiles.

House Bill No. 354, entitled:

An Act to amend clause (d) as added to section twenty-one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 363), entitled "Orphans' Court Act of 1917," requiring certification of verdicts and judgments entered in orphans' courts to the prothonotary, and the filing, docketing and indexing the same by him.

House Bill No. 376, entitled:

An Act to add paragraph four to clause (a) of section forty-one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "Fiduciaries Act of 1917," as amended, by permitting fiduciaries holding mortgages to accept deeds in lieu of foreclosures; and prescribing the effect thereof.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. WALKER, from the Committee on Judiciary General, reported as amended, Senate Bill No. 596, entitled:

An Act to prohibit the transfer of personal property from a resident decedent to an alien beneficiary of a foreign country which prohibits such transfers to citizens of this Commonwealth; and providing for the escheat and distribution of such property.

Mr. WOLFENDEN, from the Committee on Insurance, reported as committed, Senate Bill No. 611, (House Bill No. 1063), entitled:

An Act to add section six hundred twenty-one and one-tenth to and to further amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining and regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers.

He also, from the Committee on Insurance, reported as committed, Senate Bill No. 486, entitled:

An Act authorizing certain existing beneficial or protective societies, heretofore incorporated, to reincorporate as limited life insurance companies for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death; regulating such corporations and limiting the amount for which such corporations may issue policies.

Mr. EDMONDS, from the Committee on Judiciary General, reported as committed, Senate Bill No. 245, entitled:

An Act limiting the liability of fiduciaries for taxes, assessments and other charges against real property held by them to the assets of the estate, fund, or trust of which such property is a part.

Mr. LETZLER, from the Committee on Insurance, reported as committed, Senate Bill No. 607, (House Bill No. 919), entitled:

An Act to further amend section four hundred four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws;" by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth.

Mr. CROWE, from the Committee on Insurance, reported as committed, Senate Bill No. 408, entitled:

An Act to authorize insurance companies to include in any general, blanket or group policy covering accidental bodily injuries or sickness, a provision for payment of certain expenses incurred by the insured for dependents.

He also, from the Committee on Insurance, reported as committed, Senate Bill No. 422, entitled:

An Act to amend section one thousand and four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," as amended, by authorizing exchanges which maintain a surplus equal to the capital and surplus requirements of stock insurance companies engaed in the same kind of business, to write policies without contingent liability in such policy or in the power of attorney.

Mr. BARTLETT, from the Committee on Insurance, reported as committed, Senate Bill No. 492, entitled:

An Act designating certain life insurance companies as limited life insurance companies and further describing the powers thereof.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 461, entitled:

An Act to amend Paragraph 1 of Section 1, Clauses (f), (g) and (h) of Section 202, Paragraph 4 of Section 403, Sections 405 and 406, to add Clause (f) to Section 407, and to amend Section 413 of the act approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1449), entitled "An act establishing a court of record in the county of Allegheny for control, care, guidance, treatment, trial, placement and commitment of delinquent, neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency, neglect or dependency of children; defining the jurisdiction and powers of the court, and regulating procedure therein; providing for the transfer thereto of certain powers, functions and duties from other courts, providing for the election of judges thereof, the appointment of probation officers, other necessary staff officials and assistants providing for housing of same, and providing for detention facilities; making the contributing to or encouraging of the delinquency, neglct or dependency of children a misdemeanor; and providing penalties," by extending the provisions of the act to children under eighteen years of age.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 462, entitled:

An Act to amend Clause 2 of Section 1, and Sections 4, 6, 7, 8 and 14 of the act approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1433), entitled "An act defining the powers of the courts of quarter sessions, the Municipal Court of Philadelphia, and

the County or Juvenile Court of Allegheny County, with respect to the care, guidance, control, trial, placement and commitment of delinquent, dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency, neglect and dependency of children; and amending, revising and consolidating the law relating thereto," by extending the provisions of the act to children under eighteen years of age.

Mr. SCARLETT, from the Committee on Public Utilities, reported as committed, Senate Bill No. 457, entitled:

An Act to amend sections one and five of the act approved the twenty-ninth day of May, one thousand eight hundred eighty-five, entitled, "An act to provide for the incorporation and regulation of natural gas companies," enlarging the powers of such corporations; and limiting the cases where certificates setting forth enlargement or alteration of territory of production need be recorded.

Mr. McGINNIS, from the Committee on Public Utilities, reported as committed, Senate Bill No. 670, entitled:

An Act to amend sub-section eight of section two and sub-section twelve of section three of the act, approved the twenty-first day of June, one thousand nine hundred thirty-seven (P. L. 1969), entitled "An act relating to nonprofit cooperative corporations organized to engage in rural electrification, providing for the organization, consolidation and dissolution of such corporations; prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing cooperative or nonprofit corporations and associations within the provisions of this act; conferring powers, and imposing duties on certain State departments, commissions and officers; fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms in the corporate names of other corporations; exempting such corporations from excise taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission, and from the provisions of the Securities Act," by redefining "rural area" and limiting the exercise of the power of eminent domain.

Mr. SNOWDEN, from the Committee on Highways, reported as amended, Senate Bill No. 294, (House Bill No. 443), entitled

An Act to amend the appropriation act approved the fifth day of June one thousand nine hundred thirty-seven (Appropriation Act No. 51-A) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first one thousand nine hundred forty" by providing that the unexpended and unencumbered balance of such appropriation at the time this act becomes effective shall be allocated to and apportioned among the various second-class townships on the basis of the amount of road mileage in such townships authorizing the township supervisors to expend the moneys allocated to the township for the purpose prescribed under the approval and supervision of the Department of Highways and excluding the provision for expenditure by the Department of Highways of such balances the taxing and budgeting limitations on townships of the second class and the right of the Department of Highways to rent road-building machinery and equipment belonging to such townships

Mr. SHAPIRO, from the Committee on Judiciary General, reported as committed, Senate Bill No. 386, (House Bill No. 378), entitled:

An Act to amend paragraph (d) of section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing surviving, acting or remaining testamentary trustees to act in respect to real estate left to them to be sold or which they are authorized or directed to sell.

Mr. TALLMAN, from the Committee on Public Utilities, reported as committed, Senate Bill No. 673, entitled:

An Act to amend Section 1 of the act approved the first day of December, one thousand nine hundred and thirty-eight (P. L. 111), entitled "An act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires, except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for, or intended to be used for, the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal," by excluding therefrom private wires used for fire and burglar alarm purposes, telegraph messenger call boxes and associated circuits, time clock circuits, and certain telegraph teleprinters,

Mr. MALLERY, from the Committee on Judiciary General, reported as amended, Senate Bill No. 412, (House Bill No. 331), entitled:

An Act defining and prohibiting unfair sales, providing remedies for violations thereof and establishing penalties therefor.

He also, from the Committee on Public Utilities, reported as committed, Senate Bill No. 669, entitled:

An Act to amend section four hundred eighteen of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilties certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicles and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the apporpriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utlities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," changing the restrictions against public utilities where cooperative associations file with the Public Utility Commission maps of territory to be served by such associations.

He also, from the Committee on Public Utilities, reported as amended, Senate Bill No. 460, entitled:

An Act to amend paragraphs (6) and (7) of Section 2, Sections 405 and 915 of, and to add Sections 922 and 1315 to, of the act, approved the twenty-eight day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilties and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultal costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by adding to the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle"; requiring common carriers to deal only with certain common carriers by motor vehicles; providing for additional insurance by certain motor carriers of passengers; authorizing the Commission and the Department of Revenue to co-operate in identification plate requirements; and providing additional penalties.

Mr. FARRELL, from the Committee on Judiciary General, reported as committed, Senate Bill No. 296, (House Bill No. 358), entitled:

An Act to amend section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 388), entitled "An act relating to the jurisdiction, powers, and procedure of the orphans' court and the court of common pleas as to sales, mortgages conveyances on ground-rent, leases, extinguishment of ground-rents, partition, exchange, squaring and adjusting of lines between adjoining owners, consolidation and combination of mining lands and the leasing thereof, the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands, and the subdivision of premises so as to command the highest price or greatest rents, and, for such purpose, the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities, where the court shall be of opinion that such decree will be to the interest and advantage of all those interested; and where the legal title is held by minors,

lunatics, habitual drunkards, or weak-minded persons, a married person whose spouse is a lunatic, or has abandoned him or her for one year or has been absent and unheard of for seven years; by corporations having no capacity to convey or by any unincorporated association, by any religious, beneficial, or charitable society or association, incorporated or unincorporated, and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law; by a corporation, or individual or individuals; and is subject to a trust of any description whatever; by any person as to whom a presumption of death may have arisen, or any interest wherein is held by any person under legal disability to dispose thereof; where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record, contingent remainders, executory devises, or remainders to a class, some or all of whom may not be in being or ascertained; where estates shall have been devised or granted for special or limited purposes, where there is a power of sale but the time may not have arrived for its exercise, any preliminary act may not have been done to bring it into exercise, the time limited for its exercise may have expired, or any one or more persons required to consent or join in its exercise may be non compos mentis, have removed out of the State, have died, refuse to act, unreasonably withhold consent, or be absent and unheard of; where there has been or shall be a defective appointment in any deed or will, and the necessary power is not given to the executor, devisee, or appointee to make sale and conveyance; where a trust has been created, and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm; and to the effects of such decrees," by conferring on the orphans' court concurrent jurisdiction with the court of common pleas in certain cases.

Mr. GILSON, from the Committee on Judiciary General, reported as amended, Senate Bill No. 281, (House Bill No. 352), entitled:

An Act to amend section twenty-three of the act approved the seventh day of June, one thousand nine hundred and seventeen, (P. L. 429), entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate; and to provide for the recording and registering of the decrees of the orphans' court in connection therewith, and the fees therefor," by providing for forfeiture of the right to inherit or to take property of a murdered intestate under the said act.

He also, from the Committee on Judiciary General, reported as amended, Senate Bill No. 280, (House Bill No. 351), entitled:

An Act to amend section twenty-two of the act approved the seventh day of June, one thousand nine hundred and seventeen, (P. L. 403), entitled "An act relating to the form, execution, revocation, and interpretation of wills; to nuncupative wills; to the appointment of testamentary guardians; to spendthrift trusts; to forfeiture of devise or legacy in case of murder of testator; to elections to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto, and to the fees therefor," by providing for forfeiture of the right to take property under the will of a murdered testator.

Mr. WOODWARD, from the Committee on Judiciary General, reported as committed, Senate Bill No. 537, entitled:

A Joint Resolution proposing an amendment to section one, article eight of the Constitution of the Commonwealth of Pennsylvania.

JUSTICE OF PEACE

Mr. WOLFENDEN from the Committee on Executive Nominations reported woth a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 25, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of William S. Hall, Trexlertown, Lehigh County, as Justice of the Peace in the Township of Upper Macungie, Lehigh County, until the first Monday in January, 1940, vice Harvey A. Walbert, deceased.

ARTHUR H. JAMES.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, April 26, 1939, by His Excellency, the Governor of the Commonwealth, together with the nomination just reported from Committee.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 26, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

BEAVER COUNTY

Miss B. M. Dunne, Ambridge.

BERKS COUNTY

Miss Dorothy C. Stephens, Reading.

LUZERNE COUNTY

Stephen Teller, Wilkes-Barre.

WESTMORELAND COUNTY

E. M. Frye, Monessen.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 26, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

FAYETTE COUNTY

Edward Hay, Uniontown, April 30, 1939.

UNION COUNTY

Benton E. Herrold, Lewisburg, May 7, 1939.

PHILADELPHIA COUNTY

George W. West, Jr., 5912 Torresdale Avenue, Phila., May 14, 1939.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. MALLERY.

That Rule 38 which requires nominations made by the Governor to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. MALLERY

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Farrell,	Kunkel,	Scarlett,
Cavalcante,	Frey,	Lanius,	Shapiro,
Chapman,	Gelder,	Letzler,	Sipe,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrich,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	Jacobs,	Pierson,	Walker,
Ealy,	James,	Rice,	Wolfenden,
Edmonds,	Jaspan,	Ruth,	Woodward,
Eroe,	Kilgallen,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affrmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS INTRODUCED

Mr. FARRELL read in his place and presented to the Chair Senate Bill No. 723, entitled:

An Act to further amend sections one and two, as amended, of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1528), entitled "An act authorizing the Secretary of Highways, with the approval of the Governor, to establish, construct and maintain roads parallel to existing State highways, in order to relieve traffic congestion; providing certain conditions and restrictions for the assessment and payment of damages for property taken thereby; and providing that such highway when constructed shall become a part of the system of State highways of the Commonwealth," by extending certain provisions thereof to cities.

Which was committed to the Committee on Highways.

He also, by request, read in his place and presented to the Chair Senate Bill No. 724, entitled:

An Act fixing the salary of sheriffs in counties of the third class.

Which was committed to the Committee on County Government.

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 725, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission.

Which was committed to the Committee on Appropriations.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 726, entitled:

An Act authorizing the Chief Justice of the Supreme Court of this Commonwealth to appoint for the performance of special judicial assignments, any judge of a court of record who presently is not serving upon any such court; and providing the compensation thereof.

Which was committed to the Committee on Judiciary General.

Mr. TALLMAN read in his place and presented to the Chair Senate Bill No. 727, entitled:

A Joint Resolution proposing an amendment to section one, article fourteen, of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Judiciary General.

Mr. HEYBURN, by request, read in his place and presented to the Chair Senate Bill No. 728, entitled:

An Act to amend article eleven of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," conferring on supervisors power to lay out, open, widen, and vacate roads; providing exceptions thereto; providing for hearing and appointment of viewers and for notice.

Which was committed to the Committee on County Government.

Mr. McGINNIS read in his place and presented to the Chair Senate Bill No. 729, entitled:

An Act to amend section twenty-five of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement or real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds,

rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the Orphans' Court in all matters relating to fiduciaries concerned with the estates of decedents," as amended so as to limit the duration of the lien of legacies unless proceedings are brought to enforce their payment within ten years after the probate of the Testator's will, or after said legacies become due and payable.

Which was committed to the Committee on Judiciary General.

Mr. MALLERY read in his place and presented to the Chair Senate Bill No. 730, entitled:

A Supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled, as amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder and prescribing penalties," providing for the election, by employers, of persons engaged in domestic service or agriculture.

Which was committed to the Committee on Labor and Industry.

Mr. WOLFENDEN, by request, read in his place and presented to the Chair Senate Bill No. 731, entitled:

An Act to repeal the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 599), entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws."

Which was committed to the Committee on Law and Order.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 310, (House Bill No. 610), entitled:

A Supplement to the act approved the second day of July, one thousand nine hundred and thirty-seven (Appropriation Acts, page 74), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending, May thirty-first, one thousand nine hundred and thirty-seven" by lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation and re-appropriating such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Farrell,	Kunkel,	Scarlett,
Cavalcante,	Frey,	Lanius,	Shapiro,
Chapman,	Geiger,	Letzler,	Sipe,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	Jacobs,	Pierson,	Walker,
Ealy,	James,	Rice,	Wolfenden,
Edmonds,	Jaspan,	Ruth,	Woodward,
Eroe,	Kilgallen,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 278, (House Bill No. 38), entitled:

An Act to amend sections Three, Four, Five, Nine and Eleven of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 463), entitled (as amended) "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships defining the same prescribing the rights, powers and duties of such Authorities, authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" as amended by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation regulating the publication of such resolutions and ordinances by including waterworks, water distribution systems, low head dams and parts of sewer systems as projects by authorizing the municipalities to limit the projects to be undertaken by an Authority by authorizing a longer term for the bonds issued by an Authority avoiding competition with existing enterprises and by including waterworks water supply works water distribution systems and parts of sewer systems as facilities which may be transferred to an Authority by any owner in addition to the Commonwealth and the political subdivision thereof and authorizing authorities to acquire water and water rights subject to the approval of the Water and Power Resources Board.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate agree to the bill?

Mr. OWLETT. Mr. President, I ask unanimous consent to amend page 15, line 11, by striking out the word: involved

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

Mr. EDMONDS. Mr. President, I should like to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. EDMONDS. Mr. President, I should like to ask the Senator from Tioga if he will not explain the purpose of the proposed amendment, and if it deals with the clause that makes bonds of municipal authorities legal investments for fiduciaries.

Mr. OWLETT. Mr. President, the amendments merely correct a printer's error in the bill. The brackets had been placed in the wrong place on page 15, and the bill still provides that the bonds are legal investments for trust funds.

Mr. EDMONDS. Mr. President, it seems to me that this bill ought to be considered a little further on that phase. There are a number of bills pending here at the present time which make certain kinds of securities that comes from certain kinds of Federal institutions legal investments for fiduciaries. Now, we have a good Fiduciary Law in Pennsylvania and it is rather narrowly limited, the standard is high, and it seems to me that standard ought not to be broken down without due cause.

MOTION TO RECOMMIT

Mr. EDMONDS. Mr. President, I would like to move that Senate Bill No. 278 be re-referred to a committee for further study.

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. OWLETT. Mr. President, I have no objection to the motion, and I have no interest in the bill myself, except I understand that some of the members of the House are very much interested in this bill because of a provision which permits the acquisition of water works by several municipalities, and I understand they are exceedingly interested in having these bonds legal investments for financcing a number of improvements in the Senator from Montgomery's section of the State. I know there would be serious objection in the House to the Senate taking that clause out.

Mr. EDMONDS. Mr. President, I am only asking as a matter of information, but does the Senator from Tioga know what the security is back of these bonds which would justify a fiduciary in investing in them? We have tried to limit investments to bonds that have a real value back of them, so that if the thing goes wrong there is at least real value upon which collection can be made. Is there such tangible value back of these bonds?

Mr. OWLETT. Mr. President, this is, as I understand it, a Municipality Authority Act and under that Act authority is set up to construct some public project and the project as set up provides for the payment of interest and sinking fund for the bonds and that of course obligates the municipality.

Mr. EDMONDS. Mr. President, are they municipal bonds?

Mr. OWLETT. Mr. President, they are not municipal bonds; they are only bonds of the Authority, the same as the State Authority bonds.

Mr. SHAPIRO. Mr. President, if we pass this bill we are going to be in the position of having bankers say we exercise more control over their investments of fiduciary funds than we do over State Authorities. In other words, as the Senator from Montgomery has pointed out, we have set certain standards up in the Fiduciary Act covering almost all phases of investments for estates by fiduciaries. We have provided with respect to the value of the property, to the extent to which a loan may be granted over the value, and here is a bill which simply says from now on a State Authority bond issued by any State Authority for water works is a valid investment.

The only security back of that is a contract which the State Authority will have with the locality, city or municipality, to pay a certain amount of rent; and if a situation like that arose in Philadelphia today those bonds would be in default because the City of Philadelphia would not be able to pay the rent; and yet we would say that is a perfectly good investment for a fiduciary to make.

Now, under those circumstances I join with the gentleman from Montgomery in asking that something be done to postpone passage of this bill at this time, and I would second his motion to send it back to committee at this time.

On the question,

Will the Senate agree to the motion?

MOTION WITHDRAWN

Mr. EDMONDS. Mr. President, I will withdraw my motion, with the assurance of the Senator from Tioga that the bill will be placed on the postponed calendar so that we may have some additional time in which to consider the matter.

The PRESIDENT. Does the seconder withdraw his seconding of the motion?

Mr. SHAPIRO. Mr. President, I do.

And the question recurring,

Will the Senate agree to the amendments?

Mr. OWLETT. Mr. President, the amendments I introduced are merely corrections and I suggest that the bill be amended and placed on the postponed calendar.

And the question recurring,

Will the Senator agree to the amendments?

Agreed to.

On the question,

Will the Senate agree to the bill as amended?

It was agreed to.

BILL POSTPONED

Mr. OWLETT. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 344, (House Bill No. 575), entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-nine evidenced by tax anticipation notes secured by and payable from current revenues levied

assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto for the payment of interest on and the repayment of such loans and making an appropriation.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. OWLETT. Mr. President, I ask unanimous consent to amend section 2, page 3, by adding between lines 24 and 25 the following new paragraph: S (c) All notes issued under the authority of this act shall have the qualities and incidents of negotiable instruments under the Negotiable Instruments Law of the Commonwealth. Amend section 2, page 3, line 25 by striking out at the beginning of the line the following: S [(c)] and inserting in lieu thereof the following: (d)

The PRESIDENT. Is there objection? The chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILLS OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bills Nos. 345, 346, 347, 348, 349, 350, 351, and 352 go over in their order. These are the tax bills and some of them have not been returned by the printer. We have just amended one and have amendments for another.

The PRESIDENT. Is there objection? The chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 345, (House Bill No. 312), on third reading, entitled:

An Act to reenact and amend the title and the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of 1936, P. L. 13) entitled "An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board" as previously re-enacted and amended by extending the provisions thereof for a further limited period of time.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 346, (House Bill No. 313), on third reading, entitled:

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (P. L. 640) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini, one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by continuing the increased rate of tax for a further limited period of time ad reducing the rate of tax after such limited period of time.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 347, (House Bill No. 314), on third reading, entitled:

An Act to further amend the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies limited partnerships associations joint-stock associations copartnerships and persons.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 348, (House Bill No. 315), on third reading, entitled:

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation" by increasing the rate of tax for a further limited period of time.

go over in its order.

The PRESIDENT. Is there objection The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 349, (House Bill No. 316), on third reading, entitled:

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the genertaion of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 350, (House Bill No. 317), on third reading, entitled:

An Act to reenact and amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (P. L. 208) entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" as previously re-enacted and amended by extending the provisions of the act for a further limited period of time changing the method of ascertaining the net income of ins surance companies exempting title insurance companies and making certain changes in the method of ascertaining taxable net income and in the procedure for the collection and adjustment of the tax

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 351, (House Bill No. 318), on third reading, entitled:

An Act to re-enact and amend the title and the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties in executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as previously re-enacted and amended by eliminating ground rents from list of taxable personal property defining clarifying and limiting certain exemptions exempting from the taxes imposed by the said act property held by executors and administrators of the estates of nonresident decedents property held by trustees for certain resident and nonresident religious charitable or educational organization and property held for nonresidents and foreign corporations under certain circumstances exempting loans issued by first class or non profit corporations from the tax imposed by section seventeen of said act and continuing the State personal property tax and the emergency rate of tax on scrip bonds certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 352, (House Bill No. 319), on third reading, entitled:

An Act to reenact and amend the title and the act, approved the fourteenth day of June, one thousand nine hundred thirty-five (Pamphlet Laws, three hundred forty-one), entitled, as amended, "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined, requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue, and persons, as herein defined, engaged in the sale of cigarettes at retail or wholesale; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 394, (House Bill No. 363), entitled:

An Act to amend section six of the act approved the twelfth day of May one thousand nine hundred and twenty-five (P. L. 603) entitled "An act concerning conditional sales and to make uniform the law relating thereto" by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Eroe,	Kilgallen,	Rice,
Cavalcante,	Farrell,	Kunkel,	Ruth,
Chapman,	Frey,	Lanius,	Scarlett,
Coleman,	Gelder,	Letzler,	Shapiro,
Crowe,	Geltz,	Mallery,	Snowden,
Dando,	Gilson,	McCreesh,	Stevenson,
Deitrick,	Haluska,	McGinnis,	Tallman,
Dent,	Heyburn,	Miller,	Thomas,
DiSilvestro,	Homsher,	Mundy,	Walker,
Ealy,	Jacobs,	Owlett,	Wolfenden,
Edmonds,	James,	Pierson,	Woodward,

NAYS—2

Jaspan,	Stiefel,

A majority of all Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate bill No. 427, (House bill No. 375), entitled:

An Act to amend paragraph (c) of section fifty-eight of the act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended, "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates, including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents, widow's and children exemptions, debts of decedents, rents of real estate as assets

for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor and the discharge of real estate from the lien thereof, contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land, the discharge of residuary estates and of real estate from the lien of legacies and other charges, the appraisement of real estate devised at a valuation, the ascetainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents, the audit and review of accounts of fiduciaries, refunding bonds, transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries, the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia, the recording and registration of decrees, reports and other proceedings and the fees therefor, appeals in certain cases and also generally dealing with the jurisdiction, powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decendents," as amended, by pemitting foreign fiduciaries representing the estates of decedents, minors and legal incompetents to foreclose on mortgages to enter judgment on mortgages bonds to sell the property bound thereby to take title to property so sold and to resell such property

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Eroe,	Kilgallen,	Rice,
Cavalcante,	Farrell,	Kunkel,	Ruth,
Chapman,	Frey,	Lanius,	Scarlett,
Coleman,	Gelder,	Letzler,	Shapiro,
Crowe,	Geltz,	Mallery,	Snowden,
Dando,	Gilson,	McCreesh,	Stevenson,
Deitrick,	Haluska,	McGinnis,	Tallman,
Dent,	Heyburn,	Miller,	Thomas,
DiSilvestro,	Homsher,	Mundy,	Walker,
Ealy,	Jacobs,	Owlett,	Wolfenden,
Edmonds,	James,	Pierson,	Woodward,

NAYS—2

Jaspan,	Stiefel,

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 456, entitled:

A Joint Resoultion proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and anys were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—24

Bartlett,	Ealy,	Homsher,	Snowden,
Chapman,	Edmonds,	Letzler,	Stevenson,
Crowe,	Farrell,	Mallery,	Thomas,
Dando,	Gelder,	Miller,	Walker,
Deitrick,	Geltz,	Pierson,	Wolfenden,
Dent,	Heyburn,	Scarlett,	Woodward,

NAYS—20

Cavalcante,	Jacobs,	Lanius,	Rice,
Coleman,	James,	McCreesh,	Ruth,
DiSilvestro,	Jaspan,	McGinnis,	Shapiro,
Frey,	Kilgallen,	Mundy,	Stiefel,
Gilson,	Kunkel,	Owlett,	Tallman,

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 543, entitled:

An Act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. KILGALLEN. Mr. President, this bill and the next bill on the calendar, Senate Bill No. 544, change the method of assessing property in Allegheny County. I intend to vote in favor of both these bills but before casting my vote I would like to have some assurances from the sponsor of those bills concerning some of their features.

Mr. President, in Allegheny County the City of Pittsburgh assesses some property, some types of property, which the county does not assess and the county assesses some types of property which the city does not assess. First, the city of Pittsburgh, under the Act of 1859, collects a tax from all railway properties excepting the right of way, and the county collects only a tax from the right of way, and I would like to have some assurances from the sponsor of this Bill, No. 543, and the following Bill, No. 544, that they do not change our present situation.

Also, Mr. President, under the Act of 1913 the City of Pittsburgh places a tax on land twice that imposed on the building. In other words, we have a graduated tax Act in Pittsburgh and I would like some assurance on the record from the sponsor of this bill and the next bill that our graduated tax Act of 1913 is not adversely affected by either or both of those bills.

Also, Mr. President, the County of Allegheny collects a tax from machinery; the City of Pittsburgh does not. I would like to have some assurance from the sponsor of these bills on the record to the effect that nothing in those bills adversely affects that situation.

Mr. EDMONDS. Mr. President, may I interrogate the Senator from Allegheny, Mr. Kilgallen?

The PRESIDENT. Will the Senator from Allegheny, Mr. Kilgallen, permit himself to be interrogated?

Mr. KILGALLEN. Mr. President, I will.

Mr. EDMONDS. Mr. President, may I ask the Senator from Allegheny, Mr. Kilgallen, to repeat that last sentence. He said that the City of Pittsburgh is collecting a tax on something and I did not catch what it was on.

Mr. KILGALLEN. Mr. President, I said machinery.

Mr. EDMONDS. Machinery, Mr. President?

Mr. KILGALLEN. Yes, Mr. President. The County of Allegheny assesses and collects a tax from machinery of

various types. Pittsburgh pay no regard at all to machinery, and, as I said before, I would like to have assurance from the sponsor that that present situation is not adversely affected by this proposed legislation. I would only feel completely safe—although as I have said, I am going to vote for these bills—if I had in my hand a written opinion from the Attorney General stating definitely that our situation in regard to those three items has not been and will not be changed by these bills.

Mr. WALKER. Mr. President, I deeply appreciate the opportunity to answer the questions prepared by the Senator from Allegheny, Mr. Kilgallen. The remarks of the Senator from Allegheny may be divided into three parts. In regard to the first part, under the Act of 1859, Pamphlet Laws 828, the City of Pittsburgh had the right to tax railroad property located within the city. Now, if I may discuss these two bills together, in order to completely answer the question of the Senator from Allegheny propounded to me as to Bill No. 544, on page 1, beginning line 6, the bill reads: "It shall be the duty of the proper county taxing authorities to assess all property in cities of the second class, whether real or personal, taxable under any general, special or local laws for city purposes."

Now, there is a specific requirement that railroad properties taxed for city purposes under this act of 1859 be assessed by the county assessors. More specific language than this cannot be used without violating the Constitutional prohibition against special legislation. The Act of 1859 itself, under which the taxes are levied is, of course, not disturbed, and the city will continue to levy the tax under the provisions of that Act.

But now, Mr. President, the second inquiry propounded by the Senator from Allegheny, Mr. Kilgallen, was with regard to the graded tax under Act 147 of 1913, Pamphlet Law 209, and there again I must refer to Senate Bill No. 544, reading from pages 1 and 2, where it says "It shall be the duty of the proper county taxing authorities to assess all property in cities of the second class whether real or personable taxable under any general special or local law for city purposes."

Then, skipping over to page 2, line 4: "to classify all real property in such cities in such manner and upon such testimony as may be adduced before them, so as to distinguish between the buildings on land and the land exclusive of the buildings."

Now, Mr. President, this will furnish to the city the necessary separation of land and improvements, under which separate levies can be made in accordance with the Act of 1913, and its further amendments, which are not disturbed in this respect by the two bills. The powers and duties of the City Council, who make the levies, are expressely saved in the repealer of the assessment provisions in the Second Class City Law.

Now, both Senate Bills No. 543 and Senate Bill No. 544 deal exclusively with the machinery for making tax assessments. In no respect do they enter the field of designated subjects of taxation or tax levies. It is, therefore, quite impossible to construe anything in either Act as authorizing or requiring the City of Pittsburgh to levy taxes on machinery or any other subject of taxation which may not now be taxed for the purposes of cities of the second class."

This matter was very carefully looked into by the Legislative Reference Bureau and by the Attorney General's office, and that is the consensus of opinion arrived at by those two bodies.

I am sorry I cannot furnish my colleague from Allegheny, Mr. Kilgallen, with a written opinion from the Attorney General's office at this time. This is the expressed opinion of the Legislative Reference Bureau and I think it is of sound reason, because these two bills deal with the machinery for levying assessments and do not deal with the object of the assessments themself. I think that the Senators mental objections to the Act are fully and completely covered.

Mr. EDMONDS: Mr. President, may I interrogate the Senator from Allegheny, Mr. Walker?

The PRESIDENT. Will the Senator from Allegheny, Mr. Walker, permit himself to be interrogated?

Mr. WALKER. Mr. President, I will.

Mr. EDMONDS. Mr. President, as I understand it, it assesses the value of land and buildings separate, is that correct?

Mr. WALKER. Mr. President, I cannot answer that. Under the Act of 1913 they are allowed to assess the buildings on the land and the land exclusive of the building; but I would not now undertake to say whether they tax twice the value of the land.

Mr. EDMONDS. Mr. President, my question was whether, for county tax purposes, the same differential was used.

Mr. WALKER. Mr. President, I understand exclusive of city taxes.

Mr. CAVALCANTE. Mr. President, I should like to interrogate the Senator from Allegheny, Mr. Walker.

The PRESIDENT. Will the Senator from Allegheny, Mr. Walker, permit himself to be interrogated.

Mr. WALKER. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, I understand from the statement of the Senator from Allegheny, Mr. Walker, and also the statement made by the other Senator from Allegheny, Mr. Kilgallen, that is not their intention, nor the intention behind this bill, in any way, affect the classes of taxable property.

Mr. WALKER. Mr. President, that is correct. The purpose of the Act is merely to set up the machinery by which assessments are made and does not deal with the subject matter of the assessments.

Mr. CAVALCANTE. Mr. President, I ask that question so as to make certain that the legislative intent behind this Act is not in any way to interfere with the classes of taxable property, but that these bills deal merely with the machinery of making assessments.

Mr. WALKER. That, Mr. President, is the purpose of the sponsor.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44.

Bartlett,	Farrell,	Kilgallen,	Ruth,
Cavalcante,	Frey,	Kunkel,	Scarlett,
Chapman,	Gelder,	Lanius,	Shapiro,
Coleman,	Geltz,	Letzler,	Snowden,
Crowe,	Gilson,	Mallery,	Stevenson,
Dando,	Haluska,	McCreesh,	Stiefel,
Deitrick,	Heyburn,	McGinnis,	Tallman,
Dent,	Homsher,	Miller,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Rice.	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 544, entitled:

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class by providing that city taxes within such territorial limits shall be assessed, levied and collected upon the basis of the county assessments; imposing duties on county taxing authorities; abolishing the department of assessors in cities of the second class and transferring certain property to county taxing authorities.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows. viz:

YEAS—44.

Bartlett,	Farrell,	Kilgallen,	Ruth,
Cavalcante,	Frey,	Kunkel,	Scarlett,
Chapman,	Gelder,	Lanius,	Shapiro,
Coleman,	Geltz,	Letzler,	Snowden,
Crowe,	Gilson,	Mallery,	Stevenson,
Dando,	Haluska,	McCreesh,	Stiefel,
Deitrick,	Heyburn,	McGinnis,	Tallman,
Dent,	Homsher,	Miller,	Thomas,
DiSilvestro,	Jacobs,	Owlett,	Walker,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 1, on second reading, entitled:

An Act to amend sections three and eight of the act approved the thirtieth day of March one thousand nine hundred and thirty-seven (P. L. 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" by providing that the registration commission is to consist of the county commissioners instead of appointed commissioners and by providing that appropriations to carry out the act are to be made in the same manner as other appropriations are made

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 2, as follows:

An Act for the better government of cities of the first class of the Commonwealth by providing among other things for a councilmanic form of government with a council elected by proportional representation and with a city manager selected by council the creation abolition and change of departments and the addition to departments of certain functions pertaining to parks detention and correction planning within the city weights and measures and dependent neglected incorrigible and delinquent children transferred from certain county offices to the extent of the performance of such functions within such cities improvement of the civil service increased control over finances by requiring balanced current and capital budgets and by greater control over the collection of charges fees and taxes and over payments of salaries and other expenditures out of the city treasury improvements in the making and revision of assessments the grant of home rule to such cities and penalties

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The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Applicability of Act This act shall apply to each city of the first class and shall be known and may be cited as the "First Class City Law"

Article I Council

Section 101 Composition of Council The legislative and executive powers of the city shall be exercised through a council consisting of eleven councilmen elected from the city at large to serve for a period of four years from the first Monday in January following their election The executive power shall be exercised only through the City Manager or such other officer or employe as council may designate to perform his duties during a temporary vacancy in his office

Section 102 Councilman to Hold No Other Office No person shall hold the office of councilman while holding any other office position or employment of profit under the United States the Commonwealth or any political subdivision of the Commonwealth except that of notary public or an office in the military or naval service of the United States or of the Commonwealth No councilman shall be eligible to any office position or employment of profit under the city during the term for which he shall have been elected as councilman

Section 103 Organization Meeting The organization meeting of each council shall be held at ten ante meridian on the first Monday of January following its election or if that day be a legal holiday then on the next day Pending election of the mayor the councilman first declared elected shall preside At the organization meeting council by the affirmative vote of a majority of all councilmen shall elect from their own number a mayor who shall be president of council and a presiding officer pro tem each of whom shall serve at the pleasure of council They shall also elect a clerk who shall serve at the pleasure of council

Section 104 Mayor and Presiding Officer Pro Tem The mayor shall preside at meetings of council and shall have such other powers and duties with respect to the business of council as council shall from time to time prescribe He shall have no power of veto He shall be recognized as the head of the city government for all ceremonial purposes by the courts for serving civil processes and by the governor for military purposes In other respects the mayor shall have the same powers and duties as other councilmen If a vacancy occurs in the office of mayor or if the mayor be absent or incapable of performing his duties the presiding officer pro tem shall act as mayor until the election by council of another mayor or during the continuance of the absence or incapacity as the case may be

Section 105 Salary Each councilman shall receive a salary of $7,500 per annum and no other emoluments except that the mayor shall receive $2,500 per annum in addition to his salary as councilman

Section 106 Clerk of Council The clerk of council shall record the proceedings of council in a journal which shall at all times to be open to public inspection He shall also keep a separate record of all ordinances and resolutions in a book or books which shall be properly indexed and shall constitute a public record He shall keep a separate record of the rules of council Copies of all papers duly filed in his office and transcripts thereof and of the records of proceedings of the council and copies of the ordinances and resolutions of the city certified by him under the corporate seal of the city shall be admissible in evidence in any judicial or administrative proceeding The clerk shall cause all ordinances and all resolutions of a legislative character to be published within five days after their passage by council and all other matters for which public notice is provided under this Act to be published at least five days before the contemplated action unless otherwise provided by ordinance The publication shall be in at least one morning and one evening paper of general circulation in the city In the absence or incapacity of the clerk an assistant designated by him to act in his stead shall perform his duties

Section 107 Rules of Council Council shall have the power to adopt and amend its governing rules which without limitation shall include provisions for the holding of regular and special meetings for compelling councilmen to attend meetings and for the order of business at meetings

Section 108 Submission of Ordinances Every legislative act of council shall be by ordinance or resolution No ordinance or resolution of a legislative character shall be submitted for passage except by bill and no bill shall be so altered or amended during its passage as to change its original purpose. No bill shall be passed containing more than one subject which shall be clearly expressed in its title except that council may pass codification ordinances No bill or amendment shall be passed before the printing of the bill or amendment for the use of the councilmen and no bill shall be passed on the same day it is introduced

Section 109 Vote Required for Action by Council Except as otherwise provided by law council shall act only at a meeting by the affirmative vote of a majority of the councilmen holding office However a less number by a majority vote of those present may adjourn from time to time and may compel the attendance of absent members On the final passage of any ordinance or resolution the vote shall be taken by yeas and nays and the names of the councilmen voting for and against the same shall be entered by the clerk in the journal Each ordinance and resolution passed by council shall be attested by the clerk No councilman shall be excused from voting except on matters involving the consideration of his own conduct or when his personal or financial interests are involved A councilman who has such an interest in any matter before council shall disclose the fact and shall not vote thereon

Section 110 Meetings to be Public Meetings of council shall be at all times open and accessible to the public

Section 111 Power of Investigation For any inquiry or investigation council shall have power to compel the attendance of witnesses and the production of documents and other evidence at any meeting of council or of any committee thereof and for that purpose may issue subpoenas and cause them to be served and executed in any part of the Commonwealth If any witness shall refuse to testify as to any fact within his knowledge or to produce any documents or other evidence within his possession or under his control the mayor shall forthwith report the facts relating to such refusal to the court of common pleas of the county in which the city is situated and all questions arising upon such refusal and also upon any new evidence not included in the report of the mayor which other testimony or documents may be offered either in behalf of or against such witness shall at once be heard by the court If the court determines that the testimony or evidence required of the witness is legally competent and ought to be given or produced by him it shall make an appropriate order which it shall have power to enforce by commitment for contempt

Section 112 Appointment of Manager Council shall appoint a city manager who shall be its chief executive officer He shall be appointed solely on the basis of his executive qualifications and need not be a resident of the city or of the Commonwealth when appointed A person who has been elected a member of council shall not be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he was elected The city manager may designate an officer or other employe of the city to perform his duties during his absence or incapacity Council shall designate some other officer or employe of the city to perform the duties of the city manager during a temporary vacancy in the office

Section 113 Salary of Manager Council shall fix the salary of the city manager

Section 114 Removal of Manager The city manager shall be appointed for an indefinite term and shall be removed at the pleasure of council by ordinance If council removes the city manager it shall enter upon its journal a statement of the reason for such removal and if the city manager within two weeks after his removal shall submit a statement in reply to the statement of council his statement also shall be entered upon the journal. The action of council in removing the city manager shall be final it being the intent of this Act to vest all authority for such removal in council

Section 115 Powers and Duties of Managers (a) Except as otherwise provided by law the city manager without the approval of council shall appoint and may remove at pleasure all department heads and subject to the provisions of law as to civil service shall have the power to appoint and remove all officers and employes in the departments which are under a head appointed by him

(b) It shall be the duty of the city manager to act as chief conservator of the peace within the city to supervise the administration of the affairs of the city to see that the ordinances of the city and the laws of the Commonwealth are enforced to make such recommendations to council concerning the affairs of the city as may seem to him desirable to keep council advised of the financial condition and future needs of the city to prepare annually the current and capital budgets to prepare and submit to council an annual report which shall be published to submit such

other reports as may be required and to perform other duties provided by statute or ordinance.

Section 116 No Interference by Council Neither council nor any of its committees or members shall direct or request the appointment to or removal from office of any person by the city manager or by any of his subordinates or in any manner except as otherwise provided in this Act take part in the appointment discipline or removal of officers and employes of the city No members of council shall participate as counsel for any officer or employe of the city in any hearing or investigation having to do with the discipline or dismissal of such officer or employe and no member of council shall intercede for such officer or employe except in hearings before council Except for the purpose of inquiry council and its members shall deal with that portion of the service of the city for which the city manager is responsible solely through the city manager and neither council nor any member thereof shall give orders to any subordinate of the city manager either publicly or privately

Article II Nomination and Election of Council

Section 201 Nomination by Petition Any qualified elector duly registered in the city may be placed in nomination for council but only by nominating petition papers signed by not less than 1,000 qualified electors duly registered in the city

Section 202 Form of Petition Nominating petition papers shall be substantially in the following form

We the undersigned hereby present .....whose residence is .....Pennsylvania as a candidate for the council of .....to be voted for at the election to be held on the .....day of November 19.... and we individually certify that we are qualified electors duly registered in the said city and that we have not signed a petition nominating any other person for the council to be voted for at such election

Name	Street and Number	Date
.....	.....	.....
.....	.....	.....
.....	.....	.....

Commonwealth of Pennsylvania
County of ss

.....being duly sworn deposes and says that his residence is .....Pennsylvania that he is the circulator of this petition sheet containing .....signatures which were written in his presence on the dates indicated and are the genuine signatures of the persons they purport to be that to the best of his knowledge and belief the signers are qualified electors duly registered in the city each residing at the street and number indicated and that .....who is presented for nomination is a qualified elector duly registered in the city

.....

Subscribed and sworn to before me
this ..... day of ..... 19....

.....

Notary Public

Section 203 Execution of Petition Petition papers in the form designated herein shall be filled in and executed in ink or indelible pencil More than one petition sheet may be used for a candidate No elector shall sign more than one petition If an elector signs more than one petition his signature shall be void except on the nominating petition containing it which is first filed

Section 204 Time of Signing A signature written earlier than 100 days before the election shall not be counted

Section 205 Filing All separate sheets comprising a nominating petition shall be assembled as one instrument and after the payment to the city of a filing fee of $250.00 if the petition has more than 2,000 names or $1,000.00 if the petition has from 1,000 to 2,000 names shall be filed with the election authorities of the city at least 60 days before the date for holding the election of council

Section 206 Completion of Nomination Within ten days after the filing of a nominating petition the election authorities shall notify the person named therein as a candidate whether the petition is found to satisfy all the prescribed conditions If the person is informed that the petition does not satisfy all the prescribed conditions he shall have five days from the date of the receipt of the notice to comply with the prescribed conditions If he is informed that the petition does satisfy all the prescribed conditions or if he complete and accept the nomination or if he receives as as provided herein he shall have fifteen days after the last day for filing nomination petitions to file with the election authorities a written acceptance of the nomination The names of only those persons who file such acceptances shall be printed on the ballots as candidates for council

Section 207 Return of Filing Fee If the candidate does not complete and accept the nomination or if he receives as many as 10,000 votes at any stage during the election count the filing fee shall be returned but otherwise the filing fee shall be retained by the city

Section 208 Ballots The ballots and ballot boxes to be used in electing council shall be separate and distinct from those used for any other office or question The ballots for the election of council shall differ from other ballots in the following respects

(a) Series of Ballots by Rotation of Names The ballots shall be printed in as many different series as there are candidates for council Each series of ballots shall be given a series number Series number 1 shall list the names of the candidates in alphabetical order series number 2 shall list the names in the same order except that the first name shall appear last and so on with the remaining series

(b) Party Designations After the name of a candidate on the ballot shall appear the name of his political party if but only if he shall in writing request the election authorities to make such designation and they shall find that he is duly registered as a voter of that party and that it is a political party as defined by law

(c) Space for Other Candidates There shall be at least eleven blank spaces for writing names below the printed names of the candidates and such spaces shall be preceded by voting squares as in the case of printed names Below such spaces there shall be conspicuously printed "Spaces Above May Be Used for Voting for Additional Candidates"

(d) Instructions to Voters The following instructions to voters shall be printed on each ballot

INSTRUCTIONS

Make your choices with Numbers only Do Not use X marks

Put the number 1 in the square opposite the name of your first choice

Put the number 2 opposite your second choice the number 3 opposite your third choice and so on You may mark as many choices as you please

Do not put the same number opposite more than one name

If you tear or deface or wrongly mark this ballot return it and obtain another

Section 209 Distribution of Ballots in Tablet Form The ballots shall be prepared in tablet form so that each tablet will contain an equal number of ballots from each series arranged in such combinations that two ballots of the same series will not be next to each other The tablets of ballots prepared in the manner herein designated shall be distributed to the election districts

Section 210 Central Collection As soon as the polls have closed the election officers at each polling place shall without opening it seal the ballot box used for ballots for council and send it at once as directed by the election authorities together with a record of the number of ballots for council which have been voted in the polling place to a central counting place designated by the election authorities

Section 211 Counting Personnel The election authorities shall appoint pursuant to civil service requirements a counting director as the head of the personnel for the counting of ballots for council The counting director shall appoint pursuant to civil service requirements a sufficient staff of assistants

Section 212 Checking Ballots in Boxes At the central counting place the ballots found in each ballot box shall be marked so as to identify them thereafter as from that box and the total number of ballots shall be ascertained The total number shall be recorded and compared with the record sent from the corresponding polling place The result of this comparison shall be made available to the public

with notations setting forth corrections changes and discrepancies All ballots found in the ballot box which bear no evidence of being improperly cast shall be accepted

Section 213 Arrangement of Ballots The ballots shall be arranged in packages in the following order of election districts the first district of the first ward the first district of the second ward the first district of the third ward and so on through the wards then the second districts in the numerical order of the wards the third districts in the same order and so on through all the districts

Section 214 Sorting of Ballots The ballots of each election district shall be sorted according to (1) the first choices marked on them (2) the invalid ballots and (3) blank ballots

Section 215 Rules for Validity If a ballot does not clearly indicate which candidate the voter prefers to all others or if it is so marked not in accordance with the instructions to voters printed on it or with the specific provisions for valid ballots in this section as to be readily capable of identification it shall not be counted and shall be invalid Every other ballot shall be sorted according to the apparent intent of the voter so far as that can be clearly ascertained whether or not marked according to the instructions printed on it or the specific provisions for valid ballots in this section Any cross mark shall be disregarded except that if there is a single cross marked on a ballot on which no number 1 appears the cross mark shall be considered equivalent to the number 1 If the number 1 is omitted or if the consecutive numerical order of the numbers on a ballot is broken by the omission of one or more numbers the smallest number marked shall be taken to indicate the first choice the next smallest the second choice and so on without regard to the number or numbers omitted

Section 216 Numbering and Counting Ballots The ballots which each candidate receives in each election district shall be numbered consecutively and the total number of ballots for each candidate shall be ascertained The invalid and blank ballots shall be similarly numbered

Section 217 Limited Vote Each candidate shall be credited with every valid ballot counted to him as first choice or which may subsequently be counted to him as hereinafter provided no ballot shall be credited to more than one candidate at the same time

Section 218 Quota The quota of votes sufficient to elect a councilman shall be one-twelfth of the whole number of valid ballots disregarding fractions plus one

Section 219 Election of Candidates Receiving the Quota Transfer of Extra Ballots Those candidates who have a quota or more shall be declared elected The candidate with the largest number of ballots on which he is designated as first choice shall be declared elected first If two or more candidates have ballots in excess of the quota the excesses shall be transferred in the order of their sizes For each such transfer there shall be selected by lot an election district from which the first ballots for transfer shall be taken Any additional excess shall be taken from the remaining election districts in the order in which they have been arranged ballots of the first election district of the first ward to be taken after those of the last election district of the last ward In taking ballots from any election district for this purpose the transfer shall be made in the ascending order in which the ballots are numbered If a ballot shows only choices for candidates already elected it shall be temporarily set aside until all the extra ballots of the elected candidate have been transferred Such ballots shall then be substituted for an equal number of ballots which show a choice for an unelected candidate taken in continuation of the order of transfer herein stated Whenever a candidate receives enough transferred ballots to complete his quota he shall be declared elected and no more ballots shall be transferred to him

Section 220 Minimum Vote Requirement After the completion of the transfers of extra ballots every candidate credited with fewer than 1,000 ballots shall be declared defeated

Section 221 Transfer of Ballots of Defeated Candidates The ballots which were credited to candidates who are declared defeated shall be transferred each to the candidate indicated on it as next choice among the continuing candidates A "continuing candidate" is a candidate not yet elected or defeated Any ballot of a defeated candidate taken for transfer which does not clearly indicate any continuing candidate as next choice shall be set aside as exhausted If a ballot has the same choice for two or more candidates the duplicated choices shall be disregarded except as to continuing candidates If two or more of the candidates marked with the duplicated choice are continuing and all previous choices have been elected or defeated the ballot shall be set aside as exhausted

Section 222 Defeat of Other Candidates After the transfer of the ballots as provided above the candidate with the least amount of votes shall be declared defeated and each ballot credited to him shall be transferred to the continuing candidate indicated thereon as next choice After this transfer the candidate then lowest shall be declared defeated and each ballot shall be transferred to the continuing candidate indicated thereon as next choice and so on

Section 223 Ties In deciding any tie a candidate shall be treated as having more votes than another if he was credited with more votes at the end of the last preceding transfer or crediting of ballots at which the numbers of their votes were different Any tie not thus decided shall be decided by lot

Section 224 Completion of Count The count shall proceed with the transfer of ballots until eleven candidates have been declared elected or until the number of the continuing candidates is equal to the number of councilmen still to be elected In either event there shall be completed the transfer of the ballots of the last candidate defeated when the successful candidates are all determined

Section 225 Recount Every ballot which is transferred from one candidate to another shall be so stamped or marked as to indicate the candidate or candidates to whom it has been credited If in correcting an error or in recounting ballots for any other purpose any ballots are resorted or retransferred every ballot shall be made to take the same course which it took in the original count unless the correction of an error requires its taking a different course

Section 226 Witnessing the Count The following shall be entitled to witness the count

(a) Candidates and Representatives Each candidate may personally witness the count and may appoint three representatives with authority to move anywhere within the central counting place but not more than one of the three persons authorized to represent each candidate shall have the right to be within the central counting place at the same time The appointment of representatives shall be made by written communication to the election authorities at least five days before the election

(b) Election Authorities The election authorities may witness the count and examine all proceedings They may decide any dispute arising in the count of the ballots

(c) News Representatives and Public So far as may be consistent with good order and convenience news representatives and the public shall be afforded every facility for being present and witnessing the count.

Section 227 Examination of Ballots After Election The ballots cast at each election shall be preserved by the election authorities so as to keep separate (1) the ballots of each elected candidate (2) the exhausted ballots (3) the invalid ballots and (4) the blank ballots until the term of the council elected thereat has expired The ballots shall be available for inspection under the close supervision of the election authorities on written application signed by 100 or more voters and the payment of $25.00 for each day on which such inspection is held

Section 228 Publication of Information Before December fifteenth following each election of council the election authorities shall make public for each election district the number of (1) first-choice votes for each candidate (2) invalid ballots (3) blank ballots and (4) such other information about the ballots as the election authorities may deem of interest or council may require

Section 229 Mechanical Devices Council shall have the power to provide for the use of mechanical or other devices for voting or for counting votes for council in

accordance with the principles set forth herein For this purpose council may modify the form of the ballot the arrangement of names on the ballot the method of expressing choices and the arrangements for conducting the election and the count but no change shall be made which will alter or impair the principles of the voting or of the counting

Section 230 Vacancies in Council If a vacancy occurs in council the election authorities of the city shall recount all the ballots of the person whose office is vacant together with the exhausted ballots The recount shall be conducted as provided for the count in an election of members of council and all candidates who remain eligible shall be candidates to fill the vacancy except candidates previously elected The quota shall be the same number as at the original election for the term in which the vacancy occurs and as many persons shall be elected as there are vacancies to be filled If there is no eligible candidate to fill a vacancy it shall be filled by a majority vote of the remaining councilmen in office

Article III Departments

Section 301 List of Departments There shall be the following departments

1 Department of Recreation and Parks
2 Department of Public Health
3 Department of Medical and Social Welfare
4 Department of Detention and Correction
5 Department of Public Safety
6 Department of Public Utilities
7 Department of Public Works
8 Department of City Property
9 Department of Port Commerce and Industry
10 Department of Law
11 Department of Civil Service
12 Department of City Planning
13 Department of Finance
14 Department of City Controller
15 Department of City Treasurer

Section 302 Council Control Over Departments Council shall have the power to organize and reorganize the structure of any of the departments of the city government and to provide for the proper and effective conduct of the affairs of the city by the city manager and by its departments and agencies

Section 303 Department Rules and Regulations Each department shall have power to prescribe rules and regulations not inconsistent with any statute or ordinance for its own government as to the conduct of its officers and employes the distribution and performance of its business and the custody use and preservation of the books records papers and other property under its control Such rules and regulations shall not affect the power of any board or commission which has the power to make its own rules and regulations

Section 304 Department Heads The head of each department shall be called its director except as otherwise provided by law He shall exercise the powers and perform the duties by law vested in and imposed upon the department except as otherwise provided herein Council shall fix the salaries to be paid department heads unless otherwise provided by law and all such salaries so fixed shall be the same No department head shall hold any other office or employment for profit whether it be public or private

Section 305 Powers of Departments Vested in City The powers and duties vested and imposed by this or any other law or any department bureau office agency or head thereof shall be taken as vested in the city to be exercised and performed as herein provided unless otherwise provided by law

Section 306 Other Officers and Employes Except as otherwise provided in this Act the city manager shall appoint the assistant director of each department and the first assistant city solicitor In the absence or incapacity of the department head to act or if there is a vacancy in the office of the department head the assistant of that department shall possess all the powers and perform all the duties of the head of that department until the head returns or his incapacity is removed or until a new head assumes office as the case may be The head of the department shall have charge of the appointment of such officers and employes as the city manager may delegate to him

Section 307 Bond Except as otherwise provided by law each department head shall give bond with surety in the usual form in such sum as may be fixed by council to be approved as now provided by law

Section 308 Warrants The head of each department shall have power to sign warrants and to appoint in writing one or more deputies to sign warrants for whose acts he and his sureties shall be responsible Every written order appointing a deputy to sign warrants under the provisions of this Section shall be filed in the office of the city controller

Section 309 Annual Report Each department head shall submit annually a report of his department to the city manager

Article IV Department of Recreation and Parks

Section 401 Director There shall be a department of recreation and parks of which the director of recreation and parks shall be the head He shall be appointed by the city manager subject to qualifications of office fixed by the board of recreation and parks

Section 402 Powers of Department (a) The department of recreation and parks shall have the care managament administration and supervision of all recreation and park facilities and property including without limitation all parks parkways municipal squares objects of art objects of natural history music facilities playgrounds athletic fields swimming pools bath houses bathing and shower facilities recreation centers recreation piers municipal recreation camps and stadia either within of without the limits of the city so long as they are owned used or controlled by the city (b) The department shall have the exclusive and absolute custody and control of and power to plant set out remove maintain protect and care for shade trees on any of the public ways of the city (c) The director of recreation and parks and such employes as he may designate may act together with school district representatives as a joint committee for the administration of those recreation activities for which school district property and facilities are used The expense of such a joint committee may be paid by the city by the school district or by both subject however to an appropriation or appropriations duly made (d) The department of recreation and parks shall not maintain and repair any roads or highways or supervise or control park guards

Section 403 Board of Recreation and Parks A board of recreation and parks shall be attached to the department of recreation and parks The board shall consist of seven persons appointed by the mayor for terms of seven years each except that the term of the first seven appointees shall be one two three four five six and seven years respectively as shall be indicated by the mayor at the time of their appointment They shall elect a chairman from their own number They shall receive no compensation

Section 404 Powers of the Board The board of recreation and parks shall

(a) act as trustees of and administer all trust funds for the benefit of the recreation and park facilities and activities of the city and for the planting of shade trees for which trusts there are or shall be no other trustees but the care management administration and supervision of such facilities and activities shall be by the department of recreation and parks

(b) appoint from its membership such persons as the city may be authorized to designate to participate in the management of any association or corporation which uses recreation or park property or facilities or which is engaged in recreation or park activities

(c) submit to the director for submission to council with such changes as he may deem desirable a schedule of reasonable charges for the use of recreation and park facilities or property which schedule council may adopt with or without changes such charges to be paid into the treasury of the city but council shall appropriate at

least an equal amount of money for the same general purpose for whcih the money has been paid

(d) prepare a comprehensive long-range plan for the extension of recreation and park facilities into new areas within or without the city for the benefit of the residents of the city and pursuant to this plan the board shall submit to the planning board an annual report including a capital budget and

(e) co-operate with those engaged in recreation or park activities within and without the state

Article V Department of Public Health

Section 501 Director There shall be a department of public health of which the director of public health shall be the head He shall be appointed by the city manager He shall be a doctor of medicine licensed in one of the states or by the Federal Government and shall have completed at least one year of graduate study of public health and shall have been at least five years a director or assistant director of public health in a governmental entity of a population of 50,000 or more

Section 502 Powers of Department The department of public health shall have the care management administration and supervision of city activities relating to public health including without limitation (a) the activities relating to infectious and contagious diseases except hospitals for contagious diseases (b) health education (c) the promotion of maternal and child health (d) the compilation of such records as may be necessary for the promotion of Public health (e) the regulation and inspection of housing sanitation water plumbing and drainage facilities and (f) the testing of water milk meat and other foods The department shall test the water supply at least once each month and shall make a report thereon to the city manager Reports of all such tests shall be open to the public

Section 503 Care and Inspection of City Employes The department shall have responsibility for such care and inspection of the health of city officers and employes as may be provided by law

Section 504 Board of Health A board of health shall be attached to the department of public health It shall consist of five persons who have a knowledge of and have demonstrated an interest in public health and at least three of whom shall be licensed doctors of medicine with not less than ten years' experience in public health administration or in teaching in a medical school Each member of the board shall be appointed by the mayor for a term of five years except that the terms of the first five appointees shall be one two three four and five years respectively as shall be indicated by the mayor at the time of their appointment They shall elect a chairman from their own number The members of the board shall receive no compensation The board shall have the powers and duties now vested in it by law

Article VI Department of Medical and Social Welfare

Section 601 Director There shall be a department of medical and social welfare of which the director of medical and social welfare shall be the head He shall be appointed by the city manager

Section 602 Powers of Department The department of medical and social welfare shall have the care management administration and supervision of city activities relating to medical and social welfare including without limitation (a) all charitable indigent medical and poor assistance activities institutions and agencies which are under the control of the city and are not administered by any other department (b) the placement of dependent neglected incorrigible and delinquent children whose support is paid for out of the city treasury the fixing of appropriate standards for institutions in which such children are placed and the supervision of such children if they are not placed in institutions (c) the performance of the functions of the city as to supervision and licensing of medical and social agencies and institutions and (d) the approval and disapproval of bills of the Commonwealth to the city for residents in state institutions for the insane and feeble minded The powers of the department shall not be construed to interfere with the functions of any board of directors of city trusts

Article VII Department of Detention and Correction

Section 701 Director There shall be a department of detention and correction of which the director of detention and correction shall be the head He shall be appointed by the city manager

Section 702 Powers of Department The department of detention and correction shall

(a) have the care management administration and supervision of all institutions owned by the city and used for detention reformation or correction including without limitation houses of correction reformatories work houses farms and jails but not including hospitals police stations and institutions used exclusively for the detention or correction of juveniles

(b) have the care custody control and transportation of all persons who have been detained in institutions under the supervision of the department until their unrestricted freedom or until their removal to a different agency pursuant to court order and of such juveniles as the courts may from time to time refer to this department

(c) furnish the judges of the courts of the Commonwealth located in the city with all probation service except for juveniles below the age of sixteen or disobedient idle and disorderly minors between the ages of sixteen and twenty-one unmarried mothers disorderly street walkers persons charged with non-support and desertion and other cases involving problems of family life and with all parole service for adults and with all medical psychological and psychopathic service required in connection with the detention and correction of persons who have been charged with crime or have been sentenced or whose sentences have been postponed or suspended

(d) collect hold keep accounts of and disburse all monies in every case in which an order has been made for support which is enforceable by imprisonment and

(e) at any hearing in the city on a petition for parole of a person in the custody of the department submit to the court a report and a recommendation as approved by the board of probation and parole pertaining to the granting of the parole Provided that nothing herein contained shall be construed to derogate in any way whatsoever from the powers of the Judges of the Municipal Court of Philadelphia or to limit the jurisdiction thereof or in any way change alter or amend any of the provisions of the Act of July 12 1913 (Pamphlet Laws 711) creating the Court or the amendments and supplements thereto

Section 703 Board of Probation and Parole A board of probation and parole shall be attached to the department of detention and correction The board shall consist of the director of the department ex-officio three persons appointed by a majority of judges of the courts of common pleas of the county in which the city is situated and three persons appointed by a majority of the judges of any other trial court of the Commonwealth having any criminal jurisdiction in such county Members of the board other than the ex-officio member shall hold office for a term of seven years The members shall elect a chairman from their own number The members of the board shall receive no compensation The board of probation and parole shall have the power and duty to inspect all institutions under the jurisdiction of the department and to make rules and regulations pertaining to the supervision of persons released on probation by any court located in the city or released on parole from any institution under the supervision of the department

Article VIII Department of Public Safety

Section 801 Director There shall be a department of public safety of which the director of public safety shall be the head He shall be appointed by the city manager The city manager shall have the power to appoint a fire marshal and assistants who shall continue to have the powers and duties now or hereaftear vested in them by law

Section 802 Powers of Department The department of public safety shall have the care management administration and supervision of the police affairs of the city including without limitation all matters relating to (a) the fire and police forces including the park police (b) the installation repair and maintenance of fire alarm police

communication and traffic light systems (c) the erection care and maintenance of traffic signs and the marking and maintenance of traffic lines (d) the inspection of weights and measures (e) the enforcement of laws regulating the weight of loaded vehicles on the highways and (f) the inspection of and issuance of permits for the construction of buildingss fire escapes engines and boilers

Section 803 Qualifications of Policemen and Firemen No person shall be employed in the department of public safety as a policeman or fireman who is not a citizen of the United States or has been convicted of crime unless pardoned or cannot read or write understandingly in the English language or shall not have resided within the Commonwealth at least one year preceding his appointment

Section 804 Police Matrons A female officer shall be provided for each police station house to which female prisoners and children are taken She shall be known as a police matron and it shall be her duty to receive search take charge of and properly care for all female prisoners and children who are brought to such station house

Section 805 Uniforms Penalty for False Personation The department of public safety shall make suitable regulations under which the officers and members of the fire and police forces shall be required to wear appropriate uniforms It shall be a misdemeanor punishable by fine not exceeding five hundred dollars or imprisonment not exceeding six months or both in the discretion of the court for any person falsely to personate by uniform insignia badge or otherwise any officer or member of the department

Section 806 Additional Patrolmen for Special Places The director of public safety may appoint and cause to be sworn in any night watchmen or any number of additional patrolmen to do duty at any public athletic or social gathering at the expense of the persons who ask for such appointment They shall be subject to and obey the orders rules and regulations of the department and conform to the general discipline and special regulations thereof

Article IX Department of Public Utilities

Section 901 Director There shall be a department of public utilities of which the director of public utilities shall be the head He shall be appointed by the city manager

Section 902 Powers of Department The department of public utilities shall have the care management administration and supervision of all waterworks including the reading of the meters gas works harbor facilities and operations other than dredging and ice breaking transit and airport facilities and other public utilities owned controlled or operated by the city The department shall determine the character and type and shall control the design and supervision of the construction of all utilities and of all additions replacements betterments and extensions to utilities which are to be paid for in whole or in part out of the city treasury or out of the revenues or other funds of utilities owned controlled or operated by the city It shall have the power to enter into contracts subject to the approval of council to supply utility service to persons firms corporations or municipalities outside the city limits, such contracts need not be approved by the Public Utility Commission

Section 903 Accounts and Reports Accounts shall be kept for each public utility owned controlled or operated by the city distinct from other city accounts and in such manner as to show all the operations and financial results of such city ownership control or operation including all assets liabilities reserves funds revenues and expenses Such accounts and other records shall be kept in the manner provided by law The director in his annual report to the city manager shall show in reasonable detail the information specified in this section and such other information as council or the city manager shall direct

Section 904 Utility Surveys The director shall from time to time make or cause to be made such studies and surveys as to him seem proper for the improvement and development of the utilities which are in whole or in part owned controlled or operated by the city or for the purpose of determining the need or desirability for city acquisition or construction of other utilities He shall upon the request of the city manager investigate study and advise concerning rates and services of any public utility serving the city or its residents

Article X Department of Public Works

Section 1001 Director There shall be a department of public works of which the director of public works shall be the head He shall be appointed by the city manager

Section 1002 Powers of Department The department of public works shall have the administration and supervision of (a) the design and construction of bridges the grading and paving of all streets alleys highways and footways of the city and the care repairing maintenance and cleaning thereof and all matters and things relating to or affecting the streets alleys highways and footways within the city and its park areas (b) the collection and disposal of refuse (c) surveys and (d) the design construction maintenance and operation of drainage sewerage and sewage disposal facilities

Section 1003 Board of Surveyors The board of surveyors shall consist of a chief engineer and surveyor who shall be president thereof an assistant chief engineer and surveyor who shall be vice-president thereof and the surveyors and regulators of the several survey districts Council shall have power to divide the city into survey districts and to increase or reduce the number thereof There shall be a chief engineer and surveyor an assistant chief engineer and surveyor and a surveyor and regulator for each survey district The chief engineer and surveyor shall be at the time of appointment a registered civil engineer of at least five years' experience The assistant chief engineer and surveyor and each district surveyor and regulator shall have had at the time of appointment at least five years' experience in surveying and regulating The board of surveyors shall be attached to and be a part of the department of public works and shall continue to have the powers and duties now vested in it by law

Article XI Department of City Property

Section 1101 Director There shall be a department of city property of which the director of city property shall be the head He shall be appointed by the city manager

Section 1102 Powers of Department Except as otherwise provided in this Act the department of city property shall have charge of (a) the administration and supervision of the design construction alteration and repair of all public buildings and structures to be paid for out of the city treasury (b) the care management operation and cleaning of all public buildings including commercial museums exhibition and convention halls markets and all offices leased or occupied for public use which are to be paid for out of the city treasury and (c) the operation of a central municipal telephone mail and messenger service

Section 1103 Bureau of Architecture There shall be in the department a buerau of architecture to be headed by a city architect Its duty shall be to prepare all plans and general specifications of public buildings to be paid for out of the city treasury but the city architect may appoint subject to the approval of the city manager architects in private practice for a particular project when in the opinion of the city architect and the head of the department under whose jurisdiction the work is to be done the character or magnitude of the project requires the employment of architects in private practice.

It shall be unlawful for the city controller to countersign or for the city treasurer to pay warrants or checks for the expenditure of monies from the city treasury for the erection or construction of any public building except upon certificate of the city architect that the drawings plans and general specifications of such public building have been prepared drafted and executed by him or under his supervision or by an architect selected as above set forth

Article XII Department of Commerce and Industry

Section 1201 Director There shall be a department of port commerce and industry of which the director of port commerce and industry shall be the head He shall be appointed by the city manager

Section 1202 Powers of Department The department of port commerce and industry shall have the powers and duties now by law vested in and imposed on the director of wharves docks and ferries The department shall also manage all city activities relating to the promotion and development of the commercial and industrial interests of the city including without limitation promotional activities in connection with any commercial museums and exhibition or convention halls and shall assist the city solicitor in proceedings concerning transportation rates and shall promote and develop aviation and port activities The department shall have the power to make rules and regulations and to fix schedules of fees for the purpose of permitting persons firms or corporations to make incidentals use of facilities which are devoted primarily to the commercial and industrial development of the city Such rules regulations and schedules shall not be inconsistent with any ordinance of council

Section 1203 Board of Commerce and Industry A board of commerce and industry shall be attached to the department of port commerce and industry The board shall consist of seven persons appointed by the mayor for terms of seven years each except that the terms of the first seven appointees shall be one two three four five six and seven years respectively as shall be indicated by the mayor at the time of their appointment They shall elect a chairman from their own number They shall receive no compensation The board shall advise the department in matters relating to the exercise and performance of its powers and duties

Article XIII Department of Law

Section 1301 City Solicitor There shall be a department of law of which the city solicitor shall be the head He shall be appointed by the city manager The city solicitor assistant solicitors and all other employes engaged in the practice of law shall be attorney-at-law admitted and qualified to practice in the Supreme Court of this Commonwealth

Section 1302 Powers and Duties The city solicitor shall

(a) be the counsel for the city for all branches of the city government including council and except as provided herein for all departments and officers of the city and for all public agencies the expenses of which are paid out of the city treasury and the authorization in writing of the city manager shall be a sufficient warrant of attorney for representing the city its departments and officers

(b) prepare or approve all contracts to be made with the city or any of its trusts and departments or with any public agency the expenses of which are paid out of the city treasury and indorse on each his approval of the form thereof before the same shall be executed on behalf of the city and be the custodian of all such papers and records as may be designated and perform such other duties appertaining to his department as may be required by statute or ordinance and

(c) prepare or approve all contracts bonds and other instruments of writing in which the city or any other instrument of writing in which the city or any public public agency the expenses of which are paid out of the city treasury is concerned and receive for the city a reasonable fee from the persons for whom such contracts bonds or instruments may be drawn to be fixed by ordinance and shall approve all security required to be given for the protection of the city and keep a proper registry of all such contracts bonds and instruments

Section 1303 City Solicitor to Serve All Departments No department or other branch of city government or public agency whose expenditures are paid out of the city treasury other than the civil service commission and the city controller shall employ counsel other than the city solicitor but assistant counsel selected by the city solicitor may be employed in any particular matter or cause by the city manager with the consent of council

Article XIV Department of Civil Service

Section 1401 Diector There shall be a department of civil service of which the personnel director shall be the administrative head He shall be selected in the manner hereinafter provided

Section 1402 Civil Service Commissiino A civil service commission shall be attached to the department of civil service The commission shall be composed of three persons known to be in sympathy with the application of the merit system and of other features of modern personnel practices in the public service The commissioners shall be elected by each newly elected council at its first meeting for a term of four years

Section 1403 Election of Commissioners A person eligible for commissioners shall be elected by the affirmative vote of not less than three nor more than five councilmen provided however that no councilman may participate in the election of more than one of the three commissioners

Section 1404 Vacancies A vacancy in the membership of the commission shall be filled by the affirmative vote of a majority of those councilmen who did not vote for the commissioners remaining in office

Section 1405 Eligibility and Salaries of Commissioners No person who holds any public office or who within one year preceding his election has been an officer of a political party or a member of a committee of a political party shall be eligible to serve as a commissioner The commissioners shall elect from their own number a chairman to serve for two years and shall receive an annual compensation of $2,500 Each of the other commissioners shall receive an annual compensation of $2,000

Section 1406 Removal of Commissioners Council may by the affirmative vote of two-thirds of its members holding office remove any commissioner for inefficiency neglect of duty or misconduct in office A commissioner shall not be removed until he has been given a statement in writing of the charges against him and has been afforded after notice of not less than ten days an opportunity of filing a reply and of being publicly heard by council in person or by attorney Copies of the charges of his reply and of the findings of council shall be filed with the secretary of the commission and they shall be matters of public record

Section 1407 Meetings The commission shall hold regular meetings as fixed by rule

Section 1408 Powers and Duties of Commission

(a) The commission shall

1 after public hearing adopt or change rules for the administration and enforcement of this Article which rules shall have the force and effect of law one week after their adoption

2 after public hearing approve with or without modification such classification plans as may be recommended by the director

3 make investigations requested by the city manager or council or may make investigations requested by any employe or by a citizen or of its own motion concerning the enforcement and effect of this Article

4 transmit to council and to the city manager the report of the director with comments criticisms or suggestions for the more effectual accomplishment of the purposes of this Article and

5 keep complete and permanent records open to public inspection of all actions taken at its meetings and hearings

(b) Each member of the commission the director and any other employe or agent authorized by the commission shall have the power to administer oaths in matters pertaining to the work of the department The commission shall have power to secure by subpoena the attendance of witnesses and the production of documents and other evidence Any judge of a court of record may upon application by the commission compel the attendance of witnesses the production of documents and other evidence and the giving of testimony before the commission by attachment for contempt or otherwise in the same manner

as the production of evidence may be compelled before such court

(c) The commission shall have the power to make arrangements and agreements with other public personnel agencies for the use and exchange of services

Section 1409 Public Hearing The term "public hearing" when used in this Article shall be construed to mean an opportunity given after notice of a least five days for any citizen or party in interest to be heard in public at reasonable length

Section 1410 Personnel Director A special board of examiners designated by the commission shall hold competitive tests and establish an employment list for the office of personnel director in accordance with the testing procedure and principles prescribed in this Article The commission shall certify to the city manager the names of the persons having the three highest grades on the list From the names so certified the city manager shall appoint the director Any person appointed as director shall at the time of his appointment be familiar with and known to be in sympathy with the application of the merit system in the public service

Section 1411 Powers and Duties of Director The director shall

(a) attend all meetings of the commission act as its secretary and record its official actions

(b) prepare and recommend to the commission rules and amendments thereto and administer the rules adopted by the commission

(c) appoint under the provisions of this Artcile an assistant director and all other employes of the department

(d) establish and maintain in card or other suitable form a roster of officers and employes of the city showing for each the title of his position the rate of compensation and every change in his status including increases and decreases in pay changes in title transfers sick and annual leaves with or without pay and other facts which the director may consider pertient

(e) prepare a classification plan as provided in this Article

(f) prepare a compensation plan as provided in this Article

(g) pass upon the qualifications of applicants for appointment to or for promotion in the classified service establish and maintain employment and re-employment lists of the various classes of positions devise install and administer service rating systems arrange for and pass upon transfers administer rules of the commission as to annual sick and special leaves of absence reinstatements and attendance and see that layoffs demotions suspensions removals resignations retirements and other separations are made in accordance with this Article

(h) check and certify payrolls as provided in this Article

(i) make on or before March 1st of each year an annual report to the commission concerning the administrative work of the department and

(j) investigate from time to time the effects of the administration of this Article and the rules made thereunder and report his findings to the commission

Section 1412 Legal Counsel The city solicitor shall be the counsel for the commission The commission may however whenever it deems it necessary appoint special counsel in a particular matter The total compensation to be paid for all such special counsel during any fiscal year shall not exceed $2,500

Section 1413 Division of Service The civil service of the city is hereby divided into the unclassified and classified service

(a) The unclassified service shall comprise

1 the city manager and all officers elected by the people
2 the director of each department except the personnel director
3 members of boards and commissions established by this Act
4 the city solicitor and the first assistant city solicitor
5 the first deputy controller and the assistant treasurer
6 any one employed by contract to perform a special service for the city if the civil service commission certifies that the service cannot be performed satisfactorily by persons in the classified service
7 any one appointed in the time of public emergency as a special policeman or fireman for service not to exceed thirty days
8 any one appointed to make a special inquiry if the civil service commission certifies that the inquiry should not be made by any one in the classified service
9 one clerk or secretary to the mayor one to the city manager and
10 the clerk of council

(b) The classified service shall include all positions now existing or hereafter created in the service of the city not specificially included in the unclassified service The classified service shall be divided into the labor division and the competitive division The labor division shall comprise all positions the work of which can be satisfactorily performed by unskilled laborers The competitive division shall include all positions in the classied service other than those in the labor division

Section 1414 Classification Plan The director shall after consulting the appointing authorities ascertain and record the duties of positions in the classified service and establish classes giving a complete description of each class He shall submit the plan to the commission within twelve months after his appointment Each class in the plan shall include all positions which are sufficiently similar in respect to the duties and responsibilities thereof so that the same descriptive title may be used for each of such positions the same requirements as to education experience knowledge and ability are demanded of incumbents for the proper performance of their duties the same tests of fitness may be used in choosing qualified appointees and the same schedule of compensation may be made to apply with equity under like working conditions to all positions in the class

Section 1415 Adoption of Plan After reasonable opportunity to be heard has been given to employes appointing authorities and the general public and after approval by the city manager the commission after incorporating any changes it deems advantageous shall adopt the classification plan within three months after its receipt from the director Thereafter the class titles so esablished shall be used in all personnel accounting budget appropriation and financial records relating to payments for services

Section 1416 Amendments to Plan Additional classes may be established and existing classes may be changed or abolished upon recommendation of the director and approval of the commission after public hearing Except as otherwise provided by this Article no person shall be appointed to or employed in any position until it has been properly classified as herein provided and an appropriate employment list has been established therefor

Section 1417 Allocation of Positions After adoption of the classification plan the director shall allocate every position in the classified service to one of the classes established by the plan Thereafter as new positions are created or additional classes are established or existing classes changed the director shall make such allocations or reallocations of positions as are necessitated thereby provided however that where an amendment to the classification plan requires he reallocation of an existing position the employe holding such position shall have reasonable right to be heard before final action is taken

Section 1418 Compensation Plan The director shall as soon as practicable after the adoption of the classification plan submit to the city manager a proposed plan of compensation showing for each class of position in the classified service minimum and maximum salary rates and such intermediate rates as he dems desirable After a reasonable opportunity to be heard has been given to employes appointing authorities and the general public and after incorporating changes he considers desirable the city manager shall transmit the compensation plan to council Council shall adopt the plan with or without modification within three months after receiving it and may at any time change the compensation plan but only in accordance with the classification plan The city manager upon the recommendation of the director or upon his own motion may transmit

to council proposed changes in compensation plans and the reasons therefor

Section 1419 Rates of Pay After the adoption of a compensation plan or changes in the schedule of compensation for any class the future appropriations shall be in accordance therewith The rate of pay for any employe upon appointment to a position in the class shall be the minimum rate prescribed for that class provided however that where the appointee is already in the classified service his compensation after appointment shall be at the same rate as that which he received before appointment or if no such rate appears in the schedule for that class then his compensation shall be at the next higher rate in the schedule Increases in rates of pay shall be to the next higher rate for that class and shall be granted by the appointing authority pursuant to rules of the commission except that the rate of pay of any employe shall not be increased unless council has appropriated funds from which the increases may lawfully be paid nor shall the rate for any employe be increased beyond the maximum of the class

Section 1420 Selection of Employes Except as otherwise provided in this Article appointment of persons to the classified service or promotions therein shall be from employment lists established as the result of examinations which are competitive free and open to all persons subject however to such limitations as may be specified by the director as to age sex citizenship residence health habits and moral character and subject to the prerequisite qualifications included in the classification plan The director may upon recommendation of the city manager limit cimpetition in promotion examinations to employes in the classified service who have served in a designated class or classes

Section 1421 Reemployment Lists For each class where such action is appropriate the director shall cause to be maintained a reemployment list consisting of the names of persons who have occupied positions in the class and have been separated from the service without fault on their own part taken leave of absence and are ready to return to duty when a position is open resigned in good standing and with the consent of the appointing authority and of the director have withdrawn their resignations been removed and by direction of the commission have been given an opportunity for reemployment in some unit other than that from which they have been dismissed The names shall be arranged for each class in the order of the average service rating of the employes for the last six months of service in the class In the absence of service ratings the order shall be as provided by the rules of the commission After a name has remained on a reemployment list for one year it shall be removed from the list unless retained by action of the commission before the expiration of the one-year period

Section 1422 Employment Lists The director shall have charge of preparing and giving examinations to establish employment lists whenever he deems such employment lists necessary An examination may consist of a written or oral test a demonstration of skill or of any combination of these and shall be of such character as fairly to test and determine the qualifications fitness and ability of competitors to perform the duties of the class of positions to which they seek appointment In such examinations credit may be given for experience and education No question in any examination shall relate to the race religion politics or labor opinion or affiliation of the candidate The director may call on other persons to draw up conduct or mark examinations and when such persons are officers or employes of the city it shall be deemed a part of their official duty to render such assistance without extra compensation

Section 1423 Notice of Examinations The director shall give public notice of all examinations at least two weeks in advance The notice shall be posted on a bulletin board in or near the principal office of the director and in a place accessible to the public during business hours The examinations shall be given such other publicity as the director may determine Notices of examinations shall contain such information as may be provided by the rules of the commission

Section 1424 Marking of Examinations The final rating of each candidate in any examination shall be determined by weighted averages according to the weight of each test as published by the director in the notice of the examination Honorably discharged soldiers sailors and marines who have served as such in the Army Navy or Marine Corps of the United States or in the National Guard of the Commonwealth shall be given full credit for their experience gained in such service having due regard to the position for which the examination is held Each candidate shall be sent notice by mail of his final rating and of his relative standing or of his failure to attain a place upon the list and the reason therefor From the report of the examiners the director shall prepare an employment list containing the names of persons arranged in order of excellence who have been given at least such minimum rating as may be fixed in advance for the whole examination and for any one or more of the tests which make up the examination and who are otherwise qualified

Section 1425 Combination and Cancellation of Employment Lists Each employment list shall continue in force for a period to be fixed by the rules of the commission The period may vary for different classes of positions but may not be less than one year for any class Any period before its expiration may be extended by the commission upon recommendation of the director A new employment list for any class shall be combined with the existing list if any but such combination shall not prevent the automatic cancellation of any portion of such combined lists at the end of the period fixed by such rules unless held in force as above provided In no case however shall a person continue on an employment list for a period longer than two years The director shall examine any employment list or any part of an employment list which has been in effect for one year and shall take such steps as he may deem necessary to determine whether the presons on the list are still eligible and willing to accept appointment The director with the approval of the commission may at any time correct clerical errors in the preparation of any employment list and revise the list accordingly but no person who has been appointed as the result of certification shall be displaced by such action The commission shall have the power at any time after a public hearing to cancel the whole or any part of an employment list on account of illegality mistake or fraud

Section 1426 Tests for Labor Division Tests for positions in the labor division shall as far as practicable conform to the tests for the competitive division but the commission may by rule provide for the registration of ordinary unskilled laborers following such medical physical or other tests as may be prescribed The commission shall by rule determine the order in which the names shall be placed on the employment list and the number of names which may be certified

Section 1427 Appointment in the Classified Service

(a) Whenever a vacancy in a permanent position in the competitive division of the classified service is to be filled the appointing authority shall notify the director in writing The director shall certify the names of the three persons willing to accept appointment who are highest on a list consisting of the reemployment list for that class followed by the employment list for that class If this does not give three names to the appointing authority and if the appointing authority is not willing to choose from less than three names the director shall promptly conduct an examination to form or to increase an employment list

(b) A position shall be deemed to be permanent when it is specifically provided for in the annual financial program or when it is established in a department or institution according to law and is likely to be needed continuously for a period of six months or more

Section 1428 Provisional Appointments If the director shall fail to certify in the manner herein provided for an existing vacancy within thirty days after receiving a request the appointing authority may if necessary to prevent the serious impairment of public business but not otherwise appoint provisionally any qualified person with or without holding any test In all such cases the provisional appointee shall before beginning work fill out and forward to the director an application form Each such appointment shall be effective only until an appropriate list has been established Such an appointment shall not in any event continue for a total of more than sixty days Succes-

sive provisional appointments of the same or different persons shall not be made to the same position No credit shall be given to anyone in any examination for experience gained during a provisional appointment

Section 1429 Appointment or Rejection of Eligibles Unless it is found to be in the interest of the public service not to fill the vacant position the appointing authority shall wihin a reasonable time fixed by the rules of the commission make an appointment from the names certified by the director All appointments shall be reported to the director After a name has been rejected three times by an appointing authority in favor of others on the same employment list such name shall not again be certified to that appointing authority unless requested by him If an eligible shall refuse an appointment offered to him his name shall be removed from the reemployment or employment list if in the opinion of the director such refusal was based on improper or insufficient reasons

Section 1430 Temporary Employes When because of the pressure of work a position in the classified service must be established for a period of less than six months the appointing authority shall request the director in writing to certify the name of a qualified person The appointing authority shall state the cause of the extra work the probable length of employment and unless the position has been classified the duties which the appointee is to perform The director may certify a qualified person with or without holding a competitive examination for a period of employment not exceeding three months Such temporary appointments shall not be renewed more than once No credit shall be given in any examination for experience gained during a temporary appointment

Section 1431 Emergency Employes When an emergency arises such that in order to prevent loss of public property or avoid serious inconvenience to the public one or more persons must be immediately employed without taking the time to secure proper authorization any appointing authority or any subordinate authorized by him may appoint any qualied person during the emergency for a period not exceeding ten days Persons thus appointed shall be known as "emergency employes" Any employment condition of which the appointing authority had previous knowledge or of which by the exercise of due diligence he might have had previous knowledge shall not be considered an emergency Appointing authorities shall forthwith report to the director all emergency appointments Such appointments shall not be renewed nor shall credit be given in any examination for experience gained therefrom

Section 1432 Probationary period No appointment to a position in the classified service from the employment list shall be deemed complete until after the expiration of a probationary period The probationary period for each class of position shall be prescribed in the rules of the commission and shall in no case be less than two months nor more than six months At the end of two months and any time thereafter until the expiration of the probationary period the appointing authority may remove any probationary employe from his position if in the opinion of the appointing authority the employe has shown that he is unable or unwilling to do his duties satisfactorily provided however that the appointing authority shall furnish the director a statement in writing of the cause of the dismissal In no case shall the total probationary period of successive appointees to any one position extend beyond six months from the date of the first appointment

Section 1433 In-Service Training The director shall make plans and cooperate with appointing authorities and other supervising officials in respect to the conduct of employe training programs to the end that the quality of service rendered by persons in the classified service may be continually improved

Section 1434 Service Ratings The director shall as soon as practicable after this Article takes effect establish standards of performance and a uniform system of service ratings for each class of position Such standards shall as far as practicable be based upon the quantity and quality of work done and upon the conduct of the employe at work Service ratings shall constitute grounds for increases and decreases in rates of compensation for demotions and removals and for promotions Supervising officials shall submit to the director upon his request the ratings of their employes but in no case shall a supervising official be compelled to prepare or submit such ratings oftener than once in six months

Section 1435 Transfers of Employes An appointing authority may at any time transfer any classified employe under his jurisdiction from one position to another position in the same class In every such case the appointing authority shall give prior written notice of his action to the director A transfer of an employe from one class to another class for which a higher maximum rate of compensation is prescribed shall be a promotion and may be accomplished only as herein provided for promotions No person shall ever be transferred from a position in the unclassified service to a position in the classified service without examination as herein provided The transfer of an employe to a position in another class for which a lower maximum rate of compensation is prescribed or any transfer which involves a reduction in compensation shall be a demotion and may be accomplished only as herein provided for demotions Such demotions may be made upon the recommendation of the appointing authority or upon the petition of the employe supported by such evidence as the director may require to show that the employe is not performing satisfactorily in the position he is holding but is able to perform the duties of the class to which it is recommended or petitioned that he be demoted

Section 1436 Leaves of Absence The commission shall by rules provide for annual sick and special leaves of absence to employes with or without pay or with reduced pay No employe shall be granted leave of absence except pursuant to such rules

Section 1437 Layoffs Where a reduction in force is necessary because of changes in organization or because of stoppage or lack of work the employes having the lowest service rating in the unit and in the class affected shall be laid off In the absence of service ratings the order of layoff shall be established by rules of the commission The appointing authority shall promptly report to the director the name and position of any employe laid off together with the effective date of the layoff The name of said employe shall then be placed upon the reemployment list for the appropriate class as herein provided

Section 1438 Suspensions An appointing authority may for good cause suspend a classified employe for disciplinary purposes without pay for not more than thirty working days in any twelve-month period The commission shall state in its rules what shall constitute good cause for suspension but no one shall be suspended for racial religious or political reasons or for labor union affiliations Every case of suspension together with the reasons therefor shall forthwith be reported to the commission in writing and such report shall be made part of the public records of the commission

Section 1439 Dismissal During Probationary Period An employe dismissed during probation shall be considered permanently separated from such position but the director may if he considers such action appropriate place the name of the person on the employment list of the appropriate class for future certification to other appointing authorities

Section 1440 Resignations The rules of the commission shall state what shall constitute resignation Absence from duty without notice to the appointing authority for a period of three working days may be regarded by the appointing authority pursuant to rules of the commission as an abandonment of a position and in effect a resignation No person who has voluntarily resigned from the service shall be reinstated within six months from the effective date of his resignation No resignation of any person in the classified service shall be effective unless accepted within fifteen days after the actual date of the making thereof No person in advance of or at the time of his appointment to any position in the civil service shall sign or execute a resignation dated or undated No resignation shall be made or shall be valid unless it bears the signature of the person resigning and the date of the resignation in his handwriting Any person who leaves the classified service may request the commission in writing for a public hearing stating his reasons for such a request

If on investigation the commission finds that the employe has been forced to resign against his will and without just cause or that his separation from the service has been involuntary and without just cause the commission shall grant such person at the earliest opportunity a public hearing as hereinafter provided in the case of removal or demotion and shall treat the separation as though it were a removal

Section 1441 Dismissals and Demotions

(a) No person in the classified service shall be dismissed reduced in pay or demoted in position except for just cause Race or religion or political or labor affiliation shall not constitute just cause No person shall be dismissed reduced or demoted except as otherwise herein specifically provided until he shall have been furnished by the appointing authority with a writtn notice setting forth the reasons for such action and allowed a least ten days to file a written answer In every case a copy of such reasons and of the answer thereto if any shall be promptly furnished to the commission and shall be part of its public records

(b) Within thirty days after receiving such records the commission may on its own initiative and shall upon the request of the employe if filed within ten days after his dismissal reduction or demotion make such investigation as it may deem advisable either sitting as a body or through one or more of its members or through the director The investigation and any hearings on the charges shall be for the purpose of determining whether the employe involved by reason of his act or acts as charged and his record of service merits continuance in the service or whether he should be dismissed reduced or demoted or otherwise disciplined for the good of the service In all hearings the commission shall not be required to follow established rules of evidence or court procedure but shall seek all information and evidence bearing on the merits of the ase All such hearings shall be open to the public and the employe involved shall have opportunity to be heard in his own defense personally or through counsel Within fifteen days after the completion of an investigation or hearing the commission shall make its findings and render its decision which shall forthwith be certified to the appointing authority and forthwith enforced by him Charges against any employe in the classified service asking for his removal for a violation of law or for a cause stated in the rules may be filed before the commission by any taxpayer Such charges shall be investigated determined and enforced in the manner provided in this Section unless the commission shall decide that the charges do not warrant investigation in which case the decision of the commission shall be made part of its public records

Section 1442 Certification of Payrolls No payroll check shall be issued or paid except upon warrant of the city controller The city controller shall issue no warrant for services except upon payrolls containing the names titles periods for which payments are to be made and rates of any of the persons to be paid and bearing the certificate of the personnel director that the persons on the payroll have been appointed and employed according to law and bearing the certificate of the respective department that the persons on the payroll have been present and working or have been on authorized leave with pay for the period specified Any sums paid contrary to the provisions of this Article and the rules thereunder may be recovered from the officer or employe who violates such provisions and rules or from their sureties Actions for such recovery may be maintained by a taxpayer of the city All monies recovered in an action brought under this Section shall be paid into the city treasury except that the plaintiff shall be entitled to receive taxable costs of such action

Section 1443 Misdemeanors Any person who wilfully by himself or in collusion with one or more persons shall defeat deceive or obstruct any person in respect to his right of examination appointment or employment according to this Article or to any rules prescribed pursuant thereto or who shall wilfully or corruptly falsely mark grade estimate or report upon the examination or proper standing of any person examined or certified pursuant to the provisions of this Article or aid in so doing or who shall wilfully make any false representation concerning the same or concerning the persons examined or who shall wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined or certified or to be examined or certified or who shall personate any other person or permit or aid in any manner any other person to personate him in connection with any examination or request to be examined or appointed or who shall furnish any false information about himself or about any other person in connection with any application or request to be examined or appointed or who shall make an appointment to office or select a person for employment contrary to the provisions of this Article or who shall wilfully refuse to comply with or to perform any of the provisions of this Article or who shall wilfully or through culpable negligence violate any of the provisions of this Article or of the rules made pursuant thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than $50 nor more than $1,000 in the descretion of the court Any person holding a public office or position who is convicted under this Section shall be deemed to have vacated the office or position and shall be incapable of holding public office for a period of five years after the date of such conviction

Section 1444 Prohibition of Political Activity No officer or employe who is paid out of the city treasury other than an officer elected by the people shall be a member of or delegate or alternate to any political convention or participate at any such convention except in the performance of his official duties or shall serve as a member of or attend the meetings of any committee of any political party or take any active part in political management or in political campaigns No application memorandum or other document other than registration and election records shall in any way indicate the political affiliation of any applicant to or member of the classified service No appointed or elected officer or employe shall use his office to influence political movements or influence the political action of any other officer or employe of the city or shall interfere with the conduct of any election or the preparation therefor at the polling place or with the election officers while counting the vote or returning the ballot boxes books and papers to the place provided by law for that purpose or be within any polling place save only for the purpose of voting as speedily as reasonably can be done or be within fifty feet thereof except for purposes of ordinary travel or residence within one hour preceding the opening of the polls for holding such election and ending when the election officers have finished counting the votes and have left the polling place for the purpose of depositing the ballot boxes and papers in the place provided by law for that purpose excepting only police officers who may temporarily approach or enter the polling place in order to make any arrest permitted by law or for the purpose of preserving order and in each such case only long enough to accomplish the duties aforesaid after which the officers shall at once withdraw

Section 1445 Prohibition of Assessments No person shall solicit pay give or receive in any public building of the city any money or valuable thing for any political purpose whatever No person shall orally or by written or printed communication directly or indirectly demand solicit collect or receive or be in any manner concerned in demanding soliciting collecting or receiving any money or valuable thing or any assessment subscription or contribution whether voluntary or involuntary from any officer or employe in the classified service for any political purpose whatever No person in the classified service shall orally or by written or printed communication directly or indirectly demand solicit collect or receive or be in any manner concerned in demanding soliciting collecting or receiving any money or valuable thing for any political

purpose whatever No person in the classified service shall pay or give any money or valuable thing or make any subscription or contribution whether voluntary or involuntary for any political purpose whatever

Section 1446 Dismissal and Disqualification Any person in the service of the city who violates any of the provisions of this Article or the rules made thereunder shall be immediately separated from the service It shall be the duty of the city manager or other appointing authority who employes the offending person to dismiss him at once Any taxpayer may bring suit to restrain the payment of compensation or the issuing of warrants for the payment of compensation of any such officer or employe and as an additional remedy any taxpayer may also obtain a writ of mandamus to compel the dismissal of such offending officer or employe Any person dismissed under this Section shall for a period of five years be ineligible for appointment to any position in the civil service

Article XV Department of City Planning

Section 1501 Director There shall be a department of city planning the head of which shall be the director of city planning who shall be appointed by the planning board The director shall appoint the assistant director and shall have charge of the appointment of the other employes of the department

Section 1502 Planning Board A planning board shall be attached to the department of city planning It shall consist of seven appointed members and six members ex-officio The mayor the city manager and the heads of the departments of city property public works recreation and parks and public utilities shall be the ex-officio members but of these only the mayor and the city manager shall have the right to vote The appointed members shall be appointed by the mayor for terms of seven years each except that the terms of the first seven appointees shall be one two three four five six and seven years respectively as shall be indicated by the mayor at the time of their appointment Each shall serve for his full term unless removed by the mayor for inefficiency neglect of duty or misconduct in office The board shall elect one of its appointed members as chairman for a term of two years The appointed members of the board shall receive such compensation as council may fix

Section 1503 Purpose The purpose of the department and of the powers and duties conferred in this Article shall be to guide and accomplish a coordinated adjusted and harmonious development of the city which will in accordance with present and future needs tend to promote the public health safety morals order convenience happiness prosperity and general welfare as well as efficiency and economy in the development of the city including without limitation adequate provision for traffic promotion of safety from fire and other dangers adequate provision for light and air promotion of a proper distribution of population conservation and improved utilization of physical resources promotion of good civic design and arrangement and wise and efficient allocation of public funds for public improvements for public services and for other public requirements

Section 1504 Powers and Duties The department of city planning shall

(a) prepare and have custody of a master plan as herein described consider all proposed ordinances or bills which will in any way change the master plan approve or reject plans for the subdivision of land located in the city recommend the reservation of land locations for future acquisition by the city and make recommendations pertaining to zoning districts and zoning regulations all as more fully provided in this Article

(b) prepare a capital budget as more fully provided in this Act

(c) plan capital projects

(d) promote public interest in the master plan and in the other activities of the department

(e) cooperate with public and private organizations and with individuals by making recommendations with reference to any buildings structures or works to be constructed by them

(f) cooperate with other planning agencies

(g) enter upon any land make examinations and surveys and place and maintain necessary monuments and marks thereon

(h) accept and use any gifts made to assist the department in its work and

(i) obtain all available information relative to its work which information all public officials shall upon request furnish within a reasonable time

Section 1505 Preparation of Master Plan The master plan to be prepared by the department for the physical development of the city and of any land outside its boundaries which in the judgment of the planning board is related to the plannin , of the city shall include the general location character and extent of highways streets boulevards subways bridges waterfront developments waterways parks parkways playgrounds squares aviation fields and other public ways grounds improvements and open spaces a major street plan the general location of public buildings other public property and civic centers the general location and extent of public utilities and terminals whether publicly or privately owned or operated changes and the recommendations of the department for changes in the use and for the acquisition extension widening relocation and vacation of any of the foregoing ways grounds open spaces buildings improvements public utilities or terminals reservations of land for future public acquisition and a zoning plan for districts of the city with reference to the control of the height area bulk location occupation and use of buildings and land

Section 1506 Adoption of Master Plan The master plan or any part thereof or any change therein shall be submitted to council for adoption after the planning board shall have held public hearings pursuant to public notice and after it has been approved by the affirmative vote of three-fourths of the voting members of the planning board holding office By the affirmative vote of a majority of the councilmen holding office council may adopt the master plan or any part thereof or any change therein as approved by the planning board Council may not change or modify the master plan or any part thereof or any change therein as approved by the planning board except by the affirmative vote of two-thirds of the councilmen holding office

Section 1507 Effect of Master Plan No public way ground or open space or public building or structure of the city or of any public agency the powers of which extend over an area coextensive with that of the city or of a public utility for which a franchise is necessary from the city shall be constructed or authorized unless the location and size thereof conform to the master plan as adopted by council The zoning plan of the master plan shall have the same effect as zoning regulations adopted by council

Section 1508 Recommendations as to Ordinances The clerk of council shall furnish to the board for its consideration upon introduction into council a copy of all proposed resolutions and ordinances and amendments thereto which relate to the location or extent of public ways grounds or open spaces public buildings or structures public utility franchises or zoning regulations or any other matter related to the physical development of the city The proposed action of council shall not be taken until the board has been given the opportunity to consider the proposed action If the proposed action will result in an addition or change in the master plan the board shall hold a public meeting pursuant to public notice before giving its approval or disapproval After the approval of the proposed action by an affirmative vote of three-fourths of the voting members holding office or after the lapse of the thirty days after the matter was referred to the board without any action by the board council may proceed to pass the resolution or ordinance If three-fourths of the voting members holding office shall disapprove of the proposed action council may adopt the resolution or ordinance only by an affirmative vote of two-thirds of the councilmen holding office

Section 1509 Control of Plating All plans of streets or highways for public use and all plans plats and replats of land laid out in building lots which include streets highways alleys or other portions intended to be dedicated to public use or to the use of owners of lots fronting thereon or adjacent thereto shall not be recorded or made a part of the street plan unless approved by the board It shall be

unlawful to receive or record any such plan in any public office if the plan does not bear evidence thereon of the approval of a majority of the board The approval shall be deemed an acceptance of the proposed dedication but shall not impose any duty upon the city concerning maintenance or improvement until the city shall have made an actual appropriation of the land To effect the purpose of the department and particularly to avoid the congestion of population the board may by way of regulations concerning platting for the city or any district thereof establish a minimum width and area of building lots and may impose minimum standards of street and sanitary requirements as a condition precedent to the approval of plats

Section 1510 Transfer of Lots in Unapproved Subdivisions The owner of any land within a subdivision the plat of which has not been approved by the board as provided in this Act or duly recorded or made a part of the street plan shall not sell lease or agree to sell or lease any lot in the subdivision in accordance with by reference to by exhibition of or by other use of a plat of the subdivision Any such agreement sale or lease may be set aside by the purchaser or lessee at his option

Section 1511 Erection of Buildings No buildings or parts thereof shall be erected on any tract nor shall a building permit be issued therefor unless the street giving access to the tract upon which such building is proposed to be placed shall have been accepted or opened as or shall otherwise have received the legal status of a public street or unless such street is a street shown on the master plan or on a plat of a subdivision approved by the board

Section 1512 Zoning Council shall have power to pass zoning ordinances in accordance with the provisions of this Article The board shall recommend zoning regulations or changes or additions to any existing zoning regulations including full texts of proposed ordinances with accompanying maps for the city or for any district thereof as it may determine pertaining to the location construction height number of stories bulk size of buildings and other structures minimum standards for housing the percentages of lots which may be occupied the setting back of building lines the sizes of yards courts and other open spaces and the location use and occupancy of buildings structures and land for trade industry residence recreation public activities or other purposes Prior to any recommendations the board shall hold public hearings pursuant to public notice Council may not pass zoning ordinances except in the manner provided herein for the adoption of the master plan

Section 1513 Reservations of Locations for Future Acquisition The board shall have power after the adoption of the master plan to cause to be made surveys for the exact locations of new public grounds or open spaces or public buildings or structures in the city and to make a plat of the area or district thus surveyed showing the land which it recommends be reserved for future acquisition by the city The board before approving any such reservation shall hold a public hearing pursuant to public notice Such a reservation approved by the board and by council and made a part of the master plan in accordance with this Act shall be effective for ten years from the date of the approval by council The reservation shall not be considered a taking of the land unless the city makes an appropriation therefor At the expiration of ten years a reservation shall be removed from the master plan Before that time a reservation may be removed in the manner provided herein for changes in the master plan To preserve the master plan no permit shall be issued for the construction or alteration of any building or structure on any land during its reservation except as may be permitted by the board of zoning appeals as provided herein It is not intended hereby to alter existing law as to the reservation of land for public ways

Section 1514 Board of Zoning Appeals There shall be in the department a board of zoning appeals to consist of three persons one person to be appointed by the planning board from its members or from the staff of the department and two persons who hold no public office or public employment to be appointed by the city manager The members of the board of zoning appeals shall hold office for a term of one year starting with the first Monday in January Each member who is not a staff member of the department shall receive $20.00 for each board meeting he attends The members shall elect from their own number a chairman of the board The chief engineer and surveyor shall act as secretary of the board without compensation He shall not have the right to vote

Section 1515 Powers on Appeal The board of zoning appeals shall have power

(a) to hear and decide appeals where a person alleges there is error in any order requirement decision or determination which is particularly applicable to him made by an officer in the administration or enforcement of the previous sections of this Article or of any ordinance adopted pursuant thereto

(b) to hear and decide special exceptions to or interpretations of the terms of those ordinances upon which the board is required to pass under the provisions of such ordinance and

(c) to authorize in specific cases such permits for construction on reserved locations and such variance from the terms of an ordinance for the administration or the enforcement of this Article as will not be contrary to the public interest where owing to special conditions a literal enforcement will result in unnecessary hardship and so that the spirit of the Article shall be observed and substantial justice done

In exercising the above-mentioned powers the board may in conformity with the provisions of this Article reverse or affirm wholly or partly or may modify the order requirement decision or determination appealed from and may make such order requirement decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken

Section 1516 Appeal Procedure Appeals to the board of zoning appeals may be taken within a reasonable time as provided by the rules of the board but not less than fifteen days by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken

Section 1517 Effect of Appeal An appeal shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board that a stay would in his opinion cause imminent peril to life or property In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application and notice to the officer from whom the appeal is taken and in due cause shown

Section 1518 Hearing The board of zoning appeals shall fix a reasonable time for the hearing of the appeal give public notice thereof as well as due notice to the parties in interest and decide the appeal within a reasonable time At the hearing any party may appear in person or by agent or by attorney The chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses Hearings shall be open to the public In all hearings the board shall not be required to follow established rules or evidence of court procedure but shall seek all information and evidence bearing on the merits of the case In every hearing the board shall keep a full and complete record including notes of testimony

Section 1519 Court Review Any persons jointly or severally aggrieved by any decision of the board of zoning appeals or any taxpayer or any officer department board or bureau of the city may present to the court of common pleas a petition duly verified setting forth that the decision is illegal in whole or in part specifying the grounds of the illegality Such petition shall be presented to the court within thitry days after the decision of the board Upon the presentation of such petition the court may allow a writ of certiorari directed to the board to review such decision of the board and shall prescribe therein the time within which a return thereto must be made and served upon the attorney of the relator which shall not be less than ten days and may be extended by the court The allowance of the writ shall not stay pro-

ceedings upon the decision appealed from but the court may on application on notice to the board and on due cause shown grant a restraining order The board shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified No additional evidence shall be received by the court and the decision of the board of zoning appeals shall not be vacated or set aside except for error of law or violation of constitutional rights The court may reverse or affirm wholly or partly or may remand the decision brought up for review Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from All issues in any proceeding under this Section shall have preference over all other civil actions and proceedings

Section 1520 Art Jury There shall be in the department of city planning an art jury composed of the mayor ex-officio and eight other members to be appointed by him for a term of four years except that the terms of the first eight appointees in groups of two shall be one two three and four years respectively as shall be indicated by the mayor at the time of their appointment As to a structure to be used by a subdivision of any department office or agency the head of such subdivision shall also for the time being act as a member of the jury ex-officio

Section 1521 Composition of Art Jury The members of the jury other than the mayor shall be a painter a sculptor an architect a member of the board of recreation and parks an experienced business executive and three persons each of whom at the time of appointment shall be a member of the governing body or of the faculty of a corporation organzied under the laws of this Commonwealth and conducting a school of art or architecture in the city

Section 1522 Organization The members of the jury shall elect fom their own number a president and a vice-president to serve for one year The jury shall have power to adopt its own rules of procedure and to prescribe regulations for the submission to it of all matters within its jurisdiction Five members shall constitute a quorum

Section 1523 Powers

(a) No work of art shall become the property of the city by purchase gift or otherwise unless the work of art or design for the same and the proposed location of the work of art shall first have been submitted to and approved by the art jury nor shall any work of art until so approved be erected or placed in or upon or allowed to extend over any building highway stream lake square park or other public place belonging to or under the control of the city The jury may when it deems proper also require a complete model of the proposed work of art to be submitted to it before taking final action thereon The term "work of art" as used in this Article shall include all paintings mural decorations inscriptions stained glass statutes reliefs or other sculptures monuments fountains arches or other structures intended for ornament or commemoration

(b) No existing work of art in the possession of the city shall be removed relocated or altered in any way without the approval of the jury

(c) No construction or erection in the city of any building bridge or its approaches arch gate fence or other structure or fixture which is to be paid for either wholly or in part from the city treasury or for which the city or any other public authority is to furnish a site shall be begun unless the exterior design shall have been submitted to the jury and approved by it before the final approval thereof by the officer or other person having authority to contract therefor

(d) The approval of the jury shall also be required in respect to all structures or fixtures belonging to any person or corporation which shall be erected upon or extended over any highway stream lake square park or other public place within the city

(e) In deeds for land made by the city restrictions may be imposed requiring that the design of structures to be altered or erected thereon shall be first approved by the art jury No structure which requires the approval of the jury shall be erected or changed in design without the approval of the jury If the jury fails to act upon any matter submitted to it within 60 days after such submission its approval of the matter shall be presumed

Section 1524 Penalties If any building or structure shall be erected constructed reconstructed altered repaired converted or maintained or any building structure or land used in violation of this Article or of any ordinance or regulation made under authority thereof the person or persons artificial or natural knowingly so offending shall be subject to a fine of not more than $1,000.00 and not less than $100.00 to be recovered as fines and penalties of like amount are now recoverable by law The fact of such violation being committed shall be prima facie evidence that it was knowingly done In case of any such actual or threatened violation the city may institute any appropriate action or proceeding to prevent or abate such unlawful erection construction reconstruction alteration conversion maintenance use or occupation or to restrain or prevent any illegal act or business or use under this Article or under any such ordinance or regulation

Article XVI Department of Finances

Section 1601 Director There shall be a department of nance of which the director of finance shall be the head He shall be appointed by the city manager The director of finance without any additional compensation shall also be the receiver of taxes and shall continue to have the powers and duties now vested in that officer by law

Section 1602 Powers of Department Except as otherwise provided in this Act the department shall have the care management administration and supervision of the financial affairs of the city including without limitation the making of assessments as provided herein the preparation for the city manager of the annual current budget the receiving and collection of all monies payable to the city subject to such allowances and penalties as may be fixed by ordinance the preparation and sending out of bills payable to the city and the making of purchases which are to be paid out of the city treasury

Section 1603 Budget Bureau There shall be in the department of finance a budget bureau the head of which shall be the budget director The budget director shall prepare each year for the city manager information for the current budget for the ensuing fiscal year and perform all duties in regard thereto as the city manager may direct He shall have the power personally or by his representatives to survey each department office or agency for the purpose of reviewing their budgetary requests He may require any officer or employe to furnish information and to answer inquiries pertinent to such survey

Section 1604 Purchasing Bureau There shall be in the department of finance a purchasing bureau which shall

(a) prepare for all purchases of tangible personal property to be paid for out of the city treasury except as provided herein for general specifications for the construction of public buildings plans and specifications to be submitted to the city controller for his approval to insure competitive bids so far as possible before the solicitation of bids

(b) make all such purchases

(c) certify to the city controller that such purchases conform to the plans and specifications as to quality and quantity and substantially as to time of delivery and

(d) manage all warehouses used for receiving and storing such purchases

Any department office or agency which requires any tangible personal property shall not have the power to make any such purchases but shall requisition the purchasing bureau and shall be charged therefor The purchasing bureau shall be guided by the budget document in making purchases in anticipation of the needs of all departments agencies and offices Council may establish by appropriation a revolving fund not in excess of $25,000.00 to be used by the purchasing bureau in anticipation of the need of supplies

Section 1605 Bills for Real Estate Taxes Real estate

tax bills for the ensuing year shall be mailed by the department of finance before December fifteenth and the tax shall become due on the first day of January However council may provide for the payment of such taxes in several installments

Article XVII Department of City Controller

Section 1701 City Controller There shall be a department of city controller of which the city controller shall be the head He shall be elected and shall give bond as now provided by law and shall hold office for four years and until his successor shall qualify

Section 1702 Deputy Controllers and Employes The city controller shall appoint a first and a second deputy controller The first deputy controller shall have power to administer oaths and affirmations in all matters relating to accounts against the city and in the absence or incapacity of the city controller to act or if there is a vacancy in his office shall have the powers and perform the duties of the city controller until he returns or his incapacity is removed or a new city controller assumes office as the case may be The city controller shall appoint such other officers and employes as may be provided for by ordinance

Section 1703 Powers of City Controller The city controller in addition to all other powers and duties prescribed by statute or ordinance shall have the following powers and duties

(a) He shall maintain a complete and modern system of accounting for all departments of the city and for all offices and agencies the expenses of which are paid out of the city treasury The accounting system shall at all times show clearly the financial condition of the city The city controller shall have complete supervision and control over all accounting and financial records pertaining to such departments offices and agencies He shall have the power to require such additional and supporting accounting or financial records to be kept and to be rendered to his department as may to him seem necessary and shall prescribe the nature form and extent of all such records and may prohibit the keeping of any accounting and financial records not approved by him The accounting system shall include a separate account for each specific item of appropriation made by council and every warrant shall state specifically against which item it is drawn Each appropriation account shall show in detail the several appropriations made by council the amount drawn on each appropriation item contracts chargeable against it whether written or oral formal or informal and the balance standing to the credit of the appropriation item

(b) He shall furnish a monthly statement of expenditures to the budget director for each item in the budget and to each department head for each item affecting his department Such statements shall be furnished within fifteen days after the end of each month and shall be in such form that the unencumbered balances available for expenditure may be readily determined The city controller shall also prepare such special reports on the costs of operating the departments offices or agencies as may be reasonably requested by the city manager or by the budget director or any department head with respect to matters under his supervision The controller shall permit the budget director or a representative designated for the purpose to inspect the accounts and records kept by the city controller pertaining to all matters under the supervision of the budget director

(c) He shall have supervision over the manner of making all expenditures including control of the form of all vouchers and warrants and the manner of payment thereof He shall not certify a warrant commitment or contract which will involve the payment of money out of the city treasury in the current year unless there are funds available for that purpose from the specific item of appropriation made therefor and unless he has charged the amount of the warrant commitment or contract payable in the current year to the specific item of appropriation If he makes a certification in violation of this Section the liability of the city on the warrant commitment or contract shall be null and void The city controller and his sureties shall be individually liable to the holder of any warrant certified by the city controller in violation of this Section and if any such warrant is paid by the city the city controller and his sureties shall be individually liable to the city for the amount of the warrant

(d) Whenever a warrant or claim shall be presented to the city controller he shall have power to require evidence that the amount stated therein is legally due and for the purpose may summon before him any officer agent or employe of any department office or agency or any other person and examine him upon oath or affirmation relative to such warrant or claim

(e) He shall audit the accounts of all departments offices and agencies including the accounts of any board of directors of city trusts and all accounts of any other agency or organization to which council makes an appropriation He shall submit annually to council in such manner as may by ordinance be directed a report of the accounts of the city verified by his oath or affirmation exhibiting the assets liabilities and net worth of the city at the close of the preceding year and the receipts and disbursements of the preceding year including the sources from which the receipts were derived and the manner in which they were disbursed This report shall be published in pamphlet or book form

(f) He shall at the end of each fiscal year or oftener if so required by council and also upon the death resignation removal or expiration of the term of any officer who is paid out of the city treasury audit examine and settle the accounts of such officer and if he shall be found indebted to the city the city controller shall state an account and file the same in a court of common pleas of the proper county together with a copy of the official bond of the officer and give notice thereof to him or his legal representatives and if any person or persons affected thereby shall be dissatisfied with such settlement he or they may appeal therefrom The appeal with his or their exceptions to the account as stated verified by the oath of the person or persons appealing shall be filed in the office of the prothonotary of said court within ten days after service of notice The appellant shall within ten days enter security to be approved by the court to prosecute the appeal with effect and pay the costs and the debt and interest which may appear by the judgment of the court to be due to the city The balance of account as shown by the settlement filed as aforesaid shall constitute a lien on real estate of the officer so indebted and his sureties from the date of the filing thereof which lien shall continue for the period of five years from the date of filing A writ of scire facias to enforce the lien shall be issued thereon within six months which shall contain a clause warning the sureties or the executors or administrators of the officer or of his sureties to appear and make defense and the case shall thereupon be proceeded with to find judgment according to law Notice of the audit shall be given by the city controller to the officer or his legal representatives before the final statement of the account and if desired by such officer or his legal representatives opportunity shall be given for a hearing A copy of such notice with an affidavit of the proof of service thereof shall be filed with the statement of account as evidence of service of notice

(g) He shall at the end of each fiscal year audit all the accounts of firemen's pension funds of the city which receive appropriations from the Commonwealth

(h) He shall approve or disapprove as provided herein all plans and specifications prepared by the purchasing bureau and shall have the power to test and sample all purchases made by the purchasing bureau

(i) He shall prepare annually a certificate of revenue and liabilities for current budget purposes and a financial report for capital budget purposes as provided herein He shall also prepare from time to time a certificate as to idebtedness as provided herein

Section 1704 Legal Counsel The city solicitor shall be the counsel for the city controller as provided in this Act However the city controller may whenever he deems it necessary choose and appoint special legal counsel to represent him in any legal proceeding The total compen-

sation for all such special counsel during any fiscal year shall not exceed $2,500.00

Section 1705 Independent Audit Council from time to time may require an independent audit to be made of all or any part of the accounts of the departments of the city and of the offices and agencies the expenses of which are paid out of the city treasury Such an audit shall be made by qualified public accountants who have no personal interest in the accounts to be audited or in the affairs of the officer or officers handling such accounts The results of any such audit shall be made available for public inspection immediately after its completion

Article XVIII Department of City Treasurer

Section 1801 City Treasurer There shall be a department of city treasurer of which the city treasurer shall be the head He shall be elected and give bond as now provided by law and shall hold office for four years and until his successor shall qualify but shall not be eligible for the term next succeeding the one for which he may be elected

Section 1802 Assistant Treasurer and Employes The city treasurer shall appoint an assistant treasurer who in the absence or incapacity of the city treasurer to act or if there is a vacancy in his office shall have the powers and perform the duties of the city treasurer until he returns or his incapacity is removed or a new city treasurer assumes office as the case may be The city treasurer shall appoint such other officers and employes as may be provided by ordinance

Section 1803 Powers and Duties The city treasurer in addition to all other powers and duties prescribed by law or ordinance shall have the following powers and duties

(a) He shall daily demand and receive from all persons any money received by them for the city The city treasurer shall daily deposit all such monies in the name of the city in the banks or institutions designated by council which shall give security as provided by law

(b) He shall pay all warrants duly issued and countersigned No money shall be drawn from the city treasury except by due process of law or upon warrants signed by the heads of the appropriate departments or by deputies authorized to sign by such department heads or by such other persons as may be designated by ordinance and countersigned by the city controller All such warrants shall state the consideration for the same and the particular funds or appropriations to which they are chargeable

(c) He shall make detailed reports daily to the city controller of all receipts and deposits and of all monies withdrawn from the treasury and shall present and verify his cash account in such manner and as often as may be required by the city controller

Article XIX Board of Directors of City Trusts

Section 1901 Members of Board There shall be a board of directors of city trusts to consist of the mayor and city manager ex-officio with the power to vote and thirteen persons appointed by the judges of the courts of common pleas of the county in which the city is situated Each appointment to the board shall be made for a term of five years and no appointee shall be eligible to succeed himself However this Section shall not affect the tenure of office of any member of a board now existing which is charged with the handling of city trusts

Section 1902 Function of Board The board of directors of city trusts shall have charge of all trusts the administration of which is or shall be vested in the city It shall have the same powers and duties as may now be vested in any existing board in the city charged with the handling of such trusts

Article XX Assessments

Section 2001 Bureau of Assessments There shall be in the department of finance a bureau of assessments the purpose of which shall be to assess uniformly and equitably all real property within the city and all taxable personal property The head of the bureau of assessments shall be the chief assessor who shall be appointed by the city manager

Section 2002 Systems of Assessments The chief assessor hall cause to be installed and maintained a system for making assessments of real property which system shall include in addition to other records lot and block maps land value maps and permanent record cards which maps and cards shall be open to public inspection

(a) The lot and block maps shall show the dimensions of each separately assessed parcel of land suitably identified by lot and block number

(b) The land value maps shall show the value per front foot of a standard unit of depth of all land abutting on roads streets or highways The land value maps shall also show the value per square foot of those tracts of land ued primarily for industrial as contrasted to mercantile or residential purposes and shall also show the value per acre of rural land

(c) The permanent record cards shall set forth separately the factors affecting the value of each assessed parcel of land and the factors affecting the value of any buildings or other improvements thereon As to land the cards shall show in addition to other data frontage depth corner influence and alley influence As to buildings and other improvements the cards shall show in addition to other data the nature of the improvement age reproduction cost depreciation and obsolescence

Section 2003 Specialization in Assessments In order to effect specialization in the work of making assessments the chief assessor shall classify all property on a functional or other suitable basis and shall designate deputy assessors to make assessments for the types of property for which they are particularly qualified as determined by civil service examination

Section 2004 Full Value Assessment The system of assessments provided in this Act shall be used to assess rate and value all real property in the city according to the full actual value thereof and at such rates and prices for which the same would separately bona fide sell Each assessment shall be recorded on a permanent record card so as to show separately the value of the parcel of land and the value of the building together with other improvements thereon An assessment may be changed from time to time during any year up to the completion by the chief assessor of the assessment rolls for that year

Section 2005 General Assessments After the first general assessments has been made pursuant to this Article general assessments with reexaminations of the properties shall be made when council shall make appropriation therefor However a general assessment shall not be made oftener than once every three years and shall be made at least once every ten years After certification of the assessment rolls as hereinafter provided the first assessment and general assessments thereafter shall be published in book form The books shall be posted and made available for public inspection at convenient places The books may also be sold in such manner and at such price as the chief assessor shall determine The money received from such sales shall be paid into the city treasury

Section 2006 Horizontal Assessments Changes After a public hearing pursuant to public notice the chief assessor may order for the entire city a uniform horizontal percentage increase or decrease in assessments prior to the preparation of the annual assessment roll if he finds such a change warranted by valuation circumstances except that no such change shall be made within two years of a previous horizontal assessment change

Section 2007 Assessment Rolls The bureau of assessments shall in each year prepare assessment rolls of all real property within the city showing each separately assessed parcel of real estate and as of April first of that year the valuation placed upon the land and the valuation placed upon the building together with other improvements thereon The assessment rolls shall be completed before July first and shall be open to the public for inspection to and including July twentieth

Section 2008 Notic eand Publication Public notice of the right to inspect the assessment rolls and of the right to file a petition not later than July twentieth for a change in assessment shall be given as soon as the rolls are open for public inspection A similar notice together

with a notice of the change in assessment shall be mailed prior to July first to the last known address of each owner whose assessment has been increased or decreased for a reason other than a uniform horizontal percentage change

Section 2009 Petition for Assessment Changes During the first twenty days of July any person claiming to be aggrieved by an assessment may file with the bureau of assessments in the form prescribed by the chief assessor a written petition which shall specify clearly the grounds of the objection to the assessment The petition shall have stamped thereon the date of its receipt by the bureau and shall thereupon become a part of the official records of the bureau

Section 2010 Hearings on Petitions The chief assessor personally shall conduct hearings on petitions for changes in assessments and shall complete such hearings before August tenth He may increase or decrease assessments except that no change shall be made because of any change in valuation after April first The reason for any changes in assessments shall be recorded by the chief assessor upon the permanent record cards Notice of the disposition of the petition together with notice of the right to file a written appeal with the board of assessment appeals before September tenth shall be sent by the bureau to the address of the petitioner as shown on the petition

Sectoin 2011 Certification of Assessment Rolls by Chief Assessor Before August thirty-first the assessment rolls as changed by the chief assessor shall be signed and certified by him and shall be delivered to the board of assessment appeals At the same time he shall forward to the city manager a certificate showing the aggregate valuation of taxable real property in the city

Section 2012 Board of Assessment Appeals There shall also be in the department of finance a board of assessment appeals to receive hear and dispose of all appeals from the final rulings of the chief assessor on petitions for changes in assessments

Section 2013 Members of the Board The board of assessment appeals shall consist of five members appointed by the judges of the courts of common pleas of the county in which the city is situated The board shall elect one of its members to serve as chairman The chief assessor shall be the secretary of the board Members of the board shall hold office for five years except that the term of the first five members shall be one two three four and five years respectively as shall be indicated at the time of their appointment No member shall hold any other public or political office or employment During the period of active duty from September fifth to December fifteenth each member shall devote full time to his work as a member of the board Each member shall receive as compensation a per diem of $25.00

Section 2014 Personnel The chief assessor shall act as secretary of the board and shall furnish to the board necessary clerical assistants The chief assessor and the clerical assistants shall serve without additional compensation

Section 2015 Filing Appeals Any person who has filed a petition with the chief assessor for a change in assessment may appeal from an adverse final ruling of the chief assessor by filing with the board prior to September tenth a written appeal under oath on an appropriate form to be provided by the board The oath to the appeal shall be taken only before the secretary of the board or any member of the board who are hereby authorized to administer such oaths On each appeal there shall be endorsed the date of filing and thereupon the appeal shall become a part of the official records of the board

Section 2016 Hearing Appeals The board of assessment appeals shall hold regular hearings on appeals from September fifth to November fifteenth inclusive All hearings before the board shall be public and shall be conducted in accordance with regulations prescribed by the board In every hearing the board shall keep a full and complete record including notes of testimony Persons shall be entitled to be heard in person or by attorney Any member of the board is authorized to swear or affirm any person in such proceedings The chief assessor and such deputy assessors as the board designates shall attend all hearings and furnish such information as the board may desire In all hearings the board shall not be required to follow established rules of evidence or court procedure but shall seek all information and evidence bearing on the merits of the case The assessment which appears on the assessment rolls shall be deemed the correct and valid assessment unless the contrary is shown by clear and convincing evidence The decision of the board together with the reason therefor shall be in writing A copy of the decision shall be mailed to the appellant at the address shown on the appeal The board shall hand down decisions on the appeals on or before December fifteenth and shall receive no compensation after that date for services in connection with decisions on such appeals

Section 2017 Certification of Assessment Rolls by Board On or before December fifteenth the assessment rolls with such changes thereon as have been made by the board pursuant to written decisions shall be duly signed and certified by the board and shall be delivered to the director of finance

Section 2018 Appeals to Court Within fifteen days after the mailing of a decision by the board an appeal may be taken therefrom to the court of common pleas by the person who filed the appeal by the chief assessor or by any person who objected before the board to a change in the assessment If an appeal is taken by the chief assessor he shall be represented by the city solicitor and the person who objected to the assessment by the Chief assessor shall be named as respondent In all other appeals the board shall be named as respondent and shall be represented by the city solicitor The appeal shall not prevent the collection of taxes upon the assessment but in case the assessment shall be changed pursuant to proceedings provided for in this Section the difference in the amount of the tax shall be returned to or collected from the person or persons who shall have paid the tax The appeal shall be by way of petition setting forth specifically the error of the board of assessment appeals which petition shall be accompanied by a copy of the notes of testimony before the board and of the decision of the board both duly certified by the secretary of the board Certified copies shall be supplied by the secretary of the board at cost and the money received therefrom shall be paid into the city treasury except that no money need be paid in the event of an appeal by the chief assessor No additional evidence of the valuation of the property shall be received at the hearing on the petition and the decision of the board shall not be vacated or set aside except for error of law or violation of constitutional rights If any decision of the board is vacated or set aside a new hearing shall be held by the board in conformity with the order of the court and the decision thereon shall be appealable in the same manner as an original decision Appeals from the final orders of the court of common pleas can be taken by any party in the lower court to the Superior Court or to the Supreme Court in the same manner as appeals are taken in other cases to the Superior or Supreme Court

Section 2019 Personal Property Returns The department of finance shall furnish blanks for the use of taxpayers to make on or before February fifteenth of each year a return as provided by law of all their taxable personal property as of the day between January first and January fifteenth inclusive fixed by the chief assessor and printed or stamped on the blank The personal property tax shall become due on February fifteenth Upon the refusal or failure of a taxable person to make a return as provided by law an estimated return shall be made by an assessor and the penalty provided by law shall be added thereto by the department of finance The aggregate amount so obtained shall be the basis for taxation unless on an appeal to the board of assessment appeals within thirty days after notice of the estimated return has been mailed to the last known address of the taxpayer satisfactory reasons are presented excusing the failure to make a proper return and a substituted return by the taxpayer is permitted The department of finance shall not be estopped by the addition of the penaly or by the allowance of a substituted return from assessing or reassessing personal property and collecting additional taxes and interests as provided by law

Section 2020 Changes in Personal Property Returns Changes in the return of a taxpayer may be made by an assessor Notice of any such change and of the right to

petition the chief assessor for a change therefrom shall be mailed to the taxpayer at his last known address or to his executor or administrator as the case may be The procedure in connection with changes in personal property returns shall be as follows

(a) The chief assessor shall personally conduct hearings on written petitions by any person claimed to be aggrieved by a change in a return Such a petition must be filed within thirty days of the mailing of a notice of a change and shall specify clearly the grounds of the objection Notice of the disposition of the petition together with notice of the right to file a written appeal with the board of assessment appeals shall be mailed to the address of the petitioner as shown on the petition

(b) The provisions as to the filing and hearing of appeals as to real property assessments shall be applicable to the filing and hearing of appeals as to personal property returns except that (1) the appeal must be filed within thirty days of the mailing of the notice (2) regular meetings of the board of assessment appeals need not be held and (3) the decision on each appeal shall be handed down within thirty days after the completion of the hearing

(c) The procedure as to appeals relating to personal property returns from the board of assessment appeals to the courts shall be the same as the procedure provided herein for appeals to the courts as to real property assessments

Section 2021 Board of Assessment Appeals to Serve as Board of View Whenever hereafter a petition shall be presented to any court judge or judges of the Commonwealth praying the appointment of viewers reviewers or rereviewers or of a jury of view or of a road jury or of commissioners of view with regard to property located in the city the board of view shall be appointed from among the members of the board of assessment appeals

Article XXI Current Budget

Section 2101 Fiscal Year The fiscal year of the city shall be the calendar year

Section 2102 Certificate by City Controller of Revenue and Liabilities On or before September first of each year the city controller shall furnish to the city manager a certificate of revenue and liabilities containing

(a) his detailed estimate of receipts from each existing source from which receipts will be derived in the ensuing fiscal year other than real estate taxes which will become due in that year including without limitation revenue reimbursements refunds and taxes but no estimate of revenue from a source which existed throughout the last complete fiscal year at the same rate shall exceed the amount actually received during that year from that source

(b) his estimate of revenue in the ensuing year from each new source which is provided by statute or ordinance but his estimate shall not include any anticipated receipts from the sale of property or from capital transactions

(c) an estimate as to the percentage of real estate taxes levied for the ensuing year which he is of the opinion will be collected in the ensuing year but such percentage shall not exceed the percentage of real estate taxes levied for the last complete fiscal year which were collected during that year

(d) the liabilities of the city which are fixed in amount and will be due and payable in the ensuing year other than obligations to be paid from sinking funds from other special funds or from the proceeds of bond issues including without limitation payments to any sinking fund and other required payments with respect to loans except as above provided rentals obligations on contracts and amounts due on judgments whether evidenced by writs of mandamus execution or otherwise

(e) his detailed estimate of obligations which are not fixed in amount and will become payable in the ensuing year such estimate to be not less than the average amount of such obligations for the last five complete fiscal years and to include without limitation all obligations for tort claims demolition of unsafe buildings and pension funds and

(f) the surplus or deficit at the end of the last complete fiscal year and his estimate of the surplus or deficit for the current fiscal year

Section 2103 Supplemental Certificates The city controller may not revise his certificate of revenue and liabilities after its submission to the city manager except that he may until the passage of the budget ordinance certify estimated revenue from sources of revenue made available after his last certification After the passage of the budget ordinance the city controller shall not certify additional revenue except that he may certify for appropriation by council receipts from a source not included in any of his certificates of revenue and revenue received in excess of his certification of total revenue for that fiscal year

Section 2104 Submission of Budget Document by City Manager to Council On or before September fifteenth the city manager shall transmit to council in such form as council may request a budget document which in addition to such other information as council may request shall consist of

(a) the certificate of the city controller as to revenue and liabilities without any change therein

(b) the certificate of the chief assessor as to the aggregate assessed valuation of taxable real property for the ensuing fiscal year

(c) his detailed estimates of all proposed expenditures to be made out of the city treasury during the ensuing year showing in addition for each item the appropriation for the current fiscal year and the appropriation and expenditures for the last complete fiscal year and

(d) his budget message outlining a proposed fiscal policy describing therein the important features with reference both to proposed expenditure and to anticipated revenue

Section 2105 Basis for Estimate of Expenditure The estimate of proposed expenditures shall be made up by the city manager from information and requests submitted to him by all departments offices courts boards commissions directors of trusts committees and other agencies whose expenditures are to be paid in whole or in part out of the city treasury Such information and requests shall list in addition to other expenses the amounts of each type of supplies to be purchased The information and requests shall be submitted to the city manager before September first The city manager may in his discretion revise such requests in submitting his estimate of expenditures to council

Section 2106 Consideration of Budget Immediately after the receipt of the budget document council shall consider it in public sessions affording a reasonable opportunity to any person to be heard thereon Such sessions shall not extend beyond October first

Section 2107 Adoption of Budget On or before October fifteenth council shall adopt a financial program for the ensuing year by passing a single budget ordinance in which council shall

(a) appropriate sufficient funds to meet (1) the liabilities for the ensuing year as certified by the city controller (2) the amount which the capital budget authorizes to be expended out of revenue in the ensuing year and (3) the estimated expenditures to be made out of the city treasury for the ensuing year the character and amount of such expenditures to be determined by council except that there shall be included an amount not less than $15,000.00 for emergency purchases and

(b) fix a tax rate and levy a tax the proceeds of which on the basis of the assessment certificate of the chief assessor and on the basis of probable delinquencies in the payment of such tax as estimated by the city controller shall be sufficient together with the revenue from other sources as estimated by the city controller to meet the deficit for the current fiscal year if any as estimated by the controller and the appropriations provided for above

Section 2108 Restriction of Appropriations Council shall not (1) appropriate for the payment of any obligation incurred in the absence of or in excess of an appropriation therefor except as provided in this Act with respect to contracts extending beyond the fiscal year in which they are made (2) list separately in any appropriation the salaries for positions which are included in the existing classification and compensation plans provided for in this Act and (3) except by the affirmative vote of two-thirds of the councilmen holding office make an ap-

propriation for any budget item in excess of the amount estimated by the city manager in the budget document

Section 2109 Failure to Adopt Financial Program If council shall fail to adopt a financial program on or before October fifteenth as provided herein each councilman shall have deducted from his salary $50.00 for each day after October fifteenth until a financial program is adopted

Section 2110 No Expenditures Until Adoption of Financial Program Except for payments of interest or principal of loans and of sinking fund requirements the city controller shall not countersign any warrant for expenditures in any year unless a financial program as herein provided has been adopted for that year

Section 2111 Monthly Allocation of Expenses After the adoption of a financial program the budget director shall establish subject to the approval of the city manager monthly allocations of the appropriations for expenditures No expenditures shall be made and no obligations shall be incurred in any month in excess of the allocation for that month without the prior consent of the budget director and the city manager

Section 2112 Transferred and Additional Appropriations Council shall not transfer all or part of any appropriation from one item of appropriation to another The unexpended balance of any appropriation may be placed by council in an account to be called the reserve account if council by the affirmative vote of two-thirds of its members holding office shall pass an ordinance stating that the purpose for which the appropriation was made has been carried out or stating why the purpose cannot be carried out Council may at any time appropriate for any lawful purpose any part of funds certified by the controller as additional receipts as provided herein and any part of the balance in the reserve account

Section 2113 No Liability for Payment in Absence of Appropriation No payment shall be made on any contract written or oral formal or informal unless an appropriation for such payment has been made before the contract was made No contract or warrant shall be made issued or approved by any officer for any item of expenditure by any department office court board commission committee or other agency in the absence of or in excess of an appropriation for the item However a contract which provides for payments in the fiscal and in subsequent years may bind the city if an appropriation has been made to pay for so much of the consideration as shall be furnished to the city within the fiscal year in which the contract is made

Article XXII Capital Budget

Section 2201 Preparation of Budget The city manager shall annually prepare a capital budget on the basis of a comprehensive and farsighted study of capital projects The term "capital project" shall include any plan for the permanent physical improvement of the city together with preliminary studies surveys property of a permanent nature and original equipment which have been or should be acquired in connection with the project but shall not include any project for repaving or any project of which at least half of the cost is to be paid from the proceeds of assessments for benefits The planning board shall determine conclusively what is and what is not a capital project

Section 2202 Data for Budget In preparing the capital budget the city manager shall consider among other things

(a) the master plan in the form last approved by council

(b) the report of the city controller to be furnished annually on or before August fifteenth to the city manager and to the planning board setting forth (1) the amount and the nature of each obligation authorized on account of each uncompleted capital project and of each obligation incurred in pursuance of such authority up to July first (2' the financial condition of the city together with comments thereon and (3) advice as to the maximum amount and the nature of the debt which in the opinion of the city controller the city will be able to incur for capital projects during each of the ten succeeding fiscal years and

(c) a detailed estimate to be furnished annually on or before August fifteenth to the city manager and to the planning board by the head of each department office and agency the capital expenditures of which are paid out of the city treasury with respect to each capital project which is uncompleted or which the head believes should be undertaken within the ten succeeding fiscal years

Section 2203 Submission of Budget to Planning Board On or before September first the city manager shall transmit to the planning board the capital budget which shall set forth clearly

(a) as to each proposed capital project a brief description thereof the department office or agency for which it would be constructed the total estimated cost the estimated completion date the estimated cost for the ensuing fiscal year the estimated economic life the source of funds to meet such costs together with the nature terms and maximum amount of obligations which may be issued therefor and the fiscal year in which the city manager recommends that the project be undertaken

(b) as to each uncompleted capital project authorized by council a brief description thereof the original estimated cost the date of authorization the amounts of indebtedness authorized of bonds and notes outstanding of obligations issued and of each other liability outstanding and the unencumbered balances of authorizations on July first the amount of each liability estimated to be incurred during the balance of the fiscal year and the estimated costs required for completion stated year by year

(c) recommendations for changes or abandonment of previously approved capital project

(d) a brief description of each capital project recommended in the several department office and agency estimates but not recommended by the city manager to be undertaken with his reasons for not recommending it

(e) the maximum expenditures which in the opinion of the city manager the city may soundly make for capital projects during the ensuing fiscal year together with the recommended sources for meeting such expenditures and detailed comments on the financial conditions of the city and

(f) such other information as the planning board or council may have requested

Section 2204 Submission of Budget to Council On or before September fifteenth the planning board shall submit to council its revision of the capital budget prepared by the city manager The revised capital budget shall set forth the information and recommendations received by the planning board with such additional information and changes as the planning board may see fit except that the aggregate amount of the proposed expenditures for capital projects recommended for the ensuing fiscal year shall not exceed the maximum expenditures which in the opinion of the city manager the city may soundly make for capital projects during the ensuing fiscal year

Section 2205 Consideration of Budget Immediately after the receipt of the capital budget council shall consider the budget in public sessions affording a reasonable opportunity to all persons to be heard thereon Such sessions shall not extend beyond October first

Section 2206 Adoption of Budget On or before October fifteenth council shall adopt a capital budget The capital budget submitted by the planning board may be adopted with or without modifications by the affirmative vote of a majority of the councilmen holding office except that any increase in any item of the capital budget as submitted by the planning board shall require the affirmative vote of two-thirds of the councilmen holding office

Section 2207 Changes in Budget After the adoption of the capital budget it shall not be changed except that a change recommended by three-fourths of the members of the planning board may be adopted by council

Section 2208 Effect of Capital Budget The adoption of the capital budget shall be an authorization and shall constitute an appropriation of loan funds for carrying out the approved projects in the manner provided therein except that if funds for any project are to be derived from new debt or from an increase in indebtedness the authorization shall not constitute an appropriation until the new debt or increase of indebtedness has been authorized in accordance with this Act The current budget shall include an appropriation equal to the amount which the

capital budget authorizes to be expended in that year out of revenue for capital projects No contract or other obligation of the city in connection with the carrying out of any capital project shall be authorized unless the project is included in the capital budget as adopted by council and no contract or other obligation shall be binding unless and until an appropriation has been made therefor as provided in this Act

Section 2209 Limitation on Lonas for Projects The amount of loans issued for capital projects included in the first capital budget adopted hereunder shall not exceed ninety-eight per centum of the amount authorized in the capital budget to be expended for the ensuing fiscal year In each succeeding year the permissible percentage shall be reduced by two so that ultimately capital projects will be paid for wholly out of current revenue and no loans will be procured for capital projects Notwithstanding the limitations in this Section council may authorize indebtedness for all or part of the cost of any project which the planning board has estimated will cost more than $10,0000,00.00 or of any self-liquidating project and such costs shall be excluded in determining the amount of bonds which may be issued in financing the capital budget

Article XXIII Loans

Section 2301 Power to Incur or Increase Indebtedness Subject to the limitations of the Constitution of this Commonwealth the city may from time to time incur new debt or increase its indebtedness in such amount and in such manner as council may by ordinance authorize but the passage of such an ordinance shall require the affrmative vote of two-thirds of the councilmen holding office

Section 2302 Ordinance to Provide for Tax and to State Purpose In any ordinance authorizing the city to incur new debt or to increase its indebtedness except temporary loans in anticipation of revenue council shall provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof as is now or may hereafter be required by the Constitution and any such ordinance shall state the purpose for which the new debt or increase of indebtedness is authorized If more than one purpose is stated the ordinance shall specify the amount proposed for each purpose

Section 2303 Councilmanic Loans Subject to the limitation in amount provided by the Constitution council may authorize by ordinance new debt to be incurred or the indebtedness to be increased without the consent of the electors of the city Public notice shall be given of any such ordinance before its passage except an ordinance to authorize an emergency loan or a temporary loan in anticipation of revenue

Section 2304 Electoral Loans Council may in its discretion submit for the approval of the electors in the manner hereinafter provided a proposal to incur or to increase the indebtedness of the city and any such new debt or increase of indebtedness approved by the electors shall be excluded in computing the amount of the indebtedness of the city incurred without the consent of the electors

Section 2304 Procedure for Electoral Loans In order to incur or to increase the indebtedness of the city with the consent of the electors whether such consent is necessary by law or deemed desirable by council the following procedure shall be complied with

(a) Certificate of City Controller After the submission of a bill containing a proposal to incur or to increase the indbetedness the city controller shall prepare and deliver to council his certificate showing the amount of indebtedness which the city has been authorized to incur the amount of deductions therefrom allowed by law in computing the maximum indebtedness the city may incur the resultant net indebtedness the amount of the proposed new debt or increase of indebtedness and the amount of indebtedness which the city has not yet been authorized to incur but which it may be authorized to incur

(b) Passage of Ordinance The proposal to incur or to increase the indebtedness shall be passed as an ordinance as provided in this Article which ordinance in addition shall state that the proposal to incur or to increase the indebtedness shall not become an effective authorization until the electors shall consent thereto at a public election to be held on a date fixed in the ordinance

(c) Fixing Date of Electon Council shall fix the date of the election which shall be the day of the next municipal general or primary election unless there is insufficient time for the advertisement provided hereinafter or unless more than 90 days will intervene between the passage of the ordinance and such election

(d) Notice Council shall give public notice of the election once a week for four weeks The notice shall contain a summary of the ordinance proposing the incurrence or increase of indebtedness and a copy of the certificate of the city controller

(e) Election The election shall be held at the places during the hours and under the regulations provided by law for holding elections All penalties for the violation of the said election laws shall apply to the electors and to the election authorities participating in the election The question whether new debt shall be incurred or indebtedness increased as proposed in the ordinance shall be placed upon the ballot or voting machine in brief form followed by the words "yes" and "no" with appropriate voting squares or vote indicators and if the question shall be submitted at an election of public officers it shall be placed below the groups of candidates or on a separate ballot

(f) Election Returns The returns of the election shall be made in the manner provided by law If by the returns of the election it shall appear that a majority of the electors voting thereon gave their consent to incurring new debt or to increasing the indebtedness as proposed in the ordinance the ordinance shall as of the date of the certificate by the court of the result thereof be effective to authorize the new debt to be incurred or the indebtedness to be increased If however it shall appear that a majority of the electors voting thereon did not give their consent the ordinance shall be ineffective to authorize the new debt to be incurred or the indebtedness to be increased

Section 2306 Change in Purpose of Indebtedness No change shall be made in the purpose or purposes for which any new debt or increase of indebtedness has been or shall hereafter be authorized except by the affirmative vote of two-thirds of the councilmen holding office and in the case of an electoral loan by the consent of the electrs obtained at an election to be held at the time and in the manner provided herein as to an election to incur or increase indebtedness The notice of such an election shall contain a copy of the ordinance proposing the change of purchase and shall state the purpose for which the indebtedness was originally authorized

Section 2307 Cancellation of Authorization of Debt Whenever the city has been authorized to incur or increase its indebtedness council by the affirmative vote of two-thirds of its members holding office may cancel the authority to incur or increase indebtedness and to the extent that the indebtedness has not actually been incurred or increased the original authorization shall then be void

Section 2308 Interim Loans Prior to Bond Issue To meet payments as they become due in the course of construction of projects for which indebtedness has been authorized council shall from time to time authorize the city treasurer to procure interim loans to be evidenced by notes or other forms of indebtedness which shall mature within two years after their execution and delivery The treasurer shall procure the loans upon the best terms available after offering the opportunity to make the loan to every bank in the city and in his discretion to any other bank financial institution or other bidder Such loans shall be payable at any time before maturity upon ten days' notic They shall not be renewed Before the completion of any project for which interim loans have been procured bonds may be issued to pay interim loans and interest thereon When any interim loan is about to mature enough bonds shall be issued so that the proceeds will be sufficient to pay the loan and interest thereon After the completion of the project enough bonds shall be issued

so that the proceeds will pay all unpaid bills interim loans and interest incurred in connection with the project

Section 2309 Authorization of Bond Issue After the city has been impowered to incur or increase its indebtedness bonds may be issued by its officers only pursuant to ordinance Subject to the provisions of this Act council may in any such ordinance fix the interest rate and the terms under which such bonds are to be issued

Section 2310 Issuance of Bonds Bonds shall not be issued by the city less than par plus accrued interest thereon Issues of bonds shall be sold only to the highest responsible bidder or bidders as determined by the city manager city treasurer and city controller after public notice given at least three weeks before the opening of bids under such regulations as may be prescribed by ordinance The city manager city treasurer and city controller may reject all bids or any part of all bids if it shall be deemed for the best interest of the city so to do The interest rate of bond issues offered for sale on any one date shall be named by the bidders in multiples of one-eight of one per centum and need not be uniform for the entire issue but must be uniform for any one maturity After the highest responsible bidder has been determined so much of any issue of such bonds as the sinking fund commission has indicated at least two weeks before the opening of bids that it may desire to purchase shall be offered to the sinking fund commission at the same price If the sinking fund commission does not accept the offer within three days the issue may then be sold to the highest responsible bidder or bidders Every bond shall be given a date which shall not be more than six weeks after date of sale nor more than six weeks before the date of sale

Section 2311 Form Execution and Terms of Bonds The form of all bonds shall be prepared by the city solicitor They shall be signed by the city treasurer and the city controller Each issue of bonds shall be in serial form so as to mature in substantially equal annual or sem-annual installments the last of which shall mature not later than fifty years from the date thereof and not later than the estimated economic life of the improvement for which the bonds have been issued The estimated economic life as determined and certified by the planning board shall be conclusive The bonds in the discretion of council may provide that they are callable by the city at par on a date or dates stated therein The city by the affirmative vote of a majority of the councilmen holding office may issue revenue bonds and may issue refunding the maturity of which shall not extend beyond the maturity of the bonds refunded

Section 2312 Temporary Loans in Anticipation of Revenue If cash shall be needed for the immediate requirements of the city before the receipt of revenue council may authorize the city treasurer to procure temporary loans in the manner provided herein with reference to interim loans in an aggregate amount not exceeding at any time ten per centum of the receipts for that year other than from borrowings as estimated by the controller The loans shall be made upon notes maturing within that year and the notes shall not be renewable Such loans may be procured only from January second to September first inclusive No such loan shall be made from the loan funds or from trust funds or special funds which may be created by the city When such a loan is authorized council shall provide for its repayment out of receipts in that year The intention of this Section is that such loans shall be solely for the purpose of anticipating the receipt of revenue in the current year

Section 2313 Emergency Loans If the city manager certifies that there is an emergency necessitating additional appropriating power council by the affirmative vote of two-thirds of its members holding office may pass an ordinance stating specifically the nature of the emergency making an appropriation to meet it and authorizing the city treasurer to procure one or more emergency loans in the manner provided herein as to interim loans The aggregate amount of such loans remaining unpaid at any one time shall not exceed $2.000,000.00 Any such loan which will not be fully paid within the fiscal year in which it is procured shall be included by the city controller in his next certificate of liabilites and shall be paid out of the revenue of the year following such certification before any expenses other than for debt service may be paid therefrom No emergency loan shall be valid unless the provisions of this Section have been complied with

Section 2314 Sinking Fund Whenever any debt shall be or shall have been created for which the Constitution of this Commonwealth requires a sinking fund to be established the proceeds of the taxes levied for the payment of the principal and interest of such debt and all other money pledged or appropriated for the payment of the principal and interest of such debt shall be paid into the sinking funds of such city and shall be inviolably reserved for any applied exclusively to the payment of the principal and interest of such debt

Section 2315 Application and Investment of Sinking Funds Whenever there shall be money in the sinking funds in respect to a particular debt in excess of the requirements for the payment during the twelve months next ensuing of principal maturing and interest due such excess money shall be applied to the purchase and cancellation of such debt but if at any time it shall be impracticable or financially disadvantageous to purchase such debt such excess money may be invested temporarily but only in bonds or other evidences of debt of the United States of America of this Commonwealth or of any county city borough township school district or other municipality or incorporated district of this Commonwealth which is not in default of the payment of any part of the principal or interest owing upon any part of its funded indebtedness

Section 2316 Purchase of Outstanding Debt Council may at any time authorize the purchase by the city of any of its outstanding debt and any such debt so purchased shall be cancelled

Section 2317 Sinking Fund Commission The sinking fund commission shall continue as now established by law

Article XXIV Contracts

Section 2401 Contracts Only With Lowest Responsible Bidders Except as provided herein with respect to emergency purchases every contract providing for payments out of the city treasury or out of funds the expenditure of which is within the control of the city shall be made under such regulations as may be prescribed by ordinance only with the lowest responsible bidder after public notice if the payment is to be more than $300.00 and otherwise after reasonable notice Bids shall not be invited until the plans and specifications have been approved by the city controller as provided in this Act The city may reject all bids or any part of all bids if it shall be deemed for the best interest of the city so to do The requirement as to the lowest responsible bidder shall not prohibit council from imposing conditions with reference to the terms under which the contract is to be performed No contract shall be entered into or executed directly by council or by a committee thereof

Section2404 Term No contract except for a capital chase may be made only when authorized by the purchasing bureau Such purchases may be made without requiring bids A purchase shall be deemed an emergency purchase only if the purchase is immediately necessary to prevent loss of public property or to avoid serious inconvenience to the public Council may by ordinance restrict or limit the power to make emergency purchases

Section 2403 Form of Contracts No contract shall bind the city unless it is in writing and prepared or approved by the city solicitor Every contract shall contain a provision that it is subject to the provisions of this Act and that the liability of the city thereon except as otherwise specifically provided in this Act shall be limited to the amounts which have been appropriated to meet such liability This Section shall not apply to contracts of employment with persons in the civil service of the city

Section 2404 Term No contract except for a capital project shall provide for any payment by the city or for the furnishing of the consideration therefor later than one year from the date of its execution However a lease may be made by the city as lessee for a term not in excess of five years from the date of execution of the lease

Section 2405 Execution All contracts shall be made in the name of the city and except as may be otherwise provided by council shall be signed and executed by the city manager or by an officer designated by him No contract shall be valid or enforceable until endorsed by the city solicitor and certified by the city controller as provided in this Act

Section 2406 Contracts With Officers and Employes Prohibited No contract providing for any payment out of the city treasury shall be made with any councilman officer or employe of the city or with any officer or employe whose salary is paid out of the city treasury or with any firm partnership or association of which any such person is a member or with any corporation in which any such person has a substantial interest Any such person who knowingly conceals his interest in such a contract or who knowingly acquires an interest in any contract to which the city is a party shall forfeit his office or position

Section 2407 Installment Purchasing Prohibited No purchase or contract to purchase by the city shall be made on an installment plan whether by conditional sale bailment lease or otherwise Any such purchase or contract to purchase shall be void and unenforceable

Section 2408 Paving Repairing Cleaning of Streets Et Cetera Except as hereinafter provided the city shall with its own force pave repair and clean the streets collect ashes waste rubbish and garbage and dispose of street sweepings and of ashes waste rubbish and garbage The city shall have the power to lease acquire construct or cause to be constructed a plant or plants to be used for or in connection with any of the purposes mentioned in this Section and to lease the same to any person association or corporation which shall contract in the manner provided herein to perform such work for the city The city may contract for the paving of streets and for the collection of garbage The city after the affirmative vote of the councilmen holding office may contract for the repair and cleaning of streets and for the collection of ashes waste and rubbish if it is to the best interests of the city For the purpose of determining whether it is to the best inerests of the city to authorize the performance or any such work by contract bids shall be invited pursuant to resolution by council before July first next preceding the year in which the work is to be done Public notice of the invitation of bids shall be given once a week from July fifteenth to August fifteenth A summary of the bids shall be included by the city manager in the budget

Section 2409 Contract Price for Public Improvements Not to Exceed Estimate Before the letting of any contract in connection with a capital project an estimate of the cost of the various parts of the project shall be made by the department having charge of the construction The aggregate estimated cost shall not exceed the total cost as provided in the capital budget No bid for any part of the work in excess of the estimate of the cost thereof shall be accepted Any estimate or contract as to a part of the project may be limited to any unit or units or any part or parts and upon the making of a contract therefor the work on such unit or units part or parts may proceed to the extent of the funds available for the purposes thereof

Section 2410 City Not Liable for Assessed Improvements In all contracts for improvements the cost of which is to be paid by assessment upon the property abutting or benefited the city shall not be liable on the contracts or for any claim for the amount to be collected from such assessment but the contractor shall look to the assessment for his compensation

Article XXV Officers and Employes in General

Section 2501 Continuation in Office Any person holding an office shall continue to hold the office until his successor has qualified

Section 2502 Vacancies A vacancy in any office the term of which is fixed by this Act shall be filled only for the unexpired portion of the term

Section 2503 Person to Hold Only One Office No person shall hold more than one office or position of profit under the city government and no person shall hold any office or position of profit under the city or any department thereof while holding any other office or position of profit in or under the government of the United States of this Commonwealth or of any political subdivision thereof However nothing in this Section shall apply to the offices of notary public or of commissioner of deeds or to any office in the military or naval service of the United States or of this Commonwealth and nothing in this Section shall prevent persons from holding office ex-officio

Section 2504 Residence Requirements of Elective Officers All officers elected by the qualified voters of the city shall be residents thereof at the time of their nomination and election and shall reside therein during their terms of service

Section 2505 Duties of Persons Receiving City Money Every officer or agency receivng money for the city or money payable into the city treasury shall give bond for the faithful performance of his duty and shall be required to make return to the city controller under oath or affirmation administered by him of each item of the monies received by him once in every week or oftener if council shall so direct and to pay the amounts in his hands to the city treasurer daily

Section 2506 Compensation by Salary and Not by Fees No officer or employe of the city shall collect any fees or perrequisites for his own use but all such fees or perquisites collectible under the law shall be paid into the city treasury Each officer or employe whose salary is paid out of the city treasury shall be paid semi-monthly by check to his order

Section 2507 Pension Funds There shall continue to be pension funds for the employes of the city as now provided by law

Section 2508 Impeachment Suspension and Removal

(a) Municipal officers shall be liable to impeachment suspension and removal from office for any corrupt act or practice malfeasance mismanagement mental incapacity or incompetency for the proper performance of official duties extortion receiving any gift or present from any contractor or from any person seeking or engaged in any work for or furnishing material to the city or from any incumbent or occupant of or candidate or applicant for any municipal office and for wilfully concealing any fraud committed against the city

(b) Complaint in writing may be made to a court of common pleas of the proper county by not less than twenty qualified electors of the city each of whom shall write his occupation and residence opposite his signature charging any municipal officer with any offense setting forth the facts on which the said charge is founded supported by the oaths or affirmations of at least five of the complainants according to the best of their knowledge information and belief If in the judgement of the court there appears to be reasonable ground for such proceedings the court shall direct the complaint to be filed of record and grant a rule upon the accused returnable on a day certain to appear and answer the same

(c) If on the return day of the rule the court shall find sufficient cause for further proceedings it shall appoint a committee of five competent and reputable citizens to investigate the charges contained in the complaint who having been first severally sworn or affirmed to perform the duties of their appointment with fidelity shall have full authority for that purpose to examine the books of the office held by accused and any papers contracts letters or documents filed therein and examine witnesses under oath or affirmation whose attendance the court shall enforce if necessary by subpoena and attachment

(d) It shall be the duty of the committee to make a written report to the court of the facts found by it which shall be filed of record accompanied by he testimony taken within three weeks next after its appointment unless the time shall be extended by the court upon its application In any stage of the proceedings if the public interest so require the court may by an order to be filed of record in the case suspend the accused from office until he shall be tried and acquitted

(e) If the committee or any three members thereof shall find that any charge made as aforesaid is well founded it shall in its report so state in specific form and in such case the court shall cause a certified copy of the whole record with the specifications of the charges against the accused to be transmitted to council which

shall be assembled within ten days thereafter in special and open session as a court of impeachment and the members other than a councilman who is the subject of the charge shall be severally sworn to try and decide the same according to the evidence A copy of the specifications shall be served on the accused or left at his last place of residence at least five days before the commencement of the trial and he shall be entitled to be heard thereon in person or by counsel and to produce evidence in his defense and the prosecution before council shall be conducted by the committee or by counsel appointed by it The compensation of counsel and the cost of investigation and prosecution by the committee shall be provided for by ordinance

(f) The president judge of the said court of common pleas or in his absence an associate judge thereof shall preside during the trial and decide finally all question of law and evidence that may arise in the case He shall have the power to issue subpoenas for witnesses and compel their attendance by attachment and the production of books papers and documentary evidence required or called for by the said court of impeachment and to punish witnesses and others for contempt as fully as any court of this Commonwealth may lawfully do in any case

(g) The decision of the court of impeachment shall be entered upon the record of its proceedings and certified by the clerk of the court in which the complaint was filed If the accused shall be found guilty on any of the specifications the said court of common pleas shall enter judgment accordingly and declare the said office vacant

Article XXVI Powers of the City

Section 2601 Specific Powers The city shall be a body corporate and politic with perpetual succession and shall have the following powers to be exercised as now or hereafter provided by law

A Corporate powers The corporate shall include the power to

(1) sue and be sued
(2) acquire property for public use by eminent domain purchase lease gift or otherwise
(3) dispose of property of the city by sale lease mortgage pledge or otherwise
(4) act as trustee and administer trusts
(5) grant franchises
(6) have and use a corporate seal and alter the same at pleasure and
(7) make all contracts and do all other acts in relation to the property and affairs of the city necessary to exercise its corporate or administrative powers

B Financial powers The financial powers shall include the power to

(1) levy assess and collect taxes on persons transactions occupations privileges subjects and real and personal property
(2) levy assess and collect special assessments for benefits conferred
(3) borrow money for the public purposes of the city and
(4) provide for the payment of the debts and expenses of the city and appropriate money for these and other public purposes

C Public facilities The powers as to public facilities shall include the power to

(1) acquire own construct dispose of maintain operate and conduct
(a) park and recreation facilities (b) fire and police facilities and traffic systems (c) buildings for the transaction of public business (d) charitable and medical institutions and facilities (e) institutions and facilities for detention reformation and correction (f) public utilities (g) public markets (h) public auditoriums libraries memorial buildings monuments museums and acquariums and (i) comfort stations waiting stations and drinking fountains and
(2) furnish utility service within and without the limits of the city

D Regulatory powers The regulatory powers shall include the power to

(1) license inspect or otherwise regulate (a) the construction and maintenance of buildings fire escapes engines and boilers (b) the installation of standpipes and sprinkler systems (c) the sale use and storage of fireworks explosives chemicals and combustibles (d) junk shops rag shops second-hand stores and peddlers (e) transient retail merchants (f) public dances balls theatres exhibitions and billard rooms (g) employment agencies (h) sales at public auction (i) public market (j) tenement houses (k) the transportation by motor vehicles of passengers or property for pay and (l) weights and measures
(2) regulate and restrict the location size and use of buildings and other structures in the city or any part thereof and
(3) regulate wharves fix wharf lines and keep navigable waters open

E Street improvements The powers as to the street improvements shall include the power to

(1) lay out widen grade pave maintain clean and vacate streets alleys footways sewers bridges viaducts and piers
(2) require the owners of property to lay set or repair sidewalks footways and curbstones or to pay therefor
(3) require the owners of property to pay for paving streets laying sewers and other abutting improvements and
(4) plant and maintain shade trees and to compel the abutting owners to pay therefor

F Additional powers The city shall have the additional power to

(1) organize and reorganize all agencies of the city
(2) fix the number and compensation of all officers and employes to be paid out of the city treasury
(3) maintain and improve public health and for that purpose to regulate and license occupations and activities inspect buildings remove and compel the removal of nuisances and remove and dispose of ashes rubbish waste and garbage
(4) participate in the establishment of and deal with municipal housing and other authorities
(5) make reservations of land for future acquision for public use
(6) create and maintain pension funds for persons paid out of the city treasury
(7) make contracts with stock or mutual fire insurance companies and
(8) appropriate money and provide meeting rooms to any organization society or institution carrying on a public function in the city

Section 2602 General Powers In addition to the specific powers above stated the city shall have the power of local self-government and to pass ordinances and resolutions applicable throughout the whole city or only to specified portions thereof which are not inconsistent with the provisions of this Act or of the Constitution or laws of the United States or of this Commonwealth

(a) for the good rule and government of the city
(b) for the order protection and government of persons and property
(c) for the benefit and preservation of the health comfort peace prosperity and general welfare of the city and its inhabitants
(d) to effecuate the purposes and provisions of this Act or of any other laws relating to the city and
(e) to provide (1) for the enforcement of ordinances and resolutions by legal or equitable proceedings (2) that violations thereof shall constitute misdemeanors and (3) for the punishment of violation thereof by forfeiture or by a fine not exceeding $100.00 for any one offense recoverable with costs together with judgment of imprisonment not exceeding thirty days if the amount of the fines and costs shall not be paid within ten days from the date of the imposition thereof

Section 2603 Other Powers Saved All existing powers of the city shall continue whether or not mentioned herein except insofar as they are repealed by this Act

Article XXVII Home Rule

Section 2701 Local Self-Government The city shall have the right and power to frame and adopt changes in this Act which shall be solely applicable to it and to exercise the powers and authority of local self-government subject however to such restrictions limitations and regulations as are provided in this Article or as may hereafter be imposed by the legislature The city may as provided in this Act change or supersede any law relating to the self-government of the city

Section 2702 Changes by Council Any bill introduced in council for the purpose of changing this Act or any other act which relates to the self-government of the city shall not be passed until a public hearing has been had thereon pursuant to public notice

Section 2703 Approval of Electors Any ordinance passed by council for the purpose of changing this act shall be submitted for the approval of the electors at the next general special or primary election to be held not less than sixty days after the passage thereof by council except that no such approval shall be necessary for a bill which provides for changes in Articles IV to XIII hereof inclusive

Section 2704 Approval of Legislature An ordinance passed by council which under this Article requires the approval of the electors shall become effective upon the approval thereof by the electors except that a change in Article I II XVII XVIII XXIII XXVI or XXVII hereof shall not become effective until thirty-one days after the adjournment of a pending or the next session of the General Assembly at which it was possible to consider legislation in regard thereto and then only to the extent to which such ordinance shall not conflict with an act or acts enacted at such session

Article XXVIII Construction Of This Act

Section 2801 Liberal Construction The provisions of this Act shall be construed liberally in order to effect the intent and purpose of the Act

Section 2802 Inconsistent Specific Laws No provisions of existing laws even though they be specific shall be effective insofar as they are inconsistent with the provisions of this Act

Article XXIX Schedule

Section 2901 Continuation of Officers and Employes Each member of the art jury and of the board of plumbing supervision now in office shall continue in office until his term shall expire Members of the zoning board of adjustment board of prison inspectors Fairmount Park commission board of revision of taxes and city planning commission shall not continue in office All other officers and employes of any department office or agency the expenses of which are paid out of the city treasury shall continue in office or employment but shall be under the jurisdiction of the agency to which their functions are assigned by this Act until transferred superseded or removed according to law

Section 2902 Civil Service Any employe who holds a position which is in the classified service as herein defined and which was in the competitive class under the law in force immediately preceding the effective date of this Act shall if he has successfully completed his probationary period become a classified service employe under the provisions hereof and continue in that position unless separated therefrom as herein provided Any such employe who has not completed such probationary period at the time this Act takes effect shall retain his status as a probationary employe until the expiration of that probationary period or until one month after the effective date of this Act whichever period is longer Any employe who holds a position which is in the classified service as herein defined and which was in the labor class under the law in force immediately preceding the effective date of this Act shall become a classified service employe under the provisions hereof and continue in that position unless separated therefrom as herein provided Any employe serving as a provisional or temporary appointee at the time this Act takes effect shall be regarded as a provisional or temporary appointee under this Act and shall be subject to the provisions thereof Any other employe holding a position in the classified service as herein defined may become a classified service employe upon passing such non-competitive tests as the personnel director may prescribe Such non-competitive tests shall be given as soon as practicable but in any event within six months after the effective date of this Act

Section 2903 Continuation of Ordinances and Regulations All ordinances and all rules and regulations of departments boards commissions and other agencies which are in force in the city and are not inconsistent with this Act including those passed and adopted in pursuance of laws hereby repealed shall continue in force until repealed or amended

Section 2904 Continuation of Rights and Liabilities All existing rights liabilties actions and prosecutions shall continue as if this Act had not been enacted

Article XXX Effective Dates

Section 3001 Approval of Electors This Act shall be submitted to the electors of any city now of the first class on the fourth Tuesday following its enactment In any city which in the future becomes a city of the first class this Act shall be submitted to the electors at the first general special or primary election which is held after it has become a city of the first class The question shall be submitted to the electors in the following form

"Do you approve the Act of Assembly of
containing the proposed new city charter"

The election shall be conducted in the same manner as other municipal elections

Section 3002 Nominations and Elections The provisions of this Act as to the nomination and election of the new council shall become effective upon the approval of this Act by a majority of the electors voting thereon and the first election shall be held at the first general election after such approval The repeal of the laws as to the nomination and election of a mayor council and a receiver of taxes shall become effective upon the approval of this Act by the electors

Section 3003 Current Budget The Article of this Act relating to the current budget shall become effective upon the approval of this Act by a majority of the electors voting theron except that (a) until January first next after such approval the references therein to the city manager shall be deemed to be references to the mayor (b) the aggregate assessed valuation of taxable property shall be certified by the board of revision of taxes instead of the chief assessor but if the records of that board are not complete an estimate of the aggregate assessed valuation shall be made and certified by the city controller (c) the provisions prohiting any appropriation or payment on any contract providing for payments in absence or excess of an appropriation before the contract was made shall not apply to payments for material furnished or services rendered to January first next after the approval of the Act by the electors and such payment may be made according to ordinance approved by two-thirds of the councilmen holding office (d) the liabilities in the certificate of revenue and liabilities to be furnshed by the controller may be reduced to the extent that any law permits the existing deficiency to be allocated or founded over one or more years after the next ensuing year and (e) the provision relating to the transfer of appropriations shall not go into effect until after one year after the January first next after the approval of the Act by the electors The repeal of the provisions of law pertaining to the finances and the budget of the city shall become effective upon the effective date of the provision or provisions of this Act by which they are superseded

Section 3004 General Effective Data Except as expressly provided above this Act shall become effective in the city on the first Monday of January following its submission to the electors of the city and its approval by a majority of those voting thereon

Article XXXI Repealer

The repeal hereby of an act or part of an act repeals all amendments thereto The repeal of the first section of an act does not repeal the enacting clause

A The following acts and parts of act are repealed absolutely as to cities of the first class

Sections 2 and 5 of the act approved the eighteenth day of February one thousand seven hundrrd and sixty-nine (1 Sm L 284) entitled "An act for regulating pitching paving and cleansing the highways streets lanes and alleys and for regulating making and amending the water courses and common sewers with the inhabited and settled parts of the city of Philadelphia for raising of money to defray the expenses thereof and for other purposes therein mentioned"

Section 9 of the act approved the eighteenth day of March one thousand seven hundred and seventy-five (1 Sm L 397) entitled "An act to regulate the assize of bread and for other purposes therein mentioned"

Sections 14 16 19 22 23 24 35 and 36 of the act approved the eleventh day of March one thousand seven hundred and eighty-nine (2 Sm L 462) entitled "An act to incorporate the city of Philadelphia"

Section 3 of the act approved the second day of April one thousand seven hundred and Ninety (2 Sm L 526) entitled "A further supplement to the act entitled 'an act to incorporate the city of Philadelphia' "

Section 22 of the act approved the twenty-eighth day of March one thousand eight hundred and fourteen (Pamphlet Laws three hundred fifty two) (6 Sm L 228) entitled "An act establishing a Fee Bill"

Sections 7 and 8 of the act approved the third of February one thousand eight hundred and twenty-four (Pamphlet Laws eighteen) entitled "An act relating to taxes on certain real estate in the city and county of Philadelphia"

Section 3 of the act approved the twelfth day of April one thousand eight hundred and twenty-eight (Pamphlet Laws three hundred fourteen) entitled "An act to protect the property of the mayor aldermen and citizens of Philadelphia at Fairmount and the purity of the Schuylkill water"

Sections 1 2 and 3 of the act approved the fourteenth day of April one thousand eight hundred and thirty-five (Pamphlet Laws two hundred thirty-two) entitled "A supplement to the act entitled 'an act to provide for the erection of a new prison and a debtors' apartment within the city and the county of Philadelphia and for the sale of the county prison in Walnut Street in said city' "

Section 52 of the act approved the first day of April one thousand eight hundred and thirty-six (Pamphlet Laws four hundred thirty-six) entitled "An act regulating election districts and for other purposes"

Section 4 of the act approved the fourth day of April one thousand eight hundred and thirty-seven (Pamphlet Laws three hundred seventy-seven) entitled "An act to alter the times of holding courts in the county of Tioga and for other purposes"

Resolutions 1 5 8 9 and 10 of the act approved the seventeenth day of June one thousand eight hundred and thirty-nine (Pamphlet Laws six hundred seventy-six) entitled "Resolutions authorizing the Clerk of Orphans' Court of Berks County to record certain papers in his office and perform certain other services and for other purposes"

Section 4 of the act approved the twenty-first day of June one thousand eight hundred and thirty-nine (Pamphlet Laws three hundred seventy-three) entitled "An act to provide for the election of Mayor of the city of Philadelphia by the qualified electors thereof to confer jurisdiction on the Mayor and Recorder of said city in actions for penalties to appoint an additional Warden for the district of Kensington to widen Locust Street in the city of Philadelphia and for other purposes"

Section 10 of the act approved the third day of February one thousand eight hundred and forty-three (Pamphlet Laws eight) entitled "An act to abolish the Court of General Sessions of the city and county of Philadelphia and for other purposes"

Section 3 of the act approved the sixteenth day of April one thousand eight hundred and forty-five (Pamphlet Laws four hundred ninety-five) entitled "An act vacating part of Old Masters' Street or Masters' Lane in Penn township in the county of Philadelphia and for other purposes"

Sections 5 10 11 12 17 39 and 38 of the act approved the second day of February one thousand eight hundred and fifty-four (Pamphlet Laws twenty-one) entitled "A further supplement to an act entitled 'An act to incorporate the City of Philadelphia' "

Sections 8 11 13 and 14 of the act approved the twenty-first day of April one thousand eight hundred and fifty-five (Pamphlet Laws two hundred sixty-four) entitled "A supplement to the act consolidating the City of Philadelphia"

The act approved the twenty-sixth day of April one thousand eight hundred and fifty-five (Pamphlet Laws three hundred fifteen) entitled "An act relating to fines forfeitures and penaltise in the city of Philadelphia and the county of Allegheny"

The act approved the fourth day of January one thousand eight hundred and fifty-six (Pamphlet Laws seven hundred eleven) entitled "A further supplement to an act entitled 'An act to provide for the erection of a new prison and debtors' apartment within the city and county of Philadelphia and for the sale of the county prison in Walnut Street in the said ctiy approved April fourteenth one thousand eight hundred thirty-five' "

Section 4 of the act approved on the eleventh day of April one thousand eight hundred and fifty-six (Pamphlet Laws three hundred nineteen) entitled "An act to provide better regulations of buildings in the city of Philadelphia"

Sections 1 6 7 11 20 and 21 of the act approved on the thirteenth day of May one thousand eight hundred and fifty-six (Pamphlet Laws five hundred sixty-seven) entitled "A further supplement to the act consolidating the city of Philadelphia"

Section 2 of the act approved the sixteenth day of May one thousand eight hundred and fifty-seven (Pamphlet Laws five hundred forty-nine) entitled "A further supplement to the act consolidating the city of Philadelphia"

The act approved the twentieth day of May one thousand eight hundred and fifty-seven (Pamphlet Laws five hundred ninety) entitled "An act in relation to Party Walls"

The act approved the sixteenth day of April one thousand eight hundred and fifty-eight (Pamphlet Laws three hundred eighteen) entitled "Supplement to the act consolidating the city of Philadelphia"

Section 1 of the act approved the thirteenth day of April one thousand eight hundred and fifty-nine (Pamphlet Laws five hundred ninety-five) entitled "A supplement to the act entitled 'An act establishing a mode of selecting and drawing Jurors in and for the city of Philadelphia' "

The act approved the twenty-eighth day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred eighteen) entitled "An act to repeal so much of a further supplement to the act consolidating the city of Philadelphia as prevents the Mayor from sitting as a Committing Magistrate and further to give the Mayor power to appoint an Alderman for such purpose"

The act approved the seventeenth day of April one thousand eight hundred and sixty-one (Pamphlet Laws three hundred fifty-four) entitled "A further supplement to an act to incorporate the city of Philadelphia"

The act approved on the fourth day of March one thousand eight hundred and sixty-two (Pamphlet Laws ninety) entitled "A further supplement to the act to incorporate the city of Philadelphia"

The act approved on the fifth day of April one thousand eight hundred and sixty-two (Pamphlet Laws two hundred seventy-one) entitled "An act explanatory of certain acts relative to the inspectors of buildings in the city of Philadelphia"

The act approved on the first day of April one thousand eight hundred and sixty-four (Pamphlet Laws one hundred eighty-seven) entitled "An act to authorize the macadamizing of the streets in certain portions of the city of Philadelphia"

The act approved on the twentieth day of April one thousand eight hundred and sixty-four (Pamphlet Laws five hundred fifteen) entitled "An act relating to the office

of fire marshal of the police department of the city of Philadelphia"

The act approved on the seventh day of May one thousand eight hundred and sixty-four (Pamphlet Laws eight hundred eighty) entitled "An act to authorize the appointment of an inspector steam engines and steam boilers in and for the city of Philadelphia"

The act approved on the twenty-fifth day of August one thousand eight hundred and sixty-four over the Governor's veto (Pamphlet Laws one thousand thirty) entitled "A further supplement to an act to incorporate the city of Philadelphia"

Sections 1 and 8 of the act approved on the fourteenth day of March one thousand eight hundred and sixty-five (Pamphlet Laws three hundred twenty) entitled "An act to promote the more certain and equal assessment of taxes in Philadelphia"

Section 4 of the act approved on the thirtieth day of March one thousand eight hundred and sixty-six (Pamphlet Laws one thousand thirty) entitled "A further supplement to the act incorporating the city of Philadelphia"

Sections 1 and 8 of the act approved on the fourteenth day of March one thousand eight hundred and sixty-five (Pamphlet Laws three hundred twenty) entitled "An act to promote the more certain and equal assessment of taxes in Philadelphia"

Section 4 of the act approved on the thirtieth day of March one thousand eight hundred and sixty-six (Pamphlet Laws three hundred fifty-four) entitled "An further supplement to the act incorporating the city of Philadelphia"

The act approved on the second day of February one thousand eight hundred and sixty-seven (Pamphlet Laws one hundred thirty-seven) entitled "A further supplement to an act entitled 'An act to promote the more certain and equal assessment of taxes in Philadelphia' approved the fourteenth day of March one thousand eight hundred and sixty-five"

Sections 2 3 4 and 5 of the act approved on the twenty-sixth day of March one thousand eight hundred and sixty-seven (Pamphlet Laws five hundred forty-seven) entitled "An act appropriating ground for public purposes in the city of Philadelphia"

The act approved on the twenty-fourth day of March one thousand eight hundred and sixty-eight (Pamphlet Laws four hundred forty-three) entitled "A further supplement to an act entitled 'an act to promote the more certain and equal assessment of taxes in Philadelphia' approved the fourteenth day of March Anno Domini one thousand eight hundred and sixty-five relative to assessments on agriculutral and farm land and the suburban portions of said city"

The act approved the eleventh day of April one thousand eight hundred and sixty-eight (Pamphlet Laws eight hundred sixty-two) entitled "An act to prevent the wearing of the badge of the Philadelphia Fire Department by unauthorized persons"

Sections 5 6 8 9 10 11 12 to 20 inclusive 21 22 23 24 26 and 27 of the act approved on the fourteenth day of April one thousand eight hundred and sixty-eight (Pamphlet Laws one thousand eighty-three) entitled "A supplement to an act entitled 'An act appropriating ground for public purposes in the city of Philadelphia' appproved the twenty-sixth day of March Anno Domini one thousand eight hundred and sixty-seven"

All except sections 1 and 6 of the act approved the eighteenth day of March one thousand eight hundred and sixty-nine (Pamphlet Laws three hundred ninety-seven. entitled "An act suplementary to the act consolidating the city of Philadelphia relating to the cleaning of streets of said city"

Sections 1 2 4 5 6 7 and 9 of the act approved the twenty-first day of April one thousand eight hundred and sixty-nine (Pamphlet Laws one thousand ninety-four) entitled "A further supplement to an act entitled 'An act approving ground for public purposes in the city of Philadelphia' approved the twenty-sixth day of March Anno Domini eighteen hundred and sixty-seven"

Sections 1 3 and 5 of the act approved the twenty-seventh day of January one thousand eight hundred and seventy (Pamphlet Laws ninety-three) entitled "A further supplement to an act entitled 'An act appropriating ground for public purposes in the city of Philadelphia' approved the twenty-sixth day of March Anno Domini eighteen hundrd and sixty-seven"

Section 1 of the act approved the fifteenth day of March one thousand eight hundred and seventy-one (Pamphlet Laws three hundred sixty-three) entitled "A further supplement to an act appropiating ground for public purposes in the city of Philadelphia approved the twenty-sixth day of March Anno Domini one thousand eight hundred and sixty-seven"

Sections 1 4 and 5 of the act apprvoed the fifteenth day of May one thousand eight hundred and seventy-one (Pamphlet Laws eight hundred seventy-three) entitled "An act enlarging the duties and the powers of the commissioners of Fairmount Park by requiring them to take charge of Hunting Park in the city of Philadelphia and of the legacy of Elliott Cresson providing for the planting of trees in said city"

The act approved the twenty eighth day of March one thousand eight hundred seventy two (Pamphlet Laws six hundred nine) entitled "An act requiring the chief commissioner of highways of the city of Philadelphia to have security entered into for the faithful performance of all contracts awarded by the highway department"

The act approved the ninth day of April one thousand eight hundred and seventy three (Pamphlet Laws five hundred seventy five) entitled "A supplement to the act consolidating the city of Philadelphia"

The act approved the twelfth day of April one thousand eight hundred and seventy-three (Pamphlet Laws seven hundred fifteen) entitled "A futher supplement to an act to promote the more certain and equal assessment of taxes in Philadelphia approved the fourteenth day of March one thousand eight hundred and sixty five relating to the assessors and assessment in said city"

The act approved the sixth day of January one thousand eight hundred and seventy four (Pamphlet Laws four hundred seventy six) entitled "An act authorizing the Fairmount Park Commissioners to exclude parts or the whole of any property within the boundaries of said park not yet paid for"

The act approved the fifteenth day of June one thousand nine hundred and eleven Appripriation Acts (page three hundred eight) entitled "An act appropiating the sum of two hundred and fifty thousand dollars to the city of Philadelphia toward the erection of buildings for the care and maintenance of feeble-minded and idiotic persons in the said city to be known as the Philadelphia Institution for the Feeble-Minded"

The act approved the sixteenth day of May one thousand nine hundred and seventeen (Pamphlet Laws one hundred ninety three) entitled "An act to carry into effect the amendment to section eight of article nine of the Constitution of Pennsylvania adopted by the people at an election held on the second day of November one thousand nine hundred and fifteen to provide the manner of holding elections for the increase of the indebtedness of the city of Philadelphia to the extent three per centum upon the assessed valuation of taxable property in said city for the specific purposes authorized by said amendment regulating the manner of making such increase of indebtedness and providing for the redemption of the same validating elections held in said City since the adoption of said amendment in the manner provided by this act or by the act of the General Assembly approved the twentieth day of April one thousand eight hundred and seventy four entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof and the supplements and amendments thereto and to validate all bonds or other obligations of said city heretofore issued or which may be hereafter issued pursuant to authority conferred by the electors at any such election"

Section 1 to 4 inclusive of the act approved the second day of May one thousand nine hundred and nineteen

(Pamphlet Laws one hundred six) entitled "An act to carry out provisions of section eight article nine of the Constitution of the State of Pennsylvania as amended and for that purpose prescribing the method of determining the amount which may be deducted in ascertaining the borrowing capacity of the city of Philadelphia by excluding from the calculation and deducting from its indebtedness so much of the debt of said city as shall have been incured and proceeds thereof invested in and public improvements of any character which shall be yielding to and the said city an annual currant net revenue"

B The following acts and parts of acts are repealed insofar as they relate to a city of the first class the electors of which have approved this act or to a county containing a city of the first class the electors of which city have approved this act

The act approved the sixth day of January one thousand eight hundred and twenty one (7 Sm L 341) (Pamphlet Laws four) entitled "An act to provide for the enumeration of the taxable inhabitants and slaves within this Commonwealth"

The act approved the twenty sixth day of March one thousand eight hundred and twenty one (Pamphlet Laws ninety eight) (7 Sm L 393) entitled "A supplement to the act entitled 'An act to provide for the enumeration of the taxable inhabitants and slaves within this Commonwealth' "

Sections 10 11 and 37 of the act approved the fifteenth day of April one thousand eight hundred and thirty four (Pamphlet Laws five hundred thirty seven) entitled "An act relating to counties and townships and county and township officers"

Section 2 of the act approved the thirty first day of March one thousand eight and thirty six (Pamphlet Laws three hundred twenty eight) entitled "A supplement to the act entitled 'An act to incorporate and endow the Pennsylvania Institution for the instruction of the Blind' "

Section 3 of the act approved the twenty seventh day of February one thousand eight hundred and forty seven (Pamphlet Laws one hundred seventy two) entitled "An act requiring the inspectors of prisons sheriffs prothonotaries and clerks of criminal courts and others to make annual returns to the Secreary of the Comonwealth and for other purposes"

The act approved the fourteenth day of May one thousand eight hundred and seventy four (Pamphlet Laws one hundred fifty four) entitled "An act authorizing the county commissioners to sell at public sale any part of any lands reserved for public buildings when the same is not needed therefor"

Section 1 of the act approved the fifteenth day of May one thousand eight hundred and seventy four (Pamphlet Laws one hundred ninety three) entitled "An act requiring county commissioners railroad and other corporations to make annual reports to the secretary of internal affairs in lieu of similar reports heretofore made to the auditor general"

Section 6 and 10 of the act approved the twenty third day of May one thousand eight hundred and seventy four (Pamphlet Laws two hundred thirty) entitled "An act dividin the cities in this state into three classes regulating the passage of ordinances providing for contracts for supplies and work for said cities authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same defining and punishing certain offenses in all of said cities and providing for the incorporation and government of cities of the third class"

Section 5 of the act approved the twenty third day of May one thousand eight hundred seventy-four (Pamphlet Laws two hundred thirty) entitled "An act dividing the cities in this state into three classes regulating the passage of ordinances providing for contracts for supplies and work for said cities authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same defining and punishing certain offenses in all of said cities and providing for the incorporation nad government of cities of the third class" with respect to the advertisement of city ordinances

Section 1 of the act approved the tenth day of March one thousand eight hundred and seventy five (Pamphlet Laws six) entitled "An act fixing and regulating the terms of all members of councils and all other city ward borough and township officers excepting school directors elected by the people and fixing time for organization of the legislative departments of the municipal governments of the Commonwealth and the inauguration of the mayors of all the cities of the same"

Section 2 of the act approved the twenty-first day of May one thousand eight hundred and seventy-nine (Pamphlet Laws seventy-two) entitled "An act repealing section seven of an act entitled 'an act to carry into effect section five of article fourteen of the Constitution relative to the salaries of county officers and the payment of fees received by them into the state or county treasury in counties containing over one hundred and fifty thousand inhabitants' approved the thirty-first day of March Anno Domini one thousand eight hundred and seventy-six and also repealing the supplement to said act approved the twenty-third day of March Anno Domini one thousand eight hundred and seventy-seven and conferring upon councils in cities of the first class the power of fixing the number and salaries of certain employees"

Sections 5 8 11 and 12 of the act approved the nineteenth day of April one thousand eight hundred and eighty-three (Pamphlet Laws nine) entitled "An act to abolish the office of the collector of all outstanding or delinquent taxes to authorize and empower the receiver of taxes to collect the delinquent taxes and to provide for the more efficient collection of said delinquent taxes in cities of the first class"

The act approved the seventeenth day of May one thousand eight hundred and eighty-three (Pamphlet Laws thirty-two) entitled "An act authorizing councils in cities of the first class to issue subpoenas and to take the testimony of witnesses concerning the management and accounts of any of the departments of said city or any other matter which may be subject to their supervision also providing for the compulsory production of books and papers and a mode of compelling the attendance of witnesses by attachment for contempts and authorizing and defining the punishment therefor"

The act approved the first day of June one thousand eight hundred and eighty-three (Pamphlet Laws fifty-eight entitled "An act empowering and directing the county commissioner of any county to purchase ground at the county seat for the erection thereon of such building or buildings as may be necessary for the accommodation of the courts and of the several officers of the county and for the reception and safe keeping of the records and other papers in charge of such officers and also such other building or bunldings as may be necessary and proper for the purposes of a county jail or workhouse when occasion shall require the erection of such building or buildings and in case the said ground cannot be obtained by agreement with the owner or owners at a reasonable price in the estimation of said commissioners then to resort to condemnation"

Section two of the act approved the twenty-sixth day of April one thousand eight hundred eighty-nine (Pamphlet Laws fifty-five, entitled "A supplement to an act entitled 'an act empowering and directing the county commissioners of any county to purchase ground at the county seat for the erection thereon of such building or buildings as may be necessary for the accommodation of the courts and of the several officers of the county and for the reception and safe keeping of the records and other papers in charge of such officers and also such other building or buildings as may be necessary and proper for the purposes of a county jail or workhouse when occasion shall require the erection of such building or buildings and in case the said ground cannot be obtained by agreement with the owner or owners at a reasonable price in the estima-

tion of said commissioners then to resort to condemnation' approved the first day of June Anno Domini one thousand eight hundred and eighty-three repealing the second proviso to the third section of said act and regulating the manner of procedure where there are adverse claimants to the ground condemned"

The act approved the thirteenth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws one hundred ninety-two) entitled "An act to provide for the appointment of police matrons in cities of the first and second class and to regulate their duties and compensation"

The act approved the eighteenth day of April one thousand eight hundred and ninety-three (Pamphlet Laws one hundred five) entitled "An act authorizing and directing county commissioners of the several counties of this Commonwealth to procure bind and preserve weekly newspapers published within their respective counties"

The act approved the nineteenth day of April one thousand eight hundred and ninety-five (Pamphlet Laws thirty-eight) entitled "An act to regulate the erection of county buildings"

Section 20 of an act approved the eighteenth day of June one thousand eight hundred and ninety-five (Pamphlet Laws two hundred three) entitled "An act to provide for the more effectual protection of the public health in the several municipalities of this Commonwealth"

The act approved the twenty-sixth day of June one thousand eight hundred and ninety-five (Pamphlet Laws three hundred seventy-seven) entitled "An act authorizing the erection of work-houses in the several counties of this Commonwealth"

Sections 4 to 13 inclusive and section 15 of the act approved the twenty-seventh day of June one thousand eight hundred and ninety-five (Pamphlet Laws four hundred three) entitled "An act creating the office of county controller in counties of this Commonwealth containing one hundred and fify thousand inhabitants and over prescribing his duties and abolishing the office of county auditor in said counties"

The act approved the twenty-eighth day of February nineteen hundred and one (Pamphlet Laws fifteen) entitled "A further supplement to 'an act to provide for the better government of cities of the first class in this Commonwealth' approved June one thousand eight hundred and eighty-five"

The act approved the twenty-first day of May one thousand nine hundred and one (Pamphlet Laws two hundred seventy-four) entitled "An act to encourage county historical societies"

The act approved the twenty-sixth day of February one thousand nine hundred and three (Pamphlet Laws eight entitled "An act providing for the appointment of boards of visitation for insulations societies and associations caring for dependent neglected and delinquent children"

The act approved the twenty-fourth day of April one thousand nine hundred and three (Pamphlet Laws two hundred ninety-four) entitled "An act authorizing commissioners of public parks with cities of the first class of this Commonwealth to purchase acquire enter upon take use and appropriate farmlands and woodlands adjoining any public park within said cities for park purposes wherever in their opinion such lands shall be necessary for the improvement of said parks and providing that the total acreage of land so taken shall not exceed one thousand acres"

The act approved the twenty-fifth day of April one thousand nine hundred three (Pamphlet Laws three hundred fourteen) entitled "An act authorizing the councils of any city of this Commonwealth with the approval of the mayor or recorder thereof to establish scientific educational and economic institutions and to create boards of trustees for the government of each institution"

The act approved the fourteenth day of February one thousand nine hundred and seven (Pamphlet Laws three) entitled "An act enlarging the powers of county commissioners to erect county bridges empowering them to erect and construct new bridges whenever the existing bridge or bridges are not sufficient for any cause to accommodate the public travel"

Sections 2 to 6 inclusive of the act approved the twenty-fifth day of May one thousand nine hundred and seven (Pamphlet Laws two hundred forty-seven) entitled "An act authorizing the employment of male prisoners of the jails and workhouses of this Commonwealth upon the public highways of the several colunties and regulating the same and providing for the establishment of Prison Boards the purchase of material and tools and employment of deputies at the expense of the proper county and a penalty for the escape of prisoners while employed outside of said jails or workhouses"

The act approved the thirty-first day of May one thousand nine hundred and seven (Pamphlet Laws three hundred forty-nine) entitled "An act to provide for the planting and care of shade trees on highways of townships of the first class boroughs and cities of the Commonwealth of Pennsylvania and providing the cost thereof"

Sections 18 and 20 of the act approved the eighth day of June one thousand nine hundred and seven (Pamphlet Laws four hundred eighty-eight) entitled "A supplement to an act entitled 'an act to provide for the better government of cities of the first class in this Commonwealth' approved the first day of June one thousand eight hundred and eighty-five creating a Department of Wharves Docks and Ferries for the improvement regulation and supervision of the construction extension alteration maintenance and use of wharves piers bulkheads docks slips basins ferries harbors and harbor structures in cities of the first class and providing for the making and enforcement of rules and regulations and fixing certain penalties for violation thereof and providing for the acquisition of property by said cities by purchase and by condemnation for certain purposes"

The act approved the eighth day of June one thousand nine hundred and seven (Pamphlet Laws five hundred twenty) entitled "An act to provide for the more efficient collection of taxes regulating appointments in the Department of the Receiver of Taxes and authorizing the establishment of local branch tax offices in cities of the first class"

Section 1 of the act approved the eleventh day of May one thousand nine hundred and eleven (Pamphlet Laws two hundred seventy-five) entitled "An act to provide for the appointment of county and city inspectors of weights and measures providing for their compensation and expenses prescribing their duties prohibiting vendors from giving false or insufficient weights and fixing the penalties for the violation of the provisions hereof"

Section 3 of the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred seventy-nine) entitled "An act prescribing the number of fixtures for water supply for houses and other buildings occupied as dwellings in cities of the first class making violation of its provisions a misdemeanor and providing punishment for the same"

Sections 1 2 and 4 of the act approved the eighth day of June one thousand nine hundred and eleven (Pamphlet Laws seven hundred five) entitled "An act creating the office of Fire Marshal to be attached to the Department of Public Safety in cities of the first class prescribing his duties and powers and providing penalties for violation of the provisions of the act and providing for the method of appointment compensation and for the maintenance of his office"

The act approved the seventeenth day of April one thousand nine hundred and thirteen (Pamphlet Laws ninety-three) entitled "An act to give commissioners of public parks in cities of the first class the same powers and control over grounds committed to their care and management by the councils of said cities or by individuals as they have over public parks placed in their charge by law"

Section 1 of the act approved the seventeenth day of April one thousand nine hundred and thirteen (Pamphlet Laws ninety four) entitled "An act to authorize commissioners of public parks in cities of the first class to designate the roads and drives to be used by different kinds of vehicles"

Section 9 of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred eleven) entitled "An act establishing a court for the county of Philadelphia prescribing its juris-

diction and powers providing for the service of its writs process or warrants by the proper officers of the county or city of Philadelphia regulating the procedure therein and appeals therefrom and providing for the expenses thereof insofar as it relates to probation officers other than for juveniles"

The act approved the twenty first day of July one thousand nine hundred and thirteen (Pamphlet Laws eight hundred sixty three) entitled "A supplement to an act approved the eleventh day of June one thousand eight hundred seventy-nine entitled 'an act to authorize cities of the first class to levy and fix a tax rate to fix the time of opening and closing the tax duplicates to regulate the appropriations and expenditures of said cities and prescribing penalties for the violation of the provisions of this act"

Section 1 of the act approved the twenty-fourth day of July one thousand nine hundred and thirteen (Pamphlet Laws nine hundred seventy six) entitled "An act making it lawful for appropriations to be made and for contracts to be entered into and work and material to be done and furnished under such contracts when funds for the purpose thereof shall have been or have been authorized to be borrowed by cities of the first class without awaiting the issue of such loans or the receipt of the money to be so borrowed"

The act approved the twenty-fourth day of July one thousand nine hundred and thirteen (Pamphlet Laws nine hundred ninety-four) entitled "An act to provide for the appointment of registrars of electors to be deputy poll-tax collectors in cities of the first class of this Commonwealth a method of collecting such taxes penalties for violation of its provisions and to repeal acts or path of acts inconsistent therewith"

The act approved the twenty eighth day of April one thousand nine hundred and fifteen (Pamphlet Laws one hundred ninety-seven) entitled "An act regulating the manner and time of payment of employes of cities of the first class"

The act approved the eleventh day of May one thousand nine hundred and fifteen (Pamphlet Laws two hundred eighty-five) entitled "An act to authorize the regulation of the location size and use of buildings in cities of the first class"

Section 1 of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (Pamphlet Laws five hundred eighty-two) entitled "An act authorizing the sale by cities of the first class of their bonds to the sinking-fund commissioners of such cities without advertisement in certain cases"

The act approved the first day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred eight) entitled "An act to prevent the wearing of the badge of the Bureau of Police in cities of the first class by unauthorized persons and providing a penalty therefor"

Section 1 of the act approved the fifth day of June one thousand nine hundred and fifteen (Pamphlet Laws eight hundred forty six) entitled "An act to provide that the proceeds of loans therefore or hereafter issued by cities of the first class shall constitute a consolidated loan fund which may be appropriated and used for any purpose for which loans shall have been authorized or issued by such cities"

Sections 1 to 3 inclusive of the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws eight hundred ninety-four) entitled "An act relating to and regulating the plotting by cities of the first class of parks and parkways in built-up sections thereof"

The act approved the fifth day of April one thousand nine hundred and seventeen (Pamphlet Laws thirty-four) entitled "An act to amend section one of an act approved th thirtieth day of March one thousand nine hundred and fifteen entitled 'an act to promote the health and efficiency of firemen in cities of the second class by providing for a two platoon system for firemen in the department of public safety of such cities' by extending the same to cities of the first class"

Sections 1 to 3 inclusive of the act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws one hundred ninety-seven) entitled "An act regulating the purchase of and contract for supplies in cities of the first class in this Commonwealth"

The act approved the twenty-third day of June one thousand nine hundred and seventeen (Pamphlet Laws six hundred thirty-nine) entitled "An act authorizing cities of the first class to make appropriation for the support of destitute families of persons sentenced to imprisonmnt and providing a system of control and administration for the distribution thereof"

The act approved the sixth day of July one thousand nine hundred and seventeen (Pamphlet Laws seven hundred forty-seven) entitled "An act requiring all counties cities boroughs townships school districts and other municipalities and incorporated districts to sell any bonds or other securities issued by them to the highest responsible bidder after due public notice"

The act approved the eighth day of May one thousand nine hundred and nineteen (Pamphlet Laws one hundred sixty-three) entitled "An act authorizing county commissioners to appoint county engineers and to fix their compensation and prescribing the duties of such engineers"

The act approved the twelfth day of June one thousand nine hundred and nineteen (Pamphlet Laws four hundred forty-four) entitled "An act relating to appointments under the civil service in counties cities and boroughs and providing penalties"

The act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the rfist class of this Commonwealth"

Section 5 of the act approved the eighth day of July one thousand nine hundred and nineteen (Pamphlet Laws seven hundred eighty-three) entitled "An act empowering cities to take purchase or condemn property and to appropriate money for the erection thereon of public auditoriums libraries memorial buildings and monuments and providing for their poeration and maintenance"

Section 1 of the act approved the twenty-sixth day of April one thousand nine hundred and twenty-one (Pamphlet Laws two hundred seventy-eight) entitled "An act providing that in computing the indebtedness of cities of the first class the word 'indebtedneses' shall include all manner of debt and the net amount thereof shall be ascertained as in the case of other municipal corporations by deducting from the gross amount thereof the moneys in the treasury all outstanding solvent debts and all revenues applicable within one year to the payment of the same"

The act approved the third day of April one thousand nine hundred and twenty-three (Pamphlet Laws fifty) enentitled "An act authorizing cities of the first class to provide for the use of moneys borrowed or authorized to be borrowed for purposes which have proved or may prove impracticable impossible or inadvisable for any other lawful municipal purpose or to provide for the cancellation of the authority to borrow such moneys"

The act approved the third day of May one thousand nine hundred and twenty-three (Pamphlet Laws one hundred thirty-five) entitled "An act relating to the acquisition of land for park purposes by any city in this Commonwealth in sections not entirely built up limiting time for condemnation by councils or condemnation or purchase by park commissioners after same has been placed on city plan for park purposes by ordinance of councils or action plan upon failure to condemn or purchase within time specified herein"

Section 1 of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred thirty-five) entitled "An act to promote the health and efficiency of firemen in cities of the first class by providing for a two-platoon system for the certain officers of the uniformed fire force of the Department of Public Safety of such cities"

The act approved the eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws six hundred eighty-eight) entitled "An act authorizing the county commissioners to appropriate money for the completion and publication of a County War History"

Section 2 of the act approved the twenty-eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred and seventy-five) entitled "An

act relating to county bridges authorizing counties to issue and sell bonds for the erection thereof and for the acquisition of toll bridges and providing for the division of the cost of construction and erection or acquistion of joint county bridges or toll bridges and the collection of tolls thereon"

Section one of the act approved the seventh day of April one thousand nine hundred and twenty-five (Pamphlet Laws one hundred eighty-seven) entitled "An act authorizing county commissioners to make execute and deliver agreements and contracts for the improvement of maintenance of certain highways involving the expenditure of county money alone or in conjunction with that of any township borough or incorporated town authorizing the Secretary of Highways to make surveys and plans and to advertise for receive and open bids therefor in the manner now provided in the case of the improvement of State Highways and validating all agreements or contracts heretofore entered into in accordance with the provisions hereof"

The act approved the thirtieth day of April one thousand nine hundred and twenty-five (Pamphlet Laws four hundred fourteen) entitled "An act authorizing cities of the first class to acquire land for the purpose of holding public exposition celebrating sesquicentennials to lay out open and improve streets avenues or boulevards in connction therewith and to pass ordinances incur indebtedness and make appropriations therefor and providing procedure for the condemnation of such lands the assessment of damages or benefits and appeals therefrom"

Section one of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred ninety-four) entitled "An act authorizing municipalities to expend money for the purpose of insuring volunteer firemen against death or injuries while going to or returning from or attending fires"

The act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred nineteen) entitled "An act to amend an act approved the twenty-third day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred and twenty-seven) entitled 'a supplement to an act approved the twenty-third day of June one thousand nine hundred eleven (Pamphlet Laws one thousand one hundred twenty-three) entitled "an act establishing in each county a board of viewers prescribing their duties providing for their appointment as viewers road juries juries of view and commissioners to view land and providing for the charges upon the respecitve counties in the matter of salaries costs and expenses thereof" as the same was amended and supplemented by subsequent acts by providing for the compensation to be paid to members of the board of viewers in counties of the second class' providing for the compensation of members of the board of viewers in counties of the first and second classes"

Section one of the act approved the twenty second day of March one thousand nine hundred and twenty-seven (Pamphlet Laws fifty-three) entitled "An act providing for the holding over of officers of municipal corporations of this Commonwealth hereafter or heretofore elected or appointed and having qualified until their successors are elected or appointed and duly qualify"

The act approved the fifth day of March one thousand nine hundred and twenty nine (Pamphlet Laws nine) entitled "An act to authorize the establishment and organization of a Bureau of Music in cities of the first class and ratifying ordinances of such cities heretofore passed for that purpose"

The act approved the twenty-first day of March one thousand nine hundred and twenty-nine (Pamphlet Laws thirty-eight) entitled "An act authorizing and regulating the establishment and operation by counties of hospitals for the treatment of women afflicted with nervous diseases providing for the acquistion of property for such hospitals by the power of eminent domain the incurring of indebtedness and the levying of taxes authorizing counties to pay for patients cared for in hospitals of other counties and authorizing counties to receive gifts or trust funds for the erection and maintenance of such hospitals"

The act approved the twenty-fifth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws sixty-six) entitled "An act empowering cities of the first class of the Commonwealth to make and enforce ordinances and provide penalties and imprisonment for the violation thereof"

The act approved the twenty-fifth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws sixty-six) entitled "An act authorizing and empowering county commissioners under certain circumstances to use for another purpose land acquired by the county for a particular purpose"

Section 4 of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws six hundred nine) entitled "An act providing for the location care and maintenance of graves of soldiers sailors marines and members of the enlisted nurse corps and for the compilation and preservation of records relating to such soldiers sailors marines and members of the enlisted nurse corps and their burial places by county commissioners at the expense of the counties and imposing certain duties upon persons firms corporations and municipalities owning and controlling cemeteries conferring certain duties on the Dpeartment of Military Affairs"

The act approved the sixth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five-hundred fiftv-one) entitled "An act authorizing cities of the first class to adopt and enforce zoning ordinances regulating and restricting the height location size bulk and use of buildings and/or land the areas to be occupied by buildings in proportion to the size of the lots upon which they stand the size of courts yards and other open spaces appurtenant thereto and the density of population and for these purposes to establish districts and boundaries to designate and regulate residential commercial and industrial or other uses within such districts and boundaries and providing for the appointment of a zoning commission and a board of adjustment the creation of a bureau of zoning and setting forth the duties and functions of said commission board and bureau providing for the administration and enforcement of rules and ordinances authorized by this act and penalties for violations thereof"

Section two of the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand eight hundred five) entitled "An act authorizing municipalities other than townships to acquire by gift devise or bequest lands chattels securities and funds for the establishment and maintenance of a hospital to appoint trustees of such property and funds subject to the approval of the orphans' court to operate and maintain such hospital through and by means of such trustees and to expend municipal funds to aid in the establishment and maintenance of such hospital"

The act approved the twenty-fifth day of July one thousand nine hundred and thirty-two Special Session (Pamphlet Laws ten) entitled "An act authorizing counties cities boroughs towns townships school districts to install by ordinance or resolution a system for the collection of taxes in installments and specifying certain conditions and penalties in such cases"

The act approved the twenty-eighth day of July one thousand nine hundred and thirty-two Special Session (Pamphlet Laws thirteen) entitled "An act authorizing counties cities boroughs incorporated districts townships school districts and poor districts with the approval of the court of common pleas to negotiate temporary emergency loans for certain purposes during the year one thousand nine hundred thirty-two and under certain circumstances to refund such loans annually for a certain period"

All sections except sections 201 204 416 417 and 451 of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and con-

solidating the laws relating thereto and repealing existing laws"

The act approved the seventh day of December one thousand nine hundred and thirty-three Special Session (Pamphlt Laws fifty-six) entitled "An act authorizing the abatement of certain tax penalties and interest on city taxes in cities of the first class and on school taxes in school districts of the first class"

The act approved the sixteenth day of May one thousand nine hundred and thirty-five (Pamphlet Laws one hundred sixty-six) entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class"

The act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred seventy-two) entitled "An act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class"

The act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred seventy-six) entitled "An act fixing the number qualification terms manner of appointment organization and salaries of members of the board of revision of taxes in counties of the first class providing for the appointment and compensation of a chief appraiser assistant appraisers and other employes of the board terminating the terms of the present members of the board of revision of taxes abolishing the present assessors and repealing general local and special laws"

The act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred eighty) entitled "An act relating to tax assessments in counties of the first class conferring powers and imposing duties on the board of revision of taxes and its agents and employes and repealing general local and special laws"

The act approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand one hundred twenty-three) entitled "An act imposing upon the Board of Revision of Taxes in cities of the first class the duty of reading water meters authorizing the employment of assistants for the performance of such duties fixing the salaries of such assistants and repealing inconsistent acts"

C The following acts and parts of acts are repealed insofar as they provide for a method of payment or require payments out of the city treasury or relate to the number kind and compensation of officers and employees and to the acquisition of property to be paid for out of the city treasury

The act approved the eleventh day of June one thousand eight hundred and seventy-nine (Pamphlet Laws one hundred thirty-six) entitled "An act to amend section four of an act entitled 'An act authorizing and empowering the court of common pleas of the several counties of this Commonwealth to change alter and direct the mode of preparing and keeping indices in the several offices of record in said counties and for preparing making and substituting new indices for old indices or parts thereof" approved the third of May one thousand eight hundred and seventy-eight"

Section 1 of the act approved the twenty-first day of March one thousand seven hundred and ninety-eight (3 Smith Laws 320) entitled "An act to provide for copying the records of the several roads heretofore laid out and which hereafter may be laid out in the county of Philadelphia"

Section 8 of the act approved the twenty-second day of February one thousand eight hundred and twenty-one (7 Smith Laws 367) (Pamphlet Laws fifty) entitled "An act to alter and amend the Fee Bill"

Sections 1 and 3 of the act approved the twenty-ninth day of March one thousand eight hundred and twenty-seven (Pamphlet Laws one hundred fifty-four) entitled "An act for the better preservation of the records contained in the public offices of the several counties of this Commonwealth"

Section 78 of the act approved the fourteenth day of April one thousand eight hundred and thirty-four (Pamphlet Laws three hundred and thirty-four) (Pamphlet Laws three hundred thirty-three) entitled "An act relative to the organization of the Courts of Justice"

The act approved the fourth day of April one thousand eight hundred and eighty-nine (Pamphlet Laws twenty-three) entitled "An act authorizing county commissioners to offer and pay rewards for the detection arrest and conviction of horse thieves"

The act approved the twenty-fifth day of April one thousand eight hundred and eighty-nine (Pamphlet Laws fifty-two) entitled "An act to authorize and require the county commissioners of the several counties of this Commonwealth to furnish supplies and fuel for certain county offices"

Section 1 of the act approved the thirteenth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws two hundred) entitled "An act regulating the payment of traveling expenses of directors of the poor and county commissioners within this Commonwealth"

Section 6 of the act approved the eighth day of June one thousand eight hundred and ninety-three (Pamphlet Laws three hundred ninety-nine) entitled "An act authorizing the commitment of minors by magistrates justices of the peace or judges of certain charitable societies and providing for the method of such commitment and the cost of the visitation of such minors"

Section 1 of the act approved the twelfth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred fifty-seven) entitled "An act to provide for the erection maintenance and regulation of public morgues in the several counties of this Commonwealth for the care and disposal of bodies removed thereto and providing for the payment of certain expenses of the same by the proper county or district or by the estate of the deceased person and providing for the disposal of the personal effects of the unclaimed dead"

The act approved the thirtieth day of May one thousand eight hundred and ninety-five (Pamphlet Laws one hundred twenty-eight) entitled "An act increasing the salaries of tip-staves in the courts of any county in this Commonwealth having a population of not less than five hundred thousand"

Section 14 of the act approved the twenty-seventh day of June one thousand eight hundred and ninety-five (Pamphlet Laws four hundred three) entitled "An act creating the office of county controller in counties of this Commonwealth containing one hundred and fifty thousand inhabitants and over prescribing his duties and abolishing the office of county auditor in said counties"

Section 2 of the act approved the eighteenth day of April one thousand eight hundred and ninety-nine (Pamphlet Laws fifty-six) entitled "An act authorizing the county commissioners of the several counties in this Commonwealth to appoint a clerk to fix his compensation and prescribe the term and duties of the clerk except in counties where the clerk to the county commissioners is elected by the people"

The act approved the twenty-fifth day of March one thousand nine hundred and three (Pamphlet Laws fifty-three) entitled "An act to amend the first section of an act approved the eleventh day of May Anno Domini one thousand nine hundred and one entitled 'an act relative to the purchase of a law library in counties of this Commonwealth having a population of less than one hundred and fifty thousand inhabitants and authorizing one-half of the fines and forfeitures to which said counties would under existing laws be entitled to be expended for the purchase and support of said library' so as to extend its provisions to all counties in this Commonwealth not having special or local laws inconsistent therewith"

Sections 6 and 8 of the act approved the first day of May one thousand nine hundred and seven (Pamphlet Laws one hundred thirty-five) entitled "An act relating to the appointment of stenographers and assistant stenographers to report proceedings in the several courts of common pleas and orphans' courts courts of oyer and terminer and general jail delivery and courts of quarter sessions of the peace of this Commonwealth as well as before commissioners master and special masters in chancery

referees examiners auditors and other officers prescribing their powers and duties and when such reports shall be evidence of the facts reported prescribing their compensation and allowances for expenses when the same shall be paid by the county wherein such stenographers or assistant stenographers are employed and when by the parties to such proceedings and repealing an act entitled 'an act directing the appointmet of official stenographers in the several civil courts of this Commonwealth authorizing the appointment of stenographers by examiners masters referees commissioners and auditors authorizing the appointment of assistant stenographers repealing 'an act to authorize the appointment of stenographers in the several courts of this Commonwealth prescribing their duties and fixing their compensation' approved May fifteenth one thousand eight hundred and seventy-four repealing 'an act to authorize the appointment of stenographers in the several courts of this Commonwealth prescribing their duties and fixing their compensation' approved May eighth one thousand eight hundred and seventy-six and 'an act defining the duty of court stenographers in the several counties in this State' approved June tenth one thousand eight hundred and eighty-one' approved the twenty-fourth day of May one thousand eight hundred and eighty-seven but such repeal not to revive any law repealed by the said act of twenty-fourth of May one thousand eight hundred and eighty-seven"

Section 1 of the act approved the eleventh day of April one thousand nine hundred and three (Pamphlet Laws one hundred sixty-six) entitled "A supplement to an act entitled 'an act for the better and more impartial selection of persons to serve as jurors in each of the counties of this Commonwealth' approved the tenth day of April one thousand eight hundred and sixty-seven providing for a clerk to the jury commissioners and regulating his compensation"

Section 5 of the act approved the seventh day of June one thousand nine hundred and seven (Pamphlet Laws four hundred forty-one) entitled "An act to regulate tenement-houses in cities of the first class and to require those owning or conducting the same to secure a license from the mayor making violations of the act misdemeanors and providing penalties for such violations"

The act approved the twenty-second day of April one thousand nine hundred and nine (Pamphlet Laws one hundred four) entitled "An act providing for the support and maintenance of law libraries in the counties of this Commonwealth"

Section 4 of the act approved the twenty-third day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand one hundred twenty-three) entitled "An act establishing in each county a board of viewers prescribing their duties providing for their appointment as viewers road juries juries of view and commissioners to view land and providing for the charges upon the respective counties in the matter of salaries costs and expenses thereof"

Section 1 of the act approved the fifteenth day of April one thousand nine hundred and thirteen (Pamphlet Laws seventy-four) entitled "An act for the better preservation of the records contained in the offices of the recorder of deeds of counties of this Commonwealth containing over one million and a half population providing for the replacement and certification of worn or dilapidated records and the payment of the cost thereof out of the county funds"

The act approved the seventeenth day of April one thousand nine hundred and thirteen (Pamphlet Laws seventy-nine) entitled "An act to provide for the appointment of janitors in and for the various courts of counties having a population of one million two hundred thousand and over and for the compensation and payment thereof"

Sections 3 and 9 of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred eleven) entitled "An act establishing a court for the county of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officers of the county or city of Philadelphia regulating the procedure therein and appeal therefrom and providing for expenses thereof"

Section 4 of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred eleven) entitled "Establishing a court for the county of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officers of the county or city of Philadelphia regulating the procedure therein and appeals therefrom and providing for the expenses thereof"

The act approved the twenty-third day of April one thousand nine hundred and fifteen (Pamphlet Laws one hundred seventy-four) entitled "An act regulating the manner of payment of county employes in counties having a population over one million"

The act approved the twenty-third day of April one thousand nine hundred and fifteen (Pamphlet Laws one hundred seventy-four) entitled "An act authorizing counties and municipalities to unite in providing in the court-house certain rest or waiting-rooms"

Section 2 of the act approved the third day of June one thousand nine hundred and fifteen (Pamphlet Laws nine hundred fifty-four entitled "An act to protect the public health and safety by regulating the erection alteration repair use occupance maintenance and sanitation of the grounds surrounding the same the adjoining buildings and all vacant land in cities of the first class providing for their inspection the abatement of nuisances the vacating of uninhabitable houses and the filing of liens creating a Division of Housing and Sanitation and providing penalties for violations of the provisions thereof and repealing all laws inconsistent therewith"

The act approved the fifth day of April one thousand nine hundred and seventeen (Pamphlet Laws forty-three) entitled "An act to authorize and require the county commissioners of the several counties of this Commonwealth to furnish a room for the judges learned in the law of the courts of common pleas and orphans' courts"

The act approved the twentieth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand one hundred forty-one) entitled "An act fixing the salary of the deputy coroner of the counties having a population of one million five hundred thousand or over"

Section 2 of the act approved the eighth day of May one thousand nine hundred and nineteen (Pamphlet Laws one hundred sixty) entitled "An act relating to the indexing of sheriff's coroner's and the tax deeds in the office of the recorder of deeds imposing the expense of such indexing on the county and providing that such indices shall be notice to all persons"

Sections 1 and 2 of the act approved the third day of June one thousand nine hundred and nineteen (Pamphlet Laws three hundred sixty-nine) entitled "An act providing for the appointment by the district attorney in counties having a population of over one million five hundred thousand inhabitants of a chief county detective an assistant chief county detective and special county detective defining their duties defining their authority fixing their salaries and authorizing the payment of the same together with the necessary traveling expenses by the county"

Section 1 of the act approved the third day of June one thousand nine hundred and nineteen (Pamphlet Laws three hundred seventy) entitled "An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants and prescribing the powers and duties of said assistant district attorneys"

Section 1 of the act approved the seventh day of July one thousand nine hundred and nineteen (Pamphlet Laws seven hundred twenty-five) entitled "An act authorizing the appointment of interpreters in each county of this Commonwealth and providing for their compensation"

The act approved the fifteenth day of July one thousand nine hundred and nineteen (Pamphlet Laws nine hundred sixty-one) entitled "An act fixing the salaries and compensation of the officers clerks and employes in the office of the recorder of deeds of any county having a

population of one million five hundred thousand inhabitants or over"

The act approved the thirteenth day of April one thousand nine hundred and twenty-one (Pamphlet Laws one hundred thirty-two) entitled "An act authorizing county commissioners to appropriate moneys for the maintenance of duly incorporated organizations for the prevention of cruelty to animals"

The act approved the nineteenth day of March one thousand nine hundred and twenty-three (Pamphlet Laws twenty) entitled "An act authorizing county commissioners to provide for the payment for the preparation of plans and specifications heretofore made for public buildings where no legal or valid contract was entered into as required by law"

The act approved the eighteenth day of April one thousand nine hundred and twenty-three (Pamphlet Laws seventy-seven) entitled "An act authorizing the county commissioners to appropriate county moneys to incorporated agricultural and horticultural societies and associations"

Section 2 of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seventy-one) entitled "An act providing a system of employment and compensation for the inmates of county jails and prisons"

Section 3 of the act approved the nineteenth day of March one thousand nine hundred and twenty-five Pamphlet Laws fifty-nine) entitled "An act to provide for the positions of principal deputy prothonotary and second deputy prothonotary in counties of the first class prescribing their powers and duties and fixing their salaries"

The act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred twenty-nine) entitled "An act fixing the salary of the clerks of the courts of common pleas in counties of the first class'

The act approved the ninth day of March one thousand nine hundred and twenty-seven (Pamphlet Laws twenty-four) entitled "An act authorizing counties singly or two or more counties acting together to purchase land and erect buildings thereon or to erect or add to and improve buildings already erected on lands owned by a county for an institution for the detention of delinquent women sentenced to imprisonment for one year or less and regulating the establishment management and maintenance of such institutions and the reception treatment training employment and instruction of inmates therein and the transfer of delinquent women from county prisons thereto or to other institutions in certain cases"

Section 3 of the act approved the twenty-first day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred thirty-eight) entitled "An act providing for the rerecording instruments in the office of the recorder of deeds in any county when the original records are not available providing for the effect of such rerecording and the payment of the cost thereof out of county funds"

Section 1 of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred eighty-two) entitled "An act relating to the clek of the court of oyer and terminer and quarter sessions of the peace and municipal court of any county of this Commonwealth having a population of one million five hundred thousand or over providing for the salaries and compensation of the clerk of the court of oyer and terminer and quarter sessions of the peace and municipal court deputies clerks and emoloyees thereof"

Section 1 of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred ninety-two) entitled "An act to fix the salaries of the deputy register clerks and employes in the office of the register of wills of counties of the first class"

The act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred ninety-four) entitled "An act fixing the salary to be paid by each county of the first class to its chief deputy sheriff"

Section 2 of the act approved the fourth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred sixty-three) entitled "An act providing for real estate deputy sheriffs in counties of the first second and third classes and fixing their salaries payable by said counties and repealing section two of an act approved the twenty-fourth day of May one thousand eight hundred and eighty-seven (Pamphlet Laws one hundred eighty-five) entitled 'an act authorizing the sheriffs of the several counties of the Commonwealth to appoint by deed chief deputies with power to act as sheriff in case of and during the temporary disability of the sheriff to act in person and fixing the salaries of such chief deputies in counties containing more than five hundred thousand inhabitants' and other acts general special or local so far as inconsistent herewith"

The act approved the tenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws four hundred and seventy-six) entitled "An act providing for the purchase of digests and law books for the offices of district attorneys of the Commonwealth by the boards of commissioners of counties and for the paymnet of the same out of the funds of the county"

Section 3 of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand three hundred twenty-six) entitled "An act creating in counties of the first class the position of bail approval commissioner prescribing the powers and duties thereof limiting jurisdiction to cases in which real property is offered as bail and conferring and imposing such powers and duties upon the controllers of counties of the first class providing for the appointment by such bail approval commissioner certain necessary clerks and employes and prescribing the duties and compensation thereof imposing duties on judges or officers of any of the courts of counties of the first class and requiring all departments of counties and cities of the first class to supply certain information prescribing offenses and providing penalties therefor"

D The following acts and parts of acts are repealed to the extent indicated

Sections 1 and 2 of the act approved the thirtieth day of June one thousand eight hundred and sixty-nine (Pamphlet Laws one thousand two hundred seventy-six) entitled "A further supplement to an act entitled 'an act to incorporate the city of Philadelphia' approved the second of February one thousand eight hundred and fifty-four creating a board called directors of city trusts" as to the composition and appointment of the board of directors of city trusts

Section 12 of an act approved the sixteenth day of May one thousand eight hundred and ninety-one (Pamphlet Laws seventy-five) entitled "An act in relation to the laying out opening widening straightening extending or vacating streets and alleys and the construction of bridges in the several municipalities of this Commonwealth the grading paving macadamizing or otherwise improving streets and alleys providing for ascertaining the damages to private property resulting therefrom the assessment of the damages costs and expenses thereof upon the propery benefited and the construction of sewers and payment of the damages costs and expenses thereof including damages to private property resulting therefrom" as to approval by council of maps and plots

The act approved the twenty-third day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand one hundred twenty-three) entitled "An act establishing in each county a board of viewers prescribing their duties providing for their appointment as views road juries juries of view and commissioners to view land and providing for the charges upon the respective counties in the matter of salaries costs and expenses thereof" insofar as inconsistent

The act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred and seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders

in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" insofar as inconsistent

Sections 1 and 2 of the act approved the twentieth day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred thirty-eight) entitled "An act permitting the sale of prison made goods in counties of the first class to such counties and to the cities and school districts and to political subdivisions of such counties and to certain institutions therein permitting contracts for such sales and purchases without advertising or competitive biding permitting payment of compensation to inmates and repealing inconsistent laws" insofar as inconsistent

Section 1 of the act approved the ninth day of May one thousand nine hundred and thirty-five (Pamphlet Laws one hundred fifty-five) entitled "An act granting power to counties cities boroughs towns, townships school districts and poor districts to redeem unmatured bonds and obligations by a new issue of bonds at a lesser rate of interest as to the maturity of bonds issued by cities of the first class for the redemption of unmatured bonds

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 84, on second reading, entitled:

An act to further amend subsection (b) of section one thousand and two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" restricting speed of vehicles within public park areas

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 218, on second reading, entitled:

An act for the better government of cities of the second class of the Commonwealth by providing among other things for a councilmanic form of government with a council elected by proportional representation and with a city manager selected by council the creation abolition and change of departments and the addition to departments of certain functions pertaining to parks planning within the city improvement of the civil service increased control over finances by requiring balanced current and capital budgets and by greater control over the collection of charges fees and taxes and over payments of salaries and other expenditures out of the city treasury abolishing Property Assessment as a city function and the grant of home rule to such cities and penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 305, (House Bill No. 374), on second reading, entitled:

An Act to amend section three of article one and section forty of article four of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws 521) entitled as amended "An act providing or the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death, defining and taxing transfers made in contemplation of death, defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal," providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security thereof and providing for the repayment of taxes paid in excess of amount due on future estates.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 308, (House Bill No. 480), on second reading, entitled:

An Act regulating the appointment, promotion, suspension, reduction, removal, and reinstatement of employes (except chiefs, deputy chiefs and chief clerks) in bureaus of fire; and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class; defining the powers and duties of Civil Service Commission for such purposes in said cities; and repealing inconsistent legislation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 342, (House Bill No. 373), entitled:

An Act declaring valid provisions in wills and trusts instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 444, (House Bill No. 632), entitled:

An Act to amend section ten of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 1011) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March Anno Domini one thousand nine hundred and one creating a department of city planning providing for its organization and powers regulating the platting of ground prohibiting the recording of plans and sales of lots therein before their approval under penalties making it a misdemeanor for the recorder of deeds to record an unapproved plan restricting accepting laying out opening and improving private streets prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same the preparation and compilation of an official street map providing penalties for the violation of this act and repealing certain statutes" further defining the powers of the planning commission in cities of the second class

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 498, (House Bill No. 436), entitled:

An Act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriation to the Department of Commerce and repealing certain laws

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 499, (House Bill No. 437), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by establishing a Department of Commerce and defining its powers and duties placing the State Planning Board within the department as a departmental administrative board making certain changes in its membership and defining its powers and duties making available to the department for the use of the board the current appropriation to the board and repealing inconsistent acts or parts of acts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 561, on second reading, entitled:

An Act to amend section two of the act approved the ninth day of July one thousand eight hundred and ninety-seven (P. L. 219) entitled "An act providing for the classification of real estate and other property for purposes of taxation and for the election of assessors and prescribing the duties thereof in cities of the second class" by providing for refund of taxes paid on assessments reduced after appeal and requiring the payment of interest and penalties on taxes based on such reduced assessments

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 569, (House Bill No. 733), entitled:

An Act defining the civil service status of certain persons employed by fire departments in cities of the second class

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 661, on second reading, entitled:

An Act for the prevention of congential syphilis providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child and imposing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 662, on second reading, entitled:

An act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

RECONSIDERATION OF SENATE BILL No. 456

Mr. OWLETT, Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 456, entitled:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania

was defeated.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "nay".

Mr. JAMES. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. JAMES. Mr. President, I voted "nay".

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. OWLETT. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "aye".

Mr. JAMES. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. JAMES. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agree to.

BILL POSTPONED

Mr. WOODWARD. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

MOTION TO GO OVER IN ORDER.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bills Nos. 1, 84, 218, 305, 308, 561, 661 and 662, go over in order, because they are not up from the printers.

The PRESIDENT. Is there objection?

The Chair hears none.

It was agree to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL NO. 241

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 26, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 241, Printer's No. 34, entitled, An Act Authorizing counties of the second class to make appropriations to the State World's Fair Commission.

ARTHUR H. JAMES.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 245, entitled:

An Act limiting the liability of fiduciaries for taxes, assessments and other charges against real property held by them to the assets of the estate, fund, or trust of which such property is a part.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 280, (House Bill No. 351), entitled:

An Act to amend section twenty-two of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" by providing for forfeiture of the right to take property under the will of a murdered testator

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 281, (House Bill No. 352), entitled:

An Act to amend section twenty-three of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 429) entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphans' court in connection therewith and the fees therefor" by providing for forfeiture of the right to inherit or to take property of a murdered intestate under the said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 412, (House Bill No. 331), entitled:

An Act defining and prohibiting unfair sales, providing remedies for violations thereof and establishing penalties therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 296, (House Bill No. 358), entitled:

An Act to amend section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 388), entitled "An act relating to the jurisdiction, powers, and procedure of the orphans' court and the court of common pleas as to sales, mortgages, conveyances on ground-rent, leases, extinguishment of ground-rents, partition, exchange, squaring and adjusting of lines between adjoining owners, consolidation and combination of mining lands and the leasing thereof, the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands, and the subdivision of premises so as to command the highest price or greatest rents, and, for such purpose, the laying out or dedication of roads, streets, and alleys, or the vacation of such as have not been accepted by the public authorities, where the court shall be of opinion that such decree will be to the interest and advantage of all those interested; and where the legal title is held by minors, lunatics habitual drunkards, or weak-minded persons, a married person whose spouse is a lunatic, or has abandoned him or her for one year or has been absent and unheard of for seven years; by corporations having no capacity to convey or by any unincorporated association, by any religious, beneficial, or charitable society or association, incorporated or unincorporated, and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law; by a corporation, or individual or individuals; and is subject to a trust of any description whatever; by any person as to whom a presumption of death may have arisen, or any interest wherein is held by any person under legal disability to dispose thereof; where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record, contingent remainders, executory devises, or remainders to a class, some or all of whom may not be in being or ascertained; where estates shall have been devised or granted for special or limited purposes, where there is a power of sale but the time may not have arrived for its exercise, any preliminary act may not have been done to bring it into exercise, the time limited for its exercise may have expired, or any one or more persons required to consent or join in its exercise may be non compos mentis, have removed out of the State, have died, refuse to act, unreasonably withhold consent, or be absent and unheard of; where there has been or shall be a defective appointment in any deed or will, and the necessary power is not given to the executor, devisee, or appointee to make sale and conveyance; where a trust has been created, and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm; and to the effects of such decrees," by conferring on the orphans' court concurrent jurisdiction with the court of common pleas in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideratiion of Senate Bill No. 386, (House Bill No. 378), entitled:

An Act to amend paragraph (d) of section twenty-eight of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' courts in all matters relating to fiduciaries concerned with the estates of decedents" authorizing surviving acting or remaining testamentary trustees to act in respect to real estate left to them to be sold or which they are authorized or directed to sell.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 408, entitled:

An Act to authorize insurance companies to include in any general blanket or group policy covering accidental bodily injuries or sickness, a provision for payment of certain expenses incurred by the insured for dependents.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 294, (House Bill No. 443), entitled:

An Act to amend the appropriation act approved the fifth day of June one thousand nine hundred thirty-seven (Appropriation Act No. 51-A) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class township of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine apportioning the funds to the several counties on the basis of the maintenance costs for the years one thousand nine hundred thirty-two permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first one thousand nine hundred forty" by providing that the unexpended and unencumbered balance of such appropriation at the time this act becomes effective shall be allocated to and apportioned among the various second-class townships on the basis of the amount of road mileage in such townships authorizing the township supervisors to expend the moneys allocated to the township for the purpose prescribed under the approval and supervision of the Department of Highways budgeting limitations on townships of the second class and excluding the provision for expenditure by the Department of Highways of such balances the taxing and the right of the Department of Highways to rent road-building machinery and equipment belonging to such townships.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 422, entitled:

An Act to amend section one thousand and four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund, providing penalties; and repealing existing laws," as amended, by aouthorizing exchanges which maintain a surplus equal to the capital and surplus requirements of stock insurance companies engaged in the same kind of business, to write policies without contingent liability in such policy or in the power of attornev.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 457, entitled:

An Act to amend sections one and five of the act approved the twenty-ninth day of May, one thousand eight hundred eighty-five, entitled, "An act to provide for the incorporation and regulation of natural gas companies," enlarging the powers of such corporations; and limiting the cases where certificates setting forth enlargement or alteration of territory of production need be recorded.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 460, entitled:

An Act to amend paragraphs (6) and (7) of Section 2, Sections 405 and 915 of, and to add Sections 922 and 1315 to, of the act approved the twenty-eight day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utilily business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by adding to the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle"; requiring common carriers to deal only with certain common carriers of passengers; authorizing the Commission and the Department of Revenue to co-operate in identification plate requirements; and providing additional penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 461, entitled:

An Act to amend paragraph 1 of Section 1, Clauses (f), (g) and (h) of Section 202, paragraph 4 of Section 403, Sections 405 and 406, to add Clause (f) to Section 407, and to amend Section 413 of the act approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1449), entitled "An act establishing a court of record in the county of Allegheny for control, care, guidance, treatment, trial, placement and commitment of delinquent, neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency, neglect or dependency of children; defining the jurisdiction and powers of the court, and regulating procedure therein; providing for the transfer thereto of certain powers, functions and duties from other courts, providing for the election of judges thereof, the appointment of probation officers, other necessary staff officials and assistants; providing for housing of same, and providing for detention facilities; making the contributing to or encouraging of the delinquency, neglect or dependency of children a misdemeanor; and providing penalties," by extending the provisions of the act to children under eighteen years of age.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 462, entitled:

An Act to amend Clause 2 of Section 1, and Sections 4, 6, 7, 8, and 14 of the act approved the second day of June, one thousand nine hundred and thirty-three, (P. L. 1433), entitled "An act defining the powers of the courts of quarter sessions, the Municipal Court of Philadelphia, and the County or Juvenile Court of Allegheny County, with respect to the care, guidance, control, trial, placement and commitment of delinquent, dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency, neglect and dependency of children; and amending, revising and consolidating the law relating thereto," by extending the provisions of the act to children under eighteen years of age.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 486, entitled:

An Act authorizing certain existing beneficial or protective societies, heretofore incorporated, to reincorporate as limited life insurance companies for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death; regulating such corporations and limiting the amount for which such corporations may issue policies.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 492, entitled:

An Act designating certain life insurance companies as limited life insurance companies and further describing the powers thereof.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 537, entitled:

A Joint Resolution proposing an amendment to section one, article eight of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 596, entitled:

An Act to prohibit the transfer of personal property from a resident decedent to an alien beneficiary of a foreign country which prohibits such transfers to citizens of this Commonwealth; and providing for the escheat and distribution of such property.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 607, (House Bill No. 919), entitled:

An Act to further amend section four hundred four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 611, (House Bill No. 1063), entitled:

An Act to add section six hundred twenty-one and one-tenth to and to further amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining and regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 669, entitled:

An Act to amend section four hundred eighteen of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053, entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilties, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilites, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates p;roviding for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kpet by persons, associations, companies, corporaitons of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracst; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or opportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the

commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," changing the restrictions against public utilities where cooperative associations file with the Public Utility Commission maps of territory to be served by such associations.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 670, entitled:

An Act to amend sub-section eight of section two and sub-section twelve of section three of the act, approved the twenty-first day of June, one thousand nine hundred thirty-seven (P. L. 1969), entitled "An act relating to nonprofit cooperative corporations organized to engage in rural electrification, providing for the organization, consolidation and dissolution of such corporations; prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing cooperative or nonprofit corporations and associations within the povisions of this act; conferring powers, and imposing duties on certain State departments, commissions and officers, fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms in the corporate names of other corporations; exempting such corporations from excise taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission, and from the provisions of the Securities Act." by redefining "rural area" and limiting the exercise of the power of eminent domain.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 673, entitled:

An Act to amend Section 1 of the act approved the first day of December, one thousand nine hundred and thirty-eight (P. L. 111), entitled "An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for, or intended to be used for, the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Utility Commission; making illegal the use of certain wires for purposes other than those specified in the witten contract heretofor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal" by excluding therefrom private wires used for fire and burglar alarm purposes, telegraph messenger call boxes and associated circuits, time clock circuits, and certain telegraph teleprinters.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL INTRODUCED

Mr. McGINNIS. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McGINNIS read in place and presented to the Chair Senate Bill No. 732, entitled:

An Act requiring State-aided hospitals to negotiate and conclude contracts with certain non-profit service associations as a condition precedent to obtaining such State-aid.

Which was committed to Committee on Public Health

QUESTION OF INFORMATION

Mr. SHAPIRO. Mr. President, I rise to a question of information.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his quesion of information.

Mr. SHAPIRO. Mr. President, I heard the Secretary of the Senate announce that we have a meeting at the hour of 8 o'clock a. m. on Wednesday, and that is an unhealthy hour in the first place.

The PRESIDENT. The Chair agrees with the Senator from Philadelphia.

Mr. SHAPIRO. In the second place, Mr. President, I would like you to understand that that meeting is only possible because the Chairman of that Committee goes to sleep at six o'clock in the afternoon—sometimes at three o'clock here. He has not stated whether this is Daylight Saving Time or Standard Time. That is another question, because, if it is standard time, we will be up here at seven o'clock.

Mr. PRESIDENT, may I interrogate the Senator from Warren, Mr. Chapman.

The PRESIDENT. Will the Senator from Warren, Mr. Chapman permit himself to be interrogated?

Mr. CHAPMAN. Mr. President, I will.

Mr. SHAPIRO. Mr. President, the Secretary of the Senate has mistakenly announced a meeting of the Committee on Public Health at 8 o'clock, a. m.

Mr. CHAPMAN. Mr. President, that is right.

Mr. SHAPIRO. Mr. President, it that not p. m.?

Mr. CHAPMAN. No. Mr. President, it is a. m.

Mr. SHAPIRO. Standard Time, Mr. President.

Mr. CHAPMAN. Mr. President, Standard Time.

Mr. SHAPIRO. Will the gentleman from Warren state where he sleeps?

Mr. CHAPMAN. At the Penn-Harris Hotel, Mr. President.

Mr. SHAPIRO. At the Penn-Harris Hotel, Mr. President, and not in the Senate?

Mr. CHAPMAN. No. Mr. President, not in the Senate. I told the committee to get up early so that they would not get bed sores.

Mr. SHAPIRO. Mr. President, will the gentleman from Warren state whether or not that is Standard or Central time.

Mr. CHAPMAN. It is Standard Time, Mr. President.

Mr. SHAPIRO. That means seven o'clock Daylight Saving Time, does it not, Mr. President?

Mr. CHAPMAN. That is right, Mr. President.

Mr. SHAPIRO. Mr. President, I will be seeing the Senator.

Mr. OWLETT. Mr. President, I do not think the Senator from Philadelphia heard the reply of the Senator from

Warren. The Senator from Warren said he did not want the members of the Committee to get bed sores.

Mr. SHAPIRO. Mr. President, I thought he did not want the committee to get there.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Thursday, April 27, 1939 at 2:00 o'clock, p. m.

Mr. KUNKEL. Mr. President. I second the motion. The motion was agreed to.

The Senate adjourned at 3:43 o'clock p. m. until Thursday, April 27, 1939, at 2:00 o'clock, p. m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, April 26, 1939.

The House met at 1 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

Rev. Dr. Frank M. Urich, Pastor of Trinity Lutheran Church, Philadelphia, Pa., offered the following prayer:

Almighty and Eternal God, author and source of all good, in whose eternal purposes all the generations of men have lived and moved, we approach Thee with a profound sense of Thine unspeakable grace, and we give Thee thanks for Thy great mercies to us as a people. Help Thy world, O God, to walk in the way of justice and righteousness. May our loyalty to country lift our leaders to high endeavors and make us faithful in following them toward the mark which Thou hast set for our nation. Give us, we pray, wisdom large enough to make life secure and loving kindness broad enough to make life a blessing.

Grant, we pray Thee, also health and prosperity to all that are in authority, especially to the President and Congress of the United States, the Governor and Legislature of this Commonwealth, and to all our judges and magistrates, and imbue them with grace to rule after Thy good pleasure, to the maintenance of peace and righteousness and to the hindrance and punishment of wickedness.

Bless we implore Thee, the deliberations of this august body, representative of the rights and interests of the people of this sovereign state.

And grant us by Thy grace uninterrupted progress toward that day when Thy Kingdom shall come and Thy will be done on earth as it is in haven. We ask it in the name of Christ Jesus, our Saviour. Amen.

The SPEAKER. The Chair thanks Dr. Urich.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. MATTHEW J. WELSH, the further reading was dispensed with and the Journal approved.

SENATE MESSAGES

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented the following extract from the Journal of the Senate, which was read as follows, viz:

In the Senate, April 25, 1939.

Whereas, Florence Nightingale was born May 12, 1820 and devoted the greater part of her natural life to alleviate the sufferings of human beings by promoting the organization of modern nursing units through the entire world, in time of war and as well as in time of peace, and

Whereas, her devotion to such cause has contributed incalculably to the alleviation of suffering of human beings in the Hospitals and other similar institutions throughout the world, and

Whereas, the date of her birth is marked with memorial activities in Hospitals throughout many states of this United States, and

Whereas, it is fitting and proper that Hospitals and other similiar institutions in this Commonwealth of Pennsylvania should in some degree commemorate her natal day as a tribute to her sacrifices

Therefore Be It Resolved, (if the House of Representatives concur) that the General Assembly of the Commonwealth of Pennsylvania urges the setting aside of May 12 as Hospital Day for the commemoration of the birth of Florence Nightingale and urges upon all Hospitals the planning of its celebration in a manner expedient and fitting, and

Be It Further Resolved, that the Governor of the Commonwealth of Pennsylvania is hereby urged to issue his proclamation further urging the Hospitals of the Commonwealth of Pennsylvania to join in such commemoration of Hospital Day.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 354.

An Act to amend clause (d) as added to section twenty-one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" requiring certification of verdicts and judgments entered in orphans' courts to the prothonotary and the filing docketing and indexing the same by him

HOUSE BILL No. 376.

An Act to add paragraph four to clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widows and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges of the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decendents the audit and review of accounts

of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiducaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by permitting fiduciaries holding mortgages to accept deeds in lien of foreclosures and prescribing the effect thereof

With the information that the Senate has passed the same without amendment.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair desires to announce to the House that there is a group of the senior class of the Treverton High School of Northumberland county, here today as guests of Representative Frank S. Moser of Northumberland county.

The House is always pleased to have students particularly, and other groups visit the House during the session. The chair trusts if there are any questions you desire to ask that will enable you to know of something about the procedure you will advise us.

LEAVE OF ABSENCE

Mr. Sweeney asked and obtained leave of absence for Mr. IRVIN for the remainder of the week on account of illness

REPORTS FROM COMMITTEE

Mr. SEIF from the Committee on Professional Licensure reported as amended, House Bill No. 704, entitled:

An Act to amend the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," changing the eligibility requirements for examination; increasing the minimum required ages; eliminating the exemption from examination of persons engaged in beauty culture prior to one thousand nine hundred and thirty-three; increasing the hours and length of time required for training for students and teachers and managers; changing the requirements of beauty culture schools; increasing the number of necessary teachers; changing the places and dates of examination; changing the powers and duties of the Department of Public Instruction; increasing the period of notice of hearings; and eliminating preliminary notices.

Mr. WATKINS from the Committee on Professional Licensure reported as committed, House Bill No. 631, entitled:

An Act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure and registration of persons, engaging in the care, preparation and embalming of the bodies of deceased persons; and providing penalties.

Mr. CLEARWATER, from the Committee on Corporations and Industry reported as amended, House Bill No. 465, entitled:

An Act to amend article three by adding thereto section three hundred and twenty, and to amend sections nine hundred and one, one thousand one hundred and five, and one thousand one hundred and eleven of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by providing for the arrangement, and reorganization of business organizations under the National Bankruptcy Act, for the further merger and consolidation of certain corporations, and further regulating the dissolution of such corporations and the survival of remedies after dissolution.

Mr. HALL from the Committee on Labor reported as committed, House Bill No. 910, entitled:

An Act to amend section three and clause (a) of section seven of the act, approved the first day of June, one thousand nine hundred and thirty-seven (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such case, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," defining "current labor dispute;" and prescribing qualifications for representatives for the purpose of collective bargaining, and of officers of labor organizations.

Mr. LEISEY from the Committee on Banking reported as committed, House Bill No. 330, entitled:

An Act to further amend subsection A of section one thousand six of the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking coroprations, with or without fiduciary powers, including the conversion of National

banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existing corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by providing further with regard to limitations upon loans to one corporation or person.

Mr. SOLLENBERGER from the Committee on Townships reported as amended, House Bill No. 763, entitled:

An Act to amend subdivision (a) of article eleven, and section one thousand one hundred and eleven of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," changing the procedure for laying out, opening, widening, straightening, vacating and relaying roads, streets et cetera, wholly within said townships.

Mr. LICHTENWALTER from the Committee on Townships reported as committed, House Bill No. 1407, entitled:

An Act to further amend section eight hundred two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," requiring certain contracts to be awarded to the lowest bidder; and eliminating requirement that certain contracts be approved by the Department of Highways of the Commonwealth.

Mr. MADDEN from the Committee on Cities—Second Class reported as amended, House Bill No. 1112, entitled:

An Act authorizing the council of cities of the second class A, to fix the salaries of members of the fire department and establishing minimum salaries.

Mr. MADDEN from the Committee on Townships reported as committed, House Bill No. 658, entitled:

An act to add clause forty-six to section one thousand five hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by authorizing appropriations for the support, maintenance, discipline, and training of units of the National Guard, and regulating the expenditure and accounting of such moneys.

Mr. KOWALSKI from the Committee on Professional Licensure reported as amended, House Bill No. 697, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commission; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended; by creating the State Board of Barber Examiners as a departmental administrative board in the Department of Public Instruction.

Mr. KOWALSKI from the Committee on Professional Licensure reported as amended, House Bill No. 700, entitled:

An Act to further amend the act, approved the nineteenth day of June, one thousand nine hundred and thirty-one (P. L. 589), entitled as amended "An act to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops and barber schools, and apprentices and students therein; regulating compensation for service rendered; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," by changing the provisions as to fees charged apprentices and students; prohibiting advertising by registrants; requiring all barber shops to be registered and transferring the administration of the provisions of this act to the State Board of Barber Examiners.

Mr. DENMAN from the Committee on Judiciary General reported as committed, House Bill No. 1140, entitled:

An Act to amend section nine of the act, approved the second day of June, one thousand nine hundred and thirty-seven (P. L. 1198), entitled "An act relating to employes and organizations thereof; defining labor disputes; prescribing the procedure by which and the conditions under which injunctions may be granted in such disputes, and the scope thereof; declaring certain undertakings and promises between employers and employes contrary to public policy and void; prescribing the nature of proof necessary in actions arising out of labor disputes against persons or associations; prescribing the terms and conditions for bonds to be furnished prior to the issuance of injunctions; prescribing the procedure in case of appeal from granting injunctions; limiting the duration of temporary and permanent injunctions in case of labor disputes; and providing for the payment of costs; and repealing all acts or parts of acts inconsistent herewith," providing additional cases where restraining orders and temporary and permanent injunctions may be granted.

Mr. CHRISTLER from the Committee on Cities—Second Class reported as committed, House Bill No. 1232, entitled:

An Act regulating the appointment, promotion, suspension, reduction and reinstatement of employees, (except superintendent of police and assistant superintendent of police) in bureaus of police, detectives, signal operators, assistant signal operators, police telephone operators, police radio operators and assistant radio operators, police women and police matrons in cities of the second class; defining the powers and duties of civil service commissions for such purpose in said cities; and repealing inconsistent legislation.

Mr. BRETHERICK from the Committee on State Government reported as committed, House Bill No. 1093, entitled:

An Act to further amend section one of the act, approved the tenth day of May, one thousand nine hundred twenty-seven (P. L. 879) entitled "An act regulating the sale in bulk of fifty-one per centum or more of the stock of goods, wares or merchandise of any kind, fixtures,

machinery, equipment or real estate, by every corporation, joint-stock association, limited partnership or company; providing certain requirements therefor and imposing certain duties upon the seller and buyer; and fixing penalties" by requiring certain matters to be filed with or obtained from, the Department of Revenue instead of the Auditor General, in order to conform said act to existing law.

Mr. VAN BELLE from the Committee on Corporations and Industry reported as committed, House Bill No. 848, entitled:

An Act to amend section one of the act, approved the eleventh day of May, one thousand eight hundred ninety-three (P. L. 42), entitled "An act to authorize corporations organized for profit under the laws of Pennsylvania, to make allowances or pensions to employes for faithful and long continued service, who in such service have become old infirm or disabled," by extending its provisions to include directors and officers of such corporations,

Mr. TAHL from the Committee on Judiciary General reported as committed, House Bill No. 169, entitled:

An Act to amend subsection eighteen as added to paragraph one of clause (a) of section forty-one of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions: debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by further providing for additional investments of trust funds by fiduciaries.

Mr. RHODES from the Committee on Judiciary General reported as committed, House Bill No. 1164, entitled:

An Act to amend clause (b) two of section eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "An act relating to the organization, jurisdiction, and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," by authorizing the omission of certain parts of accounts and auditors' reports from the dockets of such courts.

Mr. FULLERTON from the Committee on Education reported as amended, House Bill No. 737, entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the merger of school districts and parts of school districts with other districts; changing the terms of officers of conventions of school directors and the method of selecting members of county boards of school directors; providing for filling of vacancies; empowering the county boards of school directors to employ an attorney and fix his compensation; granting certain powers and imposing certain duties on members of the county board of school directors; providing limitations on the appointment of district superintendents; requiring the filing of copies of auditor's reports with the county board of school directors; and validating previous mergers.

Mr. FULLERTON from the Committee on Townships reported as committed, House Bill No. 907, entitled:

An Act to amend the act approved the first day of May, one thousand nine hundred and thirty-three, (P. L. 103), entitled "An act concerning townships of the second class, and amending, revising, consolidating and changing the law relating thereto," as amended; by adding thereto section one thousand one hundred and ninety-seven, regulating the expenditure of funds allocated by any agency or department of the Commonwealth to townships of the second class in which the public roads and bridges are opened, made, amended and repaired by taxpayers.

Mr. CALVIN from the Committee on State Government reported as committed, House Bill No. 887, entitled:

An Act to amend section twenty of the act approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits; requiring prompt return to the Central Bureau of Vital Statistics as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violation of this act" as amended by providing for the payment of all fees to local registrars of vital statistics by the Commonwealth.

Mr. CALVIN from the Committee on Judiciary General reported as amended, House Bill No. 1060, entitled:

An Act defining the liability of persons signing instruments in writing in a fiduciary capacity, regulating actions of such instruments and execution on judgments obtained in such actions, and excepting certain actions from the provisions of said act.

Mr. ACHTERMAN from the Committee on State Government reported as committed, House Bill No. 1285, entitled:

An Act to amend section two thousand four hundred thirteen of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and

the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers, fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions, shall be determined," assigning certain rooms in the State Capitol to the General Assembly.

Mr. RIDER from the Committee on Townships reported as committed, House Bill No. 1366, entitled:

An Act to amend section three hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," providing for the alteration of township lines and boundaries.

Mr. LOVETT from the Committee on Townships reported as committed, House Bill No. 948, entitled:

An Act to amend section eight hundred and four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further restricting payments out of township treasuries; and giving township treasurers discretion to refuse payments.

Mr. WEISS from the Committee on Judiciary General reported as committed, House Bill No. 714, entitled:

An Act to amend section four of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations", as amended, extending the provisions of said act to permit corporations to be formed for beneficial and protective purposes to the widows and families of policemen and firemen, under and in accordance with such provisions.

Mr. WEISS from the Committee on Judiciary General reported as committed, House Bill No. 1162, entitled:

An Act to amend section forty-nine by adding thereto clause (g), and to further amend clause (k) of section fifty-nine of the act, approved the seventh day of June, one thousand nine hundred and seventeen, (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sale and mortgages of real estate for the payment thereof, judgments and executions therefor and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by providing for the appointment of substitute fiduciaries to execute decrees of distribution in certain cases and by altering the procedure and requirements for the appointment of guardians ad litem.

Mr. BOOSE from the Committee on Counties reported as committed, House Bill No. 1388, entitled:

An Act to amend section three of the act, approved the second day of May, one thousand nine hundred five (Pamphlet Laws, three hundred fifty-one), entitled "An act authorizing the Attorney General to retain and employ attorneys to represent the Commonwealth, in criminal proceedings, in the various courts of oyer and terminer, general jail delivery, and quarter sessions, if requested to do so by the president judge of the district having jurisdiction thereof; providing for the compensation of such attorneys, and defining their duties and powers," by making counties liable for the payment of the compensation and expenses of attorneys appointed by the Attorney General.

Mr. BOOSE from the Committee on Counties reported as committed, House Bill No. 1256, entitled:

An Act to amend subdivision (b) of article three of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," providing for a State association for recorders of deeds, and allowing expenses in attending annual meetings.

Mr. ECKELS from the Committee on Judiciary General reported as committed, House Bill No. 297, entitled:

An Act authorizing women who have been divorced from the bonds of matrimony to retake and use their maiden names and making certified copies of their election evidence in all cases.

Mr. WINNER from the Committee on Public Utilities reported as committed, House Bill No. 673, entitled:

An act to amend subsection (7) of section two of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining

as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle; and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligation issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for reviews by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by enlarging the definition of the phrase "Contract Carrier by Motor Vehicle" to include persons or corporations who furnish transportation of school children exclusively.

Mr. ACKERMANN from the Committee on Labor reported as committed House Bill No. 1076, entitled:

An Act to amend the act approved the first day of June, one thousand nine hundred and thirty-seven, (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court, providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," broadening the definition of "labor dispute;" further defining the rights of employes; further defining and limiting unfair labor practices; making further provision for designation and selection of representatives for the purposes of collective bargaining; changing the practice before the Pennsylvania Labor Relations Board and limiting its powers in certain cases; and requiring investigations of labor disputes and issuance of subpoenas on the application of either party to a controversy.

Mr. LLOYD H. WOOD from the Committee on Judiciary General reported as amended, House Bill No. 993 entitled:

An Act relating to sheriff sales of real estate heretofore or hereafter made; changing the rule of evidence that the price at which a plaintiff on the list bids in real estate at sheriff sale is conclusive; providing a procedure by which the actual value of real estate so purchased by the plaintiff on the list may be established and credited against the judgment or debt, to collect which the sheriff sale was had; and providing a limitation of time within which such procedure may be invoked.

Mr. RILEY from the Committee on Corporations and Industry, reported as committed, House Bill No. 996, entitled:

An Act to amend section three hundred eight, and section seven hundred two, as amended, of the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments, to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by facilitating the procedure to borrow money and to acquire or dispose of real estate; and to facilitate the approval of amendments by members.

Mr. KLINE from the Committee on State Government reported as committed, House Bill No. 1038, entitled:

An Act to regulate the practice of chiropody in the Commonwealth of Pennsylvania; to provide for the establishment of a State Board of Chiropody Examiners in the Department of Public Instruction; to define the duties and powers of said board; to provide for examining and registering of chiropodists in this State; and to provide penalties for the violation of this act.

Mr. BENNETT from the Committee on Game reported as committed, House Bill No. 482, entitled:

An Act assenting to the provisions of the Act of Congress entitled "An act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes," approved September second, one thousand nine hundred and thirty-seven, and conferring certain powers and duties on the Pennsylvania Game Commission.

Mr. JACOB L. MOSER from the Committee on Judiciary General reported as committed, House Bill No. 1171, entitled:

An Act to amend Section 1109-1, as added, and section one thousand one hundred and eleven of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers of any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," further providing for the powers and limitations upon powers of corporations with fiduciary powers.

Mr. BONEY from the Committee on Townships reported as committed, House Bill No. 842, entitled:

An Act to amend section one thousand three hundred and fourteen and section one thousand three hundred and fifteen as amended of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by providing further for the registration and recording of deeds.

Mr. TAYLOR from the Committee on Military Affairs reported as committed, House Bill No. 1399, (Senate Bill No. 433), entitled:

An Act to amend section seven of the act approved the eleventh day of May, one thousand nine hundred and five, (P. L. 442), entitled "An act for the appointment and maintenance of a board, to be known as the Armory Board of the State of Pennsylvannia, and for the payment of its expenses, and for providing, managing and caring for armories for the use of the National Guard of Pennsylvania, throughout the Commonwealth of Pennsylvania, and making an appropriation for the same; authorizing the State Armory Board to receive from counties, cities, municipalities and other sources donations or contributions for the purpose of this act," authorizing the Armory Board to accept donations and contributions from boroughs and townships, and authorizing boroughs and townships to make such donations and contributions.

Mr. EWING from the Committee on Public Utilities reported as committed, House Bill No. 1392 (Senate Bill No. 268), entitled:

An Act to amend paragraph (c) of section four hundred nine and paragraphs (a) and (c) of section four hundred eleven of the act, approved the twenty-eight day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion results costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by providing a more equitable method for the apportionment of damages and expenses occasioned by or resulting from the construction, relocation, alteration, protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways; limiting in certain cases the amount to be borne by the public utilities concerned, and providing for the recovery by the commission on behalf of the Commonwealth of the amount of expenses occasioned by or resulting from such crossing improvement, as well as the amount of damages or compensation awarded to the owners of adjacent property.

Mr. BRETHERICK from the Committee on State Government reported as amended, House Bill No. 670, (Senate Bill No. 206), entitled:

An Act prohibiting the issuing of certain licenses and permits to persons unless school per capita taxes assessed against them have been paid; providing methods for proof of payment, and prescribing penalties.

Mrs. FAUSET from the Committee on Welfare reported as committed, House Bill No. 1393, (Senate Bill No. 375), entitled:

An Act authorizing the Commonwealth, political subdivisions and certain institutions to purchase blind-made commodities and services from organizations for the blind without contract or advertisement; providing for the fixing of fair market prices for such commodities and services by a committee composed of heads of certain departments and representatives of institutions where blind-made commodities are manufactured; and imposing certain duties upon the Department of Property and Supplies and the State Council for the Blind.

Mr. COOPER from the Committee on Labor re-reported

as committed, House Bill No. 702, (Senate Bill No. 134), entitled:

An act requiring aliens to register with the Department of Labor and Industry and to carry and upon proper demand to exhibit identification cards prohibiting the issuing of certain registrations and licenses to or the employment aliens under certain circumstances and prescribing penalties.

Mr. ALSPACH from the Committee on Judiciary General re-reported as amended, House Bill No. 463, entitled:

An Act to further amend section two hundred and forty-six of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," changing the qualifications of the district attorney.

Mr. SEIF from the Committee on Professional Licensure re-reported as amended, House Bill No. 475, entitled:

An Act defining and regulating the practice of photography providing for the licensing of individuals copartnerships associations and corporations operating photographic studios and of individuals engaging in the practice of photography creating a Board of Photographic Examiners in the Department of Public Instruction defining its powers and duties and providing penalties

Mr. VOORHEES from the Committee on Public Utilities reported as committed, House Resolution No. 73.

BILLS RE-REFERRED

Mr. BARDES returned from the Committee on Welfare with the recommendation that it be re-referred to the Committee on Labor, House Bill No. 690, entitled:

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contribution and the payment of such compensations; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties;" excepting employment covered by certain Federal unemployment compensation or insurance systems from the provisions thereof; providing for cooperation with Federal, local or private agencies in connection with free public employment offices; making further provisions for reciprocal arrangements and compacts with agencies of other states and the Federal Government; further defining ineligibility for compensation; authorizing transfers from the Commonwealth's Unemployment Compensation Fund in the Unemployment Trust Fund of the United States Treasury to Railroad Unemployment Insurance Account; and terminating certain compensation rights hereunder.

The SPEAKER. The bill is now re-referred to the Committee on Labor.

Mr. GILLAN returned from the Committee on Welfare with the recommendation that it be re-referred to the Committee on Labor, House Bill No. 1384, entitled:

An Act to amend the act, approved the fifth day of December, one thousand nine hundred thirty-six (P. L. 2897, 1937) entitled "An act establishing a system of unemployment compensatioin to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," redefining "benefit year;" eliminating contractor liability and the defination of "full-time weekly wage;" taking away the right of probationary employes of the department to appeal from dismissal; providing additional remedies for the collection and for compromises of contributions and interest; imposing duties on prothonotaries; changing the qualifications for, and the rate and duration of compensation; authorizing certain payments without administration or the appointment of a guardian or committee; and extending and further regulating the provisions for appeal.

The SPEAKER. The bill is now re-referred to the Committee on Labor.

SUBPOENA SERVED ON SPEAKER

The SPEAKER. The Chair recognizes the Sergeant-at-Arms of the House.

The SERGEANT-AT-ARMS. Mr. Speaker, I present the spokesman of the newspapermen.

The SPEAKER. The Chair recognizes the spokesman for the newspapermen. The gentleman will proceed to the rostrum.

Mr. GEORGE FISHER. Mr. Speaker, I am directed by the soup and cream of court to serve you with a subpoena.

The SPEAKER. I know plenty, but I won't talk.

The subpoena was read by the Clerk as follows:

SUBPOENA, YUKES TAKE'EM

Pennsylvania Legislative Correspondents Assn., SS-Boo Hoo, Pfui, Hi Ho Silver and a Hey Nonny Na.

Biennial Dinner of 1939:

To All Legislators, Politicians, Democrats, Lobbyists, Reliefers, Accusers, Accused, Lame Ducks, Candidates for President, Candidates for Governor, Administration Advisors, Job-Holdovers, and Job-Hunters, Greetings:

We command you, and each of you, that you, and all of you, everyone of you, together and separately, be and appear in your proper or improper person before the GRAND INQUEST OF 1939, self-appointed to hear, decide and kid all matters in variance between the parties, Republican and Democratic, wherein the Legislative Correspondents are plaintive plaintiffs and All Others are denying defendants; at the Penn-Harris Hotel, in Harrisburg, tonight at 6:30 o'clock P. M., then and there to give evidence of your ability to take it.

Hereof fail not, under penalty which may ensue: Omit not to bring your singular ticket with you, under penalty of not eating, drinking or laughing.

RESOLUTION

TIME OF ADJOURNMENT

Mr. FURMAN. Mr. Speaker, since the soup and cream court has served this subpoena upon the Speaker and since it will affect the proceedings of this House, I ask the unanimous consent to offer the following resolution.

The SPEAKER. The resolution will be sent to the desk, for careful scrutiny by the Speaker.

Since there is no privilege in this resolution the clerk will read it.

Mr. FURMAN asked and obtained unanimous consent to offer a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, April 26, 1939.

Resolved, That when the House adjourns today, it adjourn not later than 4 p. m. in accordance with the subpoena just served on the Speaker.

The SPEAKER. The Chair requests the gentleman from Dauphin, Mr. Habbyshaw, to preside.

Mr. HABBYSHAW IN THE CHAIR.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1327, entitled:

An Act to amend section one thousand three hundred and one of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" prohibiting the issuance of certificates to teach to persons not citizens except in certain cases

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1201, entitled:

An Act to amend section one of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 796) entitled "An act providing for the preservation of the records of banks and trust companies savings banks and private banks and imposing penalties for violations" to permit the preservation of photographic film reproductions or photographs or photostatic copies of certain oraginal records

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1257, entitled:

An Act to amend the title Section 1 as amended and Sections 5 11 12 13 14 16 17 18 21 and 22 of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (P. L. 587) entitled "An act to protect the public health by regulating the manufacture preparation handling storage sale transportation and possession of meat and meat-food products prescribing the powers and duties of the State Livestock Sanitary Board incidental thereto" by transferring administration of the act to the Department of Agriculture defining "Department" and changing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1347, entitled:

An Act to amend section two thousand eight hundred one of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" making it unlawful to require and for certain persons to solicit teachers to become members of certain organizations and prohibiting the solicitation of dues for certain organizations during school hours

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1147, entitled:

An Act to amend Section fifteen hundred and nine of the Act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing that the board of directors of any school district may appropriate funds to pay for medical examinations for tuberculosis for pupils teachers janitors or other employees

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration to House Bill No. 724, entitled:

An Act providing for the support and promotion of Aviation Training through public school districts of the Commonwealth conferring powers and imposing duties on the Superintendent of Public Instruction and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. McCLESTER. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations, for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1263, entitled:

An Act requiring cities of the first class to pay portions of their compensation heretofore withheld to certain officers and men employed and paid by such cities

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 601, entitled:

An Act to amend clause six of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended changing the minimum salaries of certain teachers in junior high schools of third class districts

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 99, entitled:

An Act to amend section one of the act approved the nineteenth day of June one thousand nine hundred and eleven (P. L. 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" as amended by permitting the court to suspend sentence and place defendants on probation in cases of conviction of any crime under certain conditions

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1371, entitled:

An Act to amend the title and further amend and reenact the act approved the twenty-second day of March one thousand eight hundred and sixty-two (P. L. 164) entitled "An act to provide for the destruction and to prevent the spread of Canada Thistles" by extending the provisions of the act to include other weeds

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 293, entitled:

An Act providing for the exclusions from the court room and the segregation of certain witnesses in criminal cases imposing restrictions on such witnesses providing for their maintenance at the expense of the county and prescribing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 806, entitled:

An Act to amend article one of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the appointment and election of school auditors in union school districts

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1402, (Senate Bill No. 259), entitled:

An Act to amend section thirty-eight of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 382), entitled "An act to consolidate, revise and amend the penal laws of this Commonwealth," by permitting the trial for the offense of fornication and bastardy to be held either where the child was begotten or where it was born.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Dauphin, Mr. Habbyshaw.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 354.

An Act to amend clause (d) as added to section twenty-one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" requiring certification of verdicts and judgments entered in orphans' courts to the prothonotary and the filing docketing and indexing the same by him

HOUSE BILL No. 376.

An Act to add paragraph four to clause (a) of section forty-one of the act approved the sevnth day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording

ard registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by permitting fiduciaries holding mortgages to accept deeds in lieu of foreclosures and prescribing the effect thereof

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 519, entitled:

An Act to amend paragraph six of section two of the Act of June first one thousand nine hundred one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended and extended to cities of the third class boroughs incorporated towns and townships of the first class by eliminating the prohibition against connections to waterpipes by persons other than plumbers

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That paragraph six of section two of the act of June first one thousand nine hundred one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violations thereof" as last amended by the act of March thirty-first one thousand nine hundred thirty-seven (Pamphlet Laws 168) is hereby further amended to read as follows

No person other than a registered master plumber as herein provided shall be allowed to carry on or engage in the business nor shall any person or persons expose the sign of plumbing house or building drainage or any advertisement or display pertaining thereto (wholesale show rooms excepted) unless he or they have first secured a license or certificate and been registered in the office of the board or bureau of health of such cities or in the case of a borough incorporated town or township of the first class then register with a board or bureau of health of such municipality if any functioning and if none such then with the Department of Health of the Commonwealth nor shall any person or persons other than a registered master plumber or a registered journeyman plumber in his or their employ (registered apprentices excepted) be allowed to alter repair or make any connection with any [water] drain soil waste or vent-pipe or any pipe connected therewith or to repair or alter the location of any waterpipe

On the question,

Will the House agree to the section?

Mr. JOHN N. HOFFMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, line 2, by striking out the word: "first" and inserting in lieu thereof: "seventh"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

The title was read as follows:

An Act to amend paragraph six of section two of the Act of June first one thousand nine hundred one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended and extended to cities of the third class boroughs incorporated towns and townships of the first class by eliminating the prohibition against connections to waterpipes by persons other than plumbers

On the question,

Will the House agree to the title?

Mr. JOHN N. HOFFMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 2 of title, by striking out the word "first" and inserting in lieu thereof: "seventh"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1297, entitled:

An Act to further amend section five and to amend section six of the act approved the third day of May one thousand nine hundred and nine (Pamphlet Laws 395) entitled "An act regulating the sale of concentrated commercial feeding-stuffs also of condiment stock and poultry-food and patented proprietary or trademark stock and poultry-food possessing nutritive value combined with medicinal properties defining concentrated commercial feeding-stuffs prohibiting the adulteration of any feeding-stuff sold offered or exposed for sale in this State with oat hulls ground corn cobs flax plant refuse elevator chaff cotton-seed hulls ground corn stalks rice hulls peanut hulls weed seeds or other similar adulterants providing for the collection of samples and analysis thereof by the Department of Agriculture and the publication of information concerning the same providing also for the expenses of the enforcement of the law fixing penalties for its violation and repealing

act number two hundred and eleven (Pamphlet Laws one thousand nine hundred and seven page two hundred and seventy-three) entitled 'An act regulating the sale of wheat rye corn and buckwheat-bran and middlings or any admixture thereof' et cetera approved the twenty-eighth day of May one thousand nine hundred and seven" authorizing the Secretary of Agriculture to make rules and regulations and establish standards further regulating the taking of samples and changing and providing penalties

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as folows

Section 1 Section five of the act approved the third day of May one thousand nine hundred and nine (Pamphlet Laws 395) entitled "An act regulating the sale of concentrated commercial feeding-stuffs also of condimental stock and poultry-food and patented proprietary or trademark stock and poultry-food possessing nutritive value combined with medicinal properties defining concentrated commercial feeding-stuffs prohibiting the adulteration of any feeding-stuff sold offered or exposed for sale in this State with oat hulls ground corn cobs flax plant refuse elevator chaff cottonseed hulls ground corn stalks rice hulls peanut hulls weed seeds or other similar adulterants providing for the collection of samples and analysis thereof b ythe Department of Agriculture and the publication of information concerning the same providing also for the expenses of the enforcement of the law fixing penalties for its violation and repealing act number two hundred and eleven (Pamphlet Laws one thousand nine hundred and seven page two hundred and seventy-three) entitled 'An act regulating the sale of wheat rye corn and buckwheat-bran and middlings or any admixture thereof' et cetera approved the twenty-eighth day of May one thousand nine hundred and seven" as amended by section two of the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1141) is hereby further amended to read as follows

Section 5 Each and every manufacturer importer agent person corporation or firm selling offering or exposing for sale in this State any concentrated commercial feeding-stuffs as defined in section two of this act without the statement or statements required by section one of this act or to which is affixed a statement or guarantee which is false in any particular or in relation to which the provisions of all of the foregoing sections have not been fully complied with shall for every such offense forfeit and pay the sum of fifty dollars which shall be recoverable with costs including the cost of analysis by any person suing in the name of the Commonwealth as debts of like amount are by law recoverable Provided That the Secretary of Agriculture shall together with his deputies agents and assistants be charged with the enforcement of this act and shall make rules and regulations for the proper enforcement thereof including rules and regulations setting up definitions and standards for concentrated feeding-stuffs effective ninety days after being published in an official bulletin of the Secretary of Agriculture and shall have free access to all places of business mills buildings carriages cars vessels and packages of whatsoever kind used in the manufacture importation or sale of any concentrated commercial feeding-stuffs and shall also have power and authority to open any package containing or supposed to contain any concentrated commercial feeding-stuff and take therefrom a sample for analysis upon tending the value of such sample and the party or parties interested or their representative shall be given an opportunity to be present when such sample is taken Each sample shall be put in a glass vessel and carefully sealed excepting when in the judgment of the Secretary of Agriculture the package in which the product is sold at retail shall be deemed a good and sufficient sample and a label placed upon such vessel stating the name or brand of the feeding-stuff or material sampled the name of the manufacturer when possible the name of the party from whose stock the sample was taken the time and the place of taking the guaranteed analysis and other information relevant thereto said labels to be signed by the Secretary of Agriculture or his agent and by the party or parties interested or their representative if present at the taking of the sample The sample shall be retained by the Secretary of Agriculture or his agent The Secretary of Agriculture shall cause such samples as are secured by him under the provisions of this act as may seem to him proper to be analyzed [within sixty days after said samples are received] by the chief chemist and the results of the analysis of such samples together with such additional information as circumstances advise shall by his authority be published in reports or bulletins from time to time Provided That when the materials sampled are in packages the samples shall be taken from four separate packages excepting when in the judgment of the Secretary of Agriculture a lesser number would be sufficient And provided further That if the analysis of any sample does not differ from the guarantee more than ten per centum of the protein fat or fibre guaranteed the manufacturer shall be considered as having complied with the requirements of this act except when the percentage of either protein or fiber shall exceed twenty per centum and shall not be present in excess of thirty per centum in which case the variation allowed shall not exceed seven per centum of the guaranteed amount and also except when the percentage of either protein or fiber shall exceed thirty per centum in which case the variation allowed shall not exceed five per centum of the guaranteed amount

On the question,

Will the House agree to the section?

Mr. LLOYD H. WOOD. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1 (Sec. 5), page 3, line 26, by striking out with heavy-faced brackets the word "shall" and insert in lieu thereof "may."

On the question,

Will the House agree to the amendment

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 Section six of said act is hereby amended to read as follows

Section 6 In addition to the above penalty [every person corporation or firm and every officer agent servant or employe of such person corporation or firm violating any of the provisions of this act shall also be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars for the first offense and a fine of not less than one hundred dollars nor more than two hundred dollars for every subsequent offense] whoever shall violate any of the provisions of this act or any rule regulation or standard adopted and promulgated by the Secretary of Agriculture pursuant to this act shall upon conviction thereof for the first or second offense in a summary proceeding be sentenced to pay a fine of not less than fifty dollars nor more than two hundred dollars and costs of prosecution and in default of such fine and costs shall be sentenced to undergo imprisonment for not more than thirty days and for the third or subsequent offense shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than three hundred dollars nor more than six hundred dollars or to undergo imprisonment for a term not to exceed one year or both in the discretion of the court Provided That all penalties fines and costs including the

cost of analysis imposed and recovered under the provisions of this act shall be paid to the Secretary of Agriculture or his agents and by him immediately covered into the State Treasury And provided also That all necessary expenses under the provisions of this act shall after approval in writing by the Governor and the Secretary of Agriculture be paid by the State Treasurer upon the warrant of the Auditor General in the manner now provided by law

An Act to further amend section five and to amend section six of the act approved the third day of May one thousand nine hundred and nine (Pamphlet Laws 395) entitled "An act regulating the sale of concentrated commercial feeding-stuffs also of condimental stock and poltry-food and patented proprietary or tardemark stock and poultry-food possessing nutritive value combined with medicinal properties defining concentrated commercial feeding-stuffs prohibiting the adulteration of any feeding-stuff sold offered or exposed for sale in this State with oat hulls ground corn cobs flax plant refuse elevator chaff cotton-seed hulls ground corn stalks rice hulls peanut hulls weed seeds or other similar adulterants providing for the collection of samples and analysis thereof by the Department of Agriculture and the publication of information concerning the same providing also for the expenses of the enforcement of the law fixing penalties for its violation and repealing act number two hundred and eleven (Pamphlet Laws one thousand nine hundred and seven page two hundred and seventy-three) entitled 'An act regulating the sale of wheat rye corn and buckwheat-bran and middlings or any admixture thereof' et cetera approved the twenty-eighth day of May one thousand nine hundred and seven" authorizing the Secretary of Agriculture to make rules and regulations and establish standards further regulating the taking of samples and changing and providing penalties

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1161, as follows:

An Act establishing in each borough township and ward of counties of the second class a separate justice of the peace or alterman district providing for the election of such justices of the peace and aldermen prescribing their powers and duties imposing upon such counties the cost of establishment and maintenace of justice's of the peace and aldermen's courts including the payment of all salaries fixing salaries and restricting justices of the peace and aldermen to duties of office and repealing inconsistent acts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Every borough township and ward located in counties of the second class shall constitute a separate justice of the peace or alderman district

Section 2 In each such justice of the peace or alderman district there shall be located a justice's of the peace or aldermen's court not of record which court shall exercise such jurisdiction civil and criminal except as herein provided as is now exercised by justices of the peace or aldermen

Section 3 In each such justice of the peace or alderman district as created under the provisions of this act there shall be elected at the next municipal election by the qualified electors of such district a justice of the peace or alderman who shall be commissioned by the Governor for a term of six years No person shall be elected to such office unless he shall have resided in the district for one year next preceding his election

Section 4 The justices of the peace or aldermen in office at the date of the approval of this act shall hold their respective offices for their unexpired terms if they shall so long behave themselves well The qualified electors of each said district shall at the time fixed for the election of municipal officers in each of said districts immediately preceding the expiration of the term of any justice of the peace or alderman elect on the general ticket a successor or successors to any whose terms are about to expire as now provided by law

Section 5 All justices of the peace or aldermen shall hold their offices for the term of six years from the first Monday of January next succeeding their election if they shall so long behave themselves well

Section 6 The said justices of the peace or aldermen shall be at least twenty-five (25) years of age and shall have resided for at least one year immediately preceding their election in the respective district and must be natural born citizens or naturalized citizens for at least ten years and shall be qualified voters thereof

Section 7 Should any vacancy happen in the office of justice of the peace or alderman either by death resignation disqualification removal or otherwise said vacancy shall be filled for the full term of six years in the manner hereinbefore set forth at the next succeeding municipal election held in said district after said vacancy shall happen and it shall be the duty of the Governor in the meantime to appoint and commission a suitable person to fill said vacancy until the first Monday of January next succeeding the first municipal election after said vacancy shall happen Provided However That if said vacancy shall happen within twenty days before any municipal election said vacancy shall not be filled until the second succeeding municipal election there after and the Governor shall appoint and commission a suitable person to fill said vacancy until the first Monday of January after said second municipal election

Section 8 In case any of said justices of the peace or aldermen shall from sickness or any other cause be unable to attend his court for more than ten days one of the other justices of the peace or aldermen having the nearest court within the county shall have the power to take charge of all suits or precedings before him and conduct the same during his absence

Section 9 A civil and criminal docket shall be kept in each of said courts by the justice of the peace or alderman holding the same in which shall be entered daily all proceedings of said court and it shall be the duty of the justice of the peace or alderman receiving any costs fees fines penalties or other moneys to note the same in the margin of the proper docket opposite to the entry of the case in respect to which the same is received with the date at which and the name of the person from whom the same was received together with the date when and the person to whom the same was paid

Section 10 The said dockets shall be open to the inspection of any citizen during the hours when the court is required to be kept open It shall also be the duty of each of the said justices of the peace or aldermen to keep a daybook in which he shall enter all costs fees fines and penalties collected by him with the date when the person from whom and the purpose for which the same was received He shall also note therein the time when and the manner in which the same is disposed of and the books and papers of said court including said daybooks shall be the property of the Commonwealth of Pennsylvania They shall pay over to the county treasurer within five days after the first Monday of every month all costs of suits fees fines penalties and other sums of money received during the preceding month excepting acknowledgment affidavit and marriage fees which he shall retain for his own use and excepting constables' fees which shall be paid said constables directly by said justice of the peace or alderman during the preceding month except such costs and judgments as the parties to any proceeding before them may by law be entitled to receive and shall at the same time furnish to the controller of the said county if such office exists under oath or affirmation an accurate account of all moneys retained by himself as well as all moneys paid either into the county treasury or to the said constables and the controller of said county shall not countersign any warrant for the monthly payment of the salary of any justice of the peace alderman until he is satisfied from inspection by himself or deputy of the dockets daybook or other

books of said justice of the peace or alderman that the said accounts are correct If any justice of the peace or alderman shall fail to comply with any of the provisions of this section or of section twelve hereof he shall be guilty of a misdemeanor and shall be liable to removal from office

Section 11 There shall be a clerk for each court held by a justice of the peace or alderman in all districts when the population is in excess of five thousand (5000) and each such justice of the peace or aldeman located in such district is hereby authorized to appoint a clerk to serve in his own court The duties of each clerk shall from time to time be prescribed for him by the justice of the peace or alderman in whose court he is employed Each such clerk shall receive a salary of one thousand dollars ($1000) per annum and shall be paid by the county in semi-monthly payments

Section 12 Justices of the peace or aldermen shall have all powers and shall exercise the same jurisdiction civil and criminal (except as herein otherwise provided) as formerly and shall be liable to the same limitations and restrictions pains and penalties as formerly imposed upon aldermen and justices of the peace by the laws of this Commonwealth and where by law two aldermen were required to hear and determine any matter brought before them the same jurisdiction shall be exercised by one justice of the peace or alderman

Section 13 It shall be the duty of each such county to supply and pay for whatever may be necessary for the transaction of the business of said justices' of the peace or aldermen's courts and to supply all proper court rooms and accommodations including waiting rooms the rental of which shall not exceed six hundred dollars ($600) per annum for any one district Each such county shall also supply all dockets blank books legal blanks stationery furniture and equipment and such lawbooks as may be determined by the board to be necessary for the use of the justices' of the peace or aldermens' court and to pay all salaries compensation expenses and disbursements that are herein or are otherwise authorized by law and it shall be the duty of the county commissioner of each county to appropriate annually a sum sufficient to pay such salaries compensations expenses and disbursements. The said dockets blank books legal blanks and stationery shall be uniform in character The court rooms waiting rooms accommodations furniture and equipment to be supplied shall be of such character and be kept in such condition of repair cleanliness and useful service at the expense of each county as the county commissioners shall determine to be necessary or desirable

Section 14 Each justice of the peace and alderman shall receive for his services the following compensation as determined by the population of the district in which he has been elected In districts having a population of five hundred ($500) or less three hundred dollars ($300) per annum In districts having a population in excess of five hundred (500) but less than fifteen hundred (1500) nine hundred dollars ($900) per annum In districts having a population in excess of fifteen hundred (1500) but less than twenty-five hundred (2500) twelve hundred dollars ($1200) per annum In districts having a population in excess of twenty-five hundred (2500) but less than five thousand (5000) eighteen hundred dollars ($1800) per annum In districts having a population in excess of five thousand (5000) but less than fifteen thousand (15000) twenty-five hundred dollars ($2500) per annum In districts having a population of fifteen thousand (15000) or over thirty-five hundred dollars ($3500) per annum In addition to the compensation herein provided each justice of the peace or alderman shall retain for his own use all acknowledgments affidavits and marriage fees received by him The fixed compensation as herein provided shall be paid by each county in semi-monthly payments

Section 15 All acts of Assembly and parts of acts general special and local in conflict or inconsistent with this act or any part hereof are hereby repealed in so far as they are in conflict or inconsistent herewith

Section 16 Except as otherwise provided herein this act shall take effect on the first Monday in January one thousand nine hundred and forty

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. SEIF. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities—Second Class for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. FLEMING. Mr. Speaker, I desire to interrogate the gentleman from Allegheny, Mr. Seif.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated.

Mr. SEIF. Mr. Speaker, I will.

Mr. FLEMING. Mr. Speaker, I would like to inquire of the gentleman from Allegheny for what purpose he desires to have this bill recommitted.

Mr. SEIF. Mr. Speaker and ladies and gentlemen of the House, I am thoroughly in sympathy with legislation of this type. I know it is needed. This particular bill, however, I think needs some amendments and my purpose in asking that it be recommitted is to provide further study so that the necessary amendments may be made.

Mr. FLEMING. Mr. Speaker, I am in accord with the motion.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 518, entitled:

An Act making it unlawful to trespass on railroads and declaring the trespasser guilty of contributory negligence in actions against the railroad company for damages because of injuries sustained while so trespassing

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It is unlawful for any person other than those connected with or employed upon the railroad furloughed employes of the railroad or railroad union organizers to walk along or across the tracks of any railroad except when the same shall be laid upon a public highway If any person not connected with or employed upon the railroad or not being a furloughed employe of the railroad or a railroad union organizer is injured in any manner while walking standing or playing on any railroad right of way or while riding upon boarding or alighting from a car as a trespasser while the car is in motion such person shall be deemed to have contributed to the injury sustained and shall not recover therefor any damages from the company owning or operating said railroad This act shall not apply to the crossing of a railroad by any person at any place which is a part of a public street or highway or to any person performing his occupational duties which demands his presence on such railroad property or to any person on that portion of a railroad's property which is provided for or dedicated to the use of the traveling public by such railroad in the performance of the usual and customary functions of a railroad

On the question,

Will the House agree to the section?

Mr. TAYLOR. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Page 1, Section 1, by striking out after the word "than" at the end of line 1, the following words on lines Nos. 2, 3 and 4: "Those connected with or employed upon the railroad furloughed employes of the railroad or railroad union organizers" and insert in lieu thereof the following: "employes or their representatives".

Also amend Section 1, page 1, line 6, by striking out after the word "person" the following words on lines Nos. 6, 7 and 8 "not connected with or employed upon the railroad or not being a furloughed employe of the railroad or a railroad union organizer" and insert in lieu thereof the following: "except employes or their representatives".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second and third sections and title were separately read and agreed to as follows:

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

An Act making it unlawful to trespass on railroads and declaring the trespasser guilty of contributory negligence in actions against the railroad company for damages because of injuries sustained while so trespassing

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1324, as follows:

An Act providing for and requiring in certain cases preference in appointments to public position for honorably discharged persons who served in the military or naval service during any war in which the United States was engaged

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The word "soldier" as used in this act shall be construed to mean a person male or female who served in the military or naval service of the United States during any war in which the United States was engaged and who has an honorable discharge from such service

Section 2 When any soldier shall take any civil service examination for a public position under the Commonwealth or under any political subdivision thereof he shall be given credit in the manner hereinafter provided for the discipline and experience represented by his military training and for the loyalty and public spirit demonstrated by his service for the preservation of his country

Section 3 Whenever any soldier shall successfully pass a civil service examination for a public position under the Commonwealth or any political subdivision thereof and shall thus establish that he possesses the qualifications required by law for appointment to such public position such soldier's examination shall be marked or graded an additional fifteen percentum above that credited for the examination and the total mark or grade of such soldier and shall determine his standing on any eligible list certified or furnished to the appointing power

Section 4 Whenever any soldier possesses the requisite qualifications and is eligible to appointment to a public position where no civil service examination is required the appointing power in making an appointment to a public position shall give preference to such soldier

Whenever any soldier possesses the requisite qualifications and his name appears on any eligible list certified or furnished as the result of any civil service examination the appointing power in making an appointment to a public position shall give preference to such soldier notwithstanding that his name does not stand highest on the eligible list

In making an appointment to public office where a civil service examination is required the appointing power may give preference to any soldier who has passed the required examination for such position and possesses the requisite qualifications although his name does not appear on the list of eligibles certified or furnished to the appointing power

Section 5 This act shall be construed as being the exclusive law applying to the Commonwealth and its political subdivisions in giving preference to soldiers in appointment to public position

Section 6 All acts and parts of acts inconsistent with this act are hereby repealed

Section 7 This act shall become effective January first one thousand nine hundred and forty

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 804, entitled:

A Supplement to the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 1216) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business" by excluding certain persons from the provisions of said act and exempting certain persons from taking an examination

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All justices of the peace who are engaged in the real estate business on the effective date of this supplement may continue in such business after the expiration of their term of office provided they shall meet all of the prerequisites of applicants for such licenses except that they shall not be required to pass any examination nor to have served in the employ of a duly licensed real estate broker or brokers as a duly licensed real estate salesman for a period of two years All justices of the peace shall continue to be exempt during their term of office from the provision of the act to which this is a supplement

On the question,

Will the House agree to the section?

Mr. WILSON. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, line 6 by striking out the words "to pass any ex-"

Amend Sec. 1, page 2, line 1 by striking out the words "amination nor"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,
Will the House agree to the section as amended?
It was agreed to.

The second section was read as follows:

Section 2 Persons who are aldermen upon the effective date of this supplement shall be exempt from the provisions of the act to which this is a supplement and such persons if engaged in the real estate business during their term of office may continue in such business upon the expiration of their term of office providing they shall meet all of the prerequisites of applicants for such licenses except they shall not be required to pass any licensed real estate broker or brokers as a duly licensed real estate salesman for a period of two years

On the question,
Will the House agree to the section?
Mr. WILSON. Mr. Speaker, I desire to offer the following amendment.
The SPEAKER. The amendment will be read by the Clerk.
The amendment was read by the clerk as follows:

Amend Sec. 2, page 2, lines 14 and 15 by striking out the words "pass any examination nor to"

On the question,
Will the House agree to the amendment?
It was agreed to.
On the question,
Will the House agree to the section as amended?
It was agreed to.

The title was read as follows:

A Supplement to the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1216) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business" by excluding certain persons from the provisions of said act and exempting certain persons from taking an examination

On the question,
Will the House agree to the title?
Mr. WILSON. Mr. Speaker, I desire to offer the following amendments.
The SPEAKER. The amendments will be read by the Clerk.
The amendments were read by the Clerk as follows:

Amend Title, page 1, line 7 of title by striking out the word "the" and inserting in lieu thereof "certain"
Amend Title, page 1, lines 8 and 9 of title by striking out the words "and exempting certain persons from taking an examination"

On the question,
Will the House agree to the amendments?
They were agreed to.
On the question,
Will the House agree to the title as amended?
It was agreed to.
And said bill having been read at length the second time and agreed to as amended.
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1131, entitled:

An Act to amend the act approved the twentieth day of May one thousand nine hundred and thirty-seven (P. L. 728) entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth providing for and regulating the procedure in prosecuting claims before such board defining the powers of the board and fixing the compensation of members and employes thereof providing that the awards of such board shall be final providing for the payment of awards and authorising an appropriation by constituting said board a departmental administrative board in the Department of the Auditor General by increasing the compensation of the members of said board by making further provision with regard to the procedure of said board and the disposition by it and payment of costs of proceedings before it

The first and second sections were separately read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows
Section 1 Section 1 of the act approved the twentieth day of May one thousand nine hundred and thirty-seven (P. L. 728) entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth providing for and regulating the procedure in prosecuting claims before such board defining the powers of the board and fixing the compensation of members and employes thereof providing that the awards of such board shall be final providing for the payment of awards and authorizing an appropriation" is hereby amended to read as follows
Section 1 Be it enacted by the Senate and the House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created a departmental administrative board in the Department of the Auditor General known as the Board of Arbitration of Claims the duty of which shall be to arbitrate claims against the Commonwealth arising from contracts entered into by the Commonwealth Such board shall consist of three members appointed by the Governor one of whom shall be learned in the law and shall be chairman of the board another of whom shall be a registered civil engineer The third member of the board shall be a citizen and resident of the Commonwealth not learned in the law or an engineer Two members of the board shall constitute a quorum The members shall be appointed for terms of two four and six years and shall serve until their respective successors shall be duly appointed and qualified Their successors shall each be appointed for a term of six years In the event any member shall die or resign during his term of office the Governor shall appoint a successor who shall hold office for such unexpired term Each member of the board shall receive [twenty] thirty-five dollars, per diem for each day actually employed in his duty as a member of the board and shall also be entitled to expenses while engaged in the performance of his official duties which compensation and expenses shall be deemed costs of the proceedings hereunder
Section 2 Section 6 of the said act is hereby amended to read as follows
Section 6 No claim shall be entertained by the board unless the claimant shall within three months after [the completion of the contract] notice to the claimant of determination by the Commonwealth of the amount of final payment due said claimant under the contract and before final payment is received on said contract except as provided by section 4 (b) hereof advise the department involved in writing of such claim specifying the details thereof and shall within the same period file with the secretary of the board a concise and specific written statement of this claim signed and verified by the claimant before an officer authorized to administer oaths
The claimant at the time of filing such statement shall file therewith two copies of said statement and the secretary of the board shall forthwith deliver one copy to the secretary of the department involved and the other to the Attorney General

At the time of filing his statement of claim the claimant shall pay to the State Treasury through the secretary of the board the sum of [$25.00] $50.00 as a filing fee All fees so received shall be credited to the General Fund

Within thirty days after such statement shall be filed with the secretary of the board and served upon the secretary of the department involved and the Attorney General the Commonwealth shall file with the secretary of the board an answer in writing to the averments of the claimant's statement which shall be signed and verified by the secretary of the department involved and shall at the same time file two copies of the same one of which shall be served by the secretary on the Attorney General and the other forwarded to the claimant

When the answer of the Commonwealth is filed the pleadings shall be complete and the case shall be deemed to be at issue and the secretary of the board shall list such case for hearing before the board at the earliest available date but not earlier than thirty (30) days after the filing of such answer

All cases shall as far as practicable be listed for hearing in the order of the date of the filing of the respective claims and the secretary shall cause to be served upon all claimants by registered mail thirty (30) days' written notice which notice shall set forth the time and place of such hearing

The third section was read as follows:

Section 3 Section 8 of the said act is hereby amended to read as follows

Section 8 All hearings before the board shall be public and shall be governed by such rules not inconsistent with this act as shall be adopted and prescribed by the board After consideration of the pleadings filed with it and the testimony given at the hearing before it the board shall either dismiss the claim of the claimant or make an award in favor of the claimant of such sum as it shall determine the claimant is legally and rightfully entitled to receive and shall enter [such award] its said action in a book to be kept by it for that purpose It shall file a written opinion setting forth the reasons for its action [The action of the board dismissing said claim or making an award shall be final and no appeal shall lie therefrom] The board in dismissing any claim or in making [such] any award shall [have full power to] dispose of all costs of the proceedings by providing for the payment thereof by the Commonwealth or by the claimant or by providing that such costs shall be shared by the said parties in such proportions as the board in its discretion shall direct

On the question,

Will the House agree to the section?

Mr. TROUT. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 3, page 5, line 17 by striking out with bold faced brackets after the word "action" and before the word "The" the light faced bracket as follows: "[ ]"

Amend Section 3, page 5, line 19 by striking out with bold faced brackets after the word "therefrom" and before the word "The" the light faced bracket as follows: "[ ]"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth section was read as follows:

Section 4 Section 9 of the said act is hereby amended to read as follows

Section 9 Within thirty (30) days after any final [award made] action is taken by the board the secretary of the board shall certify to the secretary of the department involved under the seal of the board a statement of such [award] or in the event it shall dismiss the said claim a statement of such costs that it may assess against the claimant] action including the amount of costs assessed against the Commonwealth or the claimant or both and the persons entitled thereto The amount of [such] any award shall be paid by said [secretary] department out of any funds appropriated against the contract out of which the claim upon which the award is based was originally charged [said award shall thereafter be paid] to the claimant [from the said fund or appropriation] and any costs assessed against the Commonwealth shall be paid by said department out of said fund or appropriation to such persons as may be entitled thereto as evidenced by said certificate of the secretary of the board in the manner now provided by law In the event that costs are assessed against the claimant the amount of such costs shall be deducted from whatever balance may be due the claimant upon the contract out of which the claim arose and shall be paid by the department to the persons entitled thereto as evidenced by the said certificate

On the question,

Will the House agree to the section?

Mr. TROUT. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 4, page 6, line 5 by striking out with bold faced brackets after the word "award" and before the word "or" the light faced brackets as follows: "[ ]"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth section was read as follows:

Section 5 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the section?

Mr. TROUT. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 5, page 6, line 26 by inserting after the figure "5" and before the word "This" the following: "The Board of Arbitration of Claims shall hear and arbitrate any claim against the Commonwealth arising out of any contract heretofore entered into by the Commonwealth, where final payment of the amount determined to be due to the Commonwealth has not been accepted, Provided that such claim is filed with the Board within three months of the effective date of this act, notwithstanding that said claim was not theretofore filed with said Board within three months after the completion of the said contract."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend the act approved the twentieth day of May one thousand nine hundred and thirty-seven (P. L. 728) entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth providing for and regulating the procedure in prosecuting claims before such board defining the powers of the board and fixing the compensation of members and employes thereof providing that the awards of such board shall be final providing for the payment of awards and authorizing an appropriation" by constituting said board a departmental administrative board in the Department of the Auditor General by increasing the compensation of the members of said board by making further provision with regard to the procedure of said board and the disposition by it and payment of costs of proceedings before it

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 389, as follows:

An Act to consolidate amend and revise the penal laws of the Commonwealth

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The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

ARTICLE I

Preliminary Provisions

Section 101 Short Title This act shall be known and may be cited as "The Penal Code"

Section 102 Effective Date This act shall become effective on the first day of September one thousand nine hundred and thirty-nine

Section 103 Definitions In this act and in any indictment for any offense provided against in this act the following words and terms shall be construed as defined in this section except where a different intent is plainly declared in the provision to be construed or is plainly apparent from the context thereof

"Assignation" the making of an appointment or engagement for prostitution or any act in the furtherance of such appointment or engagement

"Bucket-shop" a place where contracts agreements trades or transactions respecting the sale or purchase of stocks bonds securities grains provisions or other commodities are made or offered to be made to be closed adjusted or settled upon the basis of public market quotations on a board of trade or exchange but without a bona fide transaction on such board of trade or exchange

"Carnal knowledge" shall be demed complete upon proof of penetration only

"Day-time" the period of time betwene sunrise and sunset

"Escape" the act of a prisoner in gaining his liberty before he is delivered in due course of law

"Faith" as describing a religious institution the religious belief or connections according to the following classifications Jewish Catholic Protestant

"Machine Gun" any firearm that fires two or more shots consecutively at a single function of the trigger or firing device

"Magistrate" includes justice of the peace alderman and magistrates and any other officer having by law the powers of a committing magistrate

"Night-time" the period of time between sunset and sunrise

"Offense" any act or omission punishable on indictment or information or on summary conviction

"Person" and whoever includes an individual copartnership association and corporation

"Prostitution" the offering or using of the body for sexual intercourse for hire

Section 104 Offenses Committed Prior to Effective Date of Act The provisions of this act shall not apply to offenses committed before the effective date hereof but such offenses shall be prosecuted and the prosecutions concluded under the provisions of law in force at the time the offense was committed For such purposes the laws repealed by this act shall be deemed to remain in effect

ARTICLE II

Offenses Against the Government of the Commonwealth

Section 201 Treason Whoever owing allegiance to the Commonwealth of Pennsylvania levies war against the same or adheres to the enemies thereof giving them aid and comfort within the State or elsewhere is guilty of treason against the Commonwealth of Pennsylvania a felony and upon conviction thereof on confession in open court or on the testimony of two witnesses to the same overt act of the treason whereof he stands indicted shall be sentenced to pay a fine not exceeding ten thousand dollars ($10,000) or undergo imprisonment for a term of years not exceeding the life of offender

Section 202 Misprison of Treason Whoever having knowledge of any treason against the Commonwealth conceals and not as soon as may be discloses and makes known the same to the Governor or Attorney General of the Commonwealth or some one of the judges or justices thereof is guilty of misprison of treason a felony and on conviction thereof shall be sentenced to pay a fine not exceeding three thousand dollars ($3,000) or undergo imprisonment by separate or solitary confinement at labor not exceeding six (6) years or both

Nothing herein contained shall authorize the conviction of any spouse for concealing any treason committed by his or her spouse

Section 203 Levying War and Assisting Enemies of the State or the United States Whoever owing allegiance to or residing within this State and under the protection of its laws takes a commission from any person or state being an enemy of this State or of the United States of America or aids or assists any enemy in open war against this State or the United States by joining its armies or by enlisting or procuring or persuading others to enlist for that purpose or by furnishing such enemy with arms or ammunition or any other articles for its aid and comfort or by carrying on a traitorous correspondence with it or whoever forms or is in anywise concerned in forming any combination or plot or conspiracy for betraying this State or the United States of America into the hands or power of any foreign enemy or any organized or pretended government engaged in resisting the laws of the United States or gives or sends any intelligence to the enemies of this State or of the United States of America or with intent to oppose prevent or subvert the government of this State or of the United States endeavors to persuade any person from entering the service of this State or of the United States or from joining any volunteer company or association of this State about being mustered into service or uses any threats or persuasions or offers any bribe or holds out any hope of reward with like intent to induce any person to abandon said service or withdraw from any volunteer company or association already organized under the laws of this Commonwealth for that purpose is guilty of a felony and on conviction thereof shall be sentenced to undergo imprisonment by separate and solitary confinement at labor for a term not exceeding ten (10) years or to pay a fine not exceeding five thousand dollars ($5,000) or both

This section does not prohibit any citizen from taking or receiving civil commissions for the acknowledgment of deeds and other instruments of writing

Section 204 Privateering Against United States Whoever within this Commonwealth sells builds furnishes constructs alters or fits out or aids or assists in selling building contructing altering or fitting out any vessel or ship for the purpose of making war or privateering or other purpose to be used in service to make war on the United States of America or to resist by force or otherwise the execution of the laws of the United States is guilty of a misdemeanor and on conviction thereof shall be sentenced to undergo imprisonment by separate and solitary confinement at labor not exceeding ten (10) years or to pay a fine not exceeding ten thousand dollars ($10,000) or both

Section 205 Serving on Enemy Vessels Conveying Contraband Whoever being a pilot captain or other officer or person knowingly serves in any capacity on board of any vessel ship or boat having on board any goods provisions or merchandise whatever contraband of war designed for conveyance to or delivery at any port or place within any seceded state or country or within any state or country with which the United States is at war with knowledge of such unlawful traffic and with intent to give aid or comfort to the enemy is guilty of a felony and on conviction thereof shall be sentenced to pay a fine not exceeding five thousand dollars ($5,000) or undergo imprisonment at labor not exceeding ten (10) year or both

Section 206 Enlisting Men to Serve as Volunteers for any Other State Whoever within this State recruits or enlists or attempts or offers to recruit or enlist any person to serve as a volunteer of any other state or in any way procures or attempts to procure any person to leave this State for the purpose of enlisting in the volunteers of any other state is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay to a fine not exceeding five hundred dollars ($500) or be imprisoned at labor for a term not exceeding twelve (12) months or both

All fines imposed under this act shall be paid to the person who shall have prosecuted the party offending to conviction

Section 207 Sedition The word "sedition" as used in this section shall mean

Any writing publication printing cut cartoon utterance or conduct either individually or in connection or combination with any other person the intent of which is

(a) To make or cause to be made any outbreak or demonstration of violence against this State or against the United States

(b) To encourage any person to take any measures or engage in any conduct with a view of overthrowing or destroying or attempting to overthrow or destroy by any force or show or threat of force the Government of this State or of the United States

(c) To incite or encourage any person to commit any overt act with a view to bringing the Government of this State or of the United States into hatred or contempt

(d) To incite any person or persons to do or attempt to do personal injury or harm to any officer of this State or of the United States or to damage or destroy any public property or the property of any public official because of his official position

The word "sedition" shall also include

(e) The actual damage to or destruction of any public property or the property of any public official perpetrated because the owner or occupant is in official position

(f) Any writing publication printing cut cartoon or utterance which advocates or teaches the duty necessity or propriety of engaging in crime violence or any form of terrorism as a means of accomplishing political reform or change in government

(g) The sale gift or distribution of any prints publications books papers documents or written matter in any form which advocates furthers or teaches sedition as hereinbefore defined

(h) Organizing or helping to organize or becoming a member of any assembly society or group where any of the policies or purposes thereof are seditious as hereinbefore defined

Sedition shall be a felony Whoever is guilty of sedition shall upon conviction thereof be sentenced to pay a fine not exceeding ten thousand dollars ($10,000) or to undergo imprisonment not exceeding twenty (20) years or both

Section 208 Display of Flag at Public Meetings Whoever being the owner proprietor or lessee of any hall place of amusement auditorium tent or room used for the entertainment of the public for public gatherings or public meetings permits the holding of any entertainment public gatherings or public meeting unless the flag of the United States is publicly displayed in such hall place of amusement auditorium tent or room is guilty of an offense against this section

Whoever being directly or indirectly in charge of any entertainment public gathering or public meeting on any public street or highway or lot or tract of land proceeds with the holding of any such entertainment public gathering or public meeting unless the flag of the United States reasonably clean and in good repair is publicly displayed at such entertainment gathering or meeting is guilty of an offense against this section

The flag required to be displayed by the provisions of this section shall be the standard flag of the United States of a size not less than fifty-two (52) by sixty-six (66) inches

This section does not apply to churches auditoriums or rooms used by congregations as places of religious worship

Whoever violates any of the provisions of this section shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding one hundred dollars ($100) for each such offense for the use of the Commonwealth

Section 209 Red Flag in Public Processions Whoever carries or displays a red flag in or in connection with any public procession is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of twenty dollars ($20) or undergo imprisonment not exceeding three (3) months or both

Section 210 Insulting the American Flag Whoever wilfully and maliciously takes down pollutes injures removes or in any manner damages or destroys any American flag or flagstaff which now or hereafter may be put erected or placed on any private or public building or place or on any public or private highway or any public or private grounds is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or suffer imprisonment not exceeding one (1) year or both

Section 211 Desecration of Flag Whoever in any manner for exhibition or display places or causes to be placed any word figure mark or picture design drawing of any advertisement of any nature upon any flag standard color or ensign of the United States or of this State or exposes or causes to be exposed to public view any such flag standard color or ensign upon which shall be printed painted or otherwise placed or to which shall be attached apended affixed or annexed any word figure mark picture design or drawing or any advertisement of any nature or exposes to public view manufactures sells exposes for sale gives away or has in possession for sale or for gift or for use for any purpose any article or substance being an article of merchandise or a receptacle of merchandise upon which shall have been printed painted attached or otherwise placed a representation of any such flag standard color or ensign to advertise call attention to decorate mark or distinguish for the purpose of sale barter or trade the article or substance on which so placed or publicly or privately mutilates defaces defiles or tramples upon or casts contempt either by words or act upon any such flag standard color or ensign is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding two hundred dollars ($200) or undergo imprisonment for not more than six (6) months or both

The words flag standard color or ensign as used in this section shall include any flag standard color ensign or any picture or representation of either thereof made of any substance or represented on any substance and of any size evidently purporting to be either of said flag standard color or ensign of the United States of America or of this State or a picture or a representation of either thereof upon which shall be shown the colors or any color or any combination of colors or either the stars or the stripes or the stars and the stripes in any number of either thereof or anything which the person seeing the same without deliberation may believe the same to represent the flag colors standard or ensign of the United States or of this State

This section does not apply to any act permitted by the statute of the United States of America or by the United States army and navy regulations nor in case where the government of the United States has granted the use of such flag standard color or ensign as a trade-mark nor does it apply to a newspaper periodical book pamphlet circular certificate diploma warrant or commission of appointment to office ornamental picture or badges or stationery for use in correspondence on any of which shall be printed painted or placed said flag or representation thereof disconnected from any advertisement for the purpose of sale barter or trade nor does it apply to any patriotic or political demonstration or decorations

Section 212 Refusal to Obey Legislative Subpoena Whoever wilfully neglects or refuses to appear and testify before any committee of either branch of the General Assembly or before any joint committee thereof after being duly served with a subpoena to so appear or is in contempt by reason of any such neglect or refusal so to appear and testify or either is guilty of a misdemeanor and on conviction thereof shall be sentenced to imprisonment not exceeding one (1) year or to pay a fine not exceeding five hundred dollars ($500) or both

ARTICLE III

Offenses Against Public Justice and Administration

Section 301 Conspiracy to Arrest or Indict Any two or more persons who conspire or agree falsely and maliciously to charge or indict any other person or cause or procure him to be charged or indicted in any court of criminal jurisdiction are guilty of conspiracy a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding two thousand dollars ($2,000) or to imprisonment not exceeding one (1) year or both

Section 302 Conspiracy to do Unlawful Act Any two or more persons who falsely and maliciously conspire and agree to cheat and defraud any person of his moneys goods chattels or other property or do any other dishonest malicious or unlawful act to the prejudice of another are guilty of conspiracy a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment by separate or solitary confinement at labor or by simple imprisonment not exceeding two (2) years or both

Section 303 Bribery of State Officers Judges Jurors Etc Whoever shall directly or indirectly or by means of and through any artful and dishonest device whatever give or make any promise contract or agreement for the payment delivery or alienation of any money goods or other thing in order to obtain or influence the vote opinion verdict award judgment decree or behavior of any member of the General Assembly or any officer of this Commonwealth judge juror justice referee or arbitrator in any bill action suit complaint indictment controversy matter or thing whatsoever depending or which shall depend before him or them is guilty of bribery a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment by separate or solitary confinement at labor not exseding one (1) year or both

The member of assembly or officer judge juror justice referee or arbitrator who shall accept or receive or agree to accept or receive such bribe is guilty of receiving a bribe a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or to undergo imprisonment by separate or solitary confinement at labor not exceeding five (5) years or both

Section 304 Corrupt Solicitation Whoever directly or indirectly by offer or promise of money office appointment employment testimonial or other thing of value or by threats or intimidation endeavors to influence any member of the General Assembly State county election municipal or other public officer in the discharge performance or nonperformance of any act duty or obligation pertaining to such office is guilty of corrupt solicitation a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or to undergo imprisonment not exceeding two (2) years or both

Section 305 Practice of Corrupt Solicitation Whoever follows the occupation or practice of soliciting members of either House of the General Assembly or public officers of the State or of any political subdivision thereof to corruptly influence their official action is guilty of the practice of corrupt solicitation a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or to undergo imprisonment not exceeding two (2) years or both

Section 306 Barratry Whoever vexes others with un-

just and vexatious suits is guilty of barratry a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

Section 307 Compounding Crimes Whoever having a knowledge of the actual commission of any treason misprison of treason murder manslaughter rape sodomy arson forgery counterfeiting or passing counterfeit money or notes burglary house breaking robbery larceny receiving stolen goods or other property by persons knowing them to be stolen kidnapping bribery perjury or subornation of perjury takes money goods chattels lands or other reward or promise thereof to compound or conceal or upon agreement to compound or conceal any of the crimes aforesaid is guilty of compounding crime a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or to undergo an imprisonment not exceeding three 3) years or both

Section 308 Embracery Whoever attempts to corrupt or influence any juror or any arbitrator appointed according to law by endeavoring either in conversation or by written communication or by persuasion promise or entreaty or by any other private means to bias the mind or judgment of the juror or arbitrator as to any cause pending in the court to which such juror has been summoned or in which such arbitrator has been appointed or chosen except by the strength of evidence or the arguments of himself or his counsel during the trial or hearing of the case is guilty of embracery a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

Section 309 Prison Breach Whoever being charged with an indictable offense breaks prison or escapes or shall break prisons although no escape is actually made is guilty of prison breach a misdemeanor and on conviction thereof shall be sentenced to undergo imprisonment by separate and solitary confinement at labor not exceding two (2) years if the charge on which such person stood committed was an offense punishable on conviction by imprisonment by separate and solitary confinement at labor or to imprisonment not exceeding one (1) year if such charge was an offense punishable on conviction by simple imprisonment without labor

Whoever being imprisoned after conviction of an offense other than murder in the first degree or where the sentence is imprisonment for life breaks prison although no escape is actually made by him is guilty of prison breach a misdemeanor and upon conviction thereof shall be sentenced to undergo imprisonment to commence from the expiration of his original sentence of the like nature and for a period of time not exceeding the original sentence by virtue of which he was imprisoned

The judges of the courts of oyer and terminer quarter sessions and general jail delivery may sentence any prisoner who may be convicted of prison breach to the penitentiary for said offense and add to said sentence for prison breach a further sentence to the said penitentiary for the remainder of the term which said prisoner was serving at the time of his escape or attempt to escape and said sentence shall release the prisoner from serving the remainder of the term he was serving at the time of his escape or attempt to escape

Section 310 Furnishing Weapon to Convict or Inmate Whoever sells gives or furnishes to any person in any prison or mental hospital or brings into any prison mental hospital or building appurtenant thereto or on to the land held for the use and benefit of prisoners or inmates or directly or indirectly disposes of in such manner or in such place inside or outside any prison or mental hospital any weapon or other implement so that it may be secured by any person in prison or mental hospital which may be used to injure any person or to assist any person to escape is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding two thousand dollars ($2,000) or undergo imprisonment not exceeding five (5) years or both

Section 311 Officer Voluntarily Permitting Convict to Escape Any sheriff coroner keeper of any jail constable or other officer having lawful custody of any offender convicted or accused of crime who voluntarily permits or suffers such offender to escape and go at large is guilty of a felony and on conviction shall be sentenced to pay a fine not exceeding two thousand dollars ($2,000) or to undergo imprisonment not exceeding five (5) years or both and be dismissed from office

Section 312 Escape of Prisoner Through Negligence Any keeper jailer sheriff or other officer having a prisoner in his lawful custody or charge who suffers such prisoner through gross negligence to escape is guilty of a misdemeanor and on conviction shall be sentenced to imprisonment not exceeding one (1) year or to pay a fine not exceeding five hundred dollars ($500) or both

Section 313 Escape of Prisoner Through Failure to Execute Process Any sheriff coroner or keeper of a jail constable or other officer who wilfully and without reasonable cause refuses or omits to execute any lawful process directed to him requiring the apprehension or confinement of any person charged with or convicted of an offense by which such person shall escape is guilty of a misdemeanor and on conviction shall be sentenced to imprisonment not exceeding two (2) years or to pay a fine not exceeding one thousand dollars ($1,000) or both

Section 314 Obstructing Officer in the Execution of Process Whoever knowingly wilfully and forcibly obstructs resists or opposes any officer or other person duly authorized in serving or attempting to serve or execute any legal process or order or assaults or beats any officer or person duly authorized in serving or executing any such legal process or order or for and because of having served or executed the same or rescues another in legal custody or whoever being required by any officer neglects or refuses to assist him in the execution of his office in any criminal case or in the preservation of the peace or in apprehending and securing any person for a breach of the peace is guilty of a misdemeanor and on conviction shall be sentenced to imprisonment not exceeding one (1) year or to pay a fine not exceeding five hundred dollars ($500) or both

Section 315 Aiding Prison Breach Whoever aids or assists a prisoner lawfully committed or detained in any prison for any offense to make or attempt to make his escape therefrom although no escape is actually made or conveys or causes to be delivered to such prisoner any disguise instrument or arms proper to facilitate the escape of such prisoner although no escape or attempt to escape is actually made is guilty of a misdemeanor and on conviction shall be sentenced to imprisonment by separate and solitary confinement at labor or by simple imprisonment not exceding two (2) years

Section 316 Aiding Prisoner to Escape Whoever aids or assists any prisoner to escape or attempt to escape from the custody of any officer or other person having lawful charge of such prisoner is guilty of a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment by separate or solitary confinement at labor or simple imprisonment not exceeding two (2) years or both

Section 317 Aiding Inmates of Institutions to Escape Whoever aids or assists an inmate lawfully committed or detained in any of the charitable penal or other institutions of this Commonwealth maintained wholly or in part by State appropriations to make or attempt to make his escape therefrom although no escape is actually made or with the purpose of aiding an escape conveys or causes to be delivered to such inmate any disguise clothes instruments or arms proper to facilitate his escape is guilty of a misdemeanor and shall upon conviction be sentenced to pay a fine not exceeding fifty dollars ($50.00) or to undergo imprisonment not exceeding three (3) months or both

Section 318 Extortion Whoever being a public officer wilfully and fraudulently receives or takes any reward or fee to execute and do his duty and office except such as is or shall be allowed by some act of Assembly or receives or takes by color of his office any fee or reward whatever not or more than is allowed by law is guilty of extortion a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding one (1) year or both

Section 319 Falsely Impersonating an Officer Whoever falsely represents himself to be or falsely assumes to act as a detective or any elective or appointive officer of the

Commonwealth or of any political subdivision thereof is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

Section 320 Falsely Impersonating Deputy Sheriffs and Peace Officers Privately Employed Whoever without due authority pretends or holds himself out to any one as a deputy sheriff marshall policeman constable or peace officer employed by any person corporation or association is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

Section 321 Fraudulent Acknowledgment of Instruments Whoever fraudulently and corruptly acknowledges or procures to be acknowledged any deed or any writing authorized to be acknowledged or any recognizance or judgment in the name of any other person not privy thereto or consenting to the same is guilty of a felony and on conviction shall be sentenced to pay a fine not exceeding three thousand dollars ($3,000) or undergo imprisonment by separate or solitary confinement at labor not exceeding seven (7) years or both

Section 322 Perjury and Subornation Thereof Whoever wilfully and corruptly makes false oral or written statements or testimony upon oath or affirmation legally administered either before any committee of the legislature or in any judicial proceeding matter or cause which may be pending in any of the courts or before any judge magistrate or mayor or before any arbitrator prothonotary clerk notary public commissioner or auditor appointed by any court of this Commonwealth or in any deposition taken pursuant to the laws of this Commonwealth or the rules orders and directions of any court arbitrator or judge thereof or preparatory and for the purpose of obtaining any rule or order of court or of a judge or arbitrator or whoever in taking any other oath or affirmation required by any act of Assembly of this Commonwealth or in relation to any statement or duty enjoined by law is guilty of perjury a felony and whoever wilfully and corruptly procures or suborns any other person to make any such false oath or affirmation is guilty of subornation of perjury a felony and on conviction of either offense shall be sentenced to pay a fine not exceeding three thousand dollars ($3,000) or undergo imprisonment by separate or solitary confinement at labor not exceeding seven (7) years or both and shall be forever disqualified from being a witness in any matter in controversy

Section 323 False Entries Destroying and Abstracting Public Records Any public officer or other person who fraudulently makes a false entry in or erases alters secretes carries away or destroys any public record or any part thereof is guilty of a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or undergo imprisonment by separate or solitary confinement at labor not exceeding two (2) years or both

Section 324 Hindering Witnesses Whoever unlawfully dissuades hinders or prevents or attempts to disuade hinder or prevent any witness from attending and testifying before any committee of the Legislature or before any court judge justice or other judicial tribunal when so required by virtue of any legal process or otherwise is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo an imprisonment not exceeding one (1) year or both

Section 325 Absconding Witnesses Whoever having been required by virtue of any legal process or otherwise to attend and testify in any prosecution for forgery perjury or felony before any criminal court judge justice or other judicial tribunal or having been recognized or held to bail to attend as a witness on behalf of the Commonwealth or defendant before any court having jurisdiction to testify in any prosecution unlawfully and willfully conceals himself or absconds from this Commonwealth or from the jurisdiction of such court with intent to defeat the ends of public justice and refuses to appear as required by such legal process or otherwise is guilty of misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo an imprisonment not exceeding one (1) year or both

Section 326 Protection of Accused from Mob Violence (a) Equal Protection of Law Whenever any criminal prosecution shall have been instituted or any warrant of arrest shall have been issued or any arrest shall have been made or attempted with the purpose and intent of criminal prosecution in the courts of any county against any person within the jurisdiction of the county whether he is a citizen of the United States or not and such person shall appeal as hereinafter provided for protection of the government upon the ground that he has reasonable cause to apprehend that he will be denied the equal protection of the laws by the county within whose jurisdiction he is or by any officer or inhabitant of such county such person shall be entitled to the protection of the courts and officers of the State to the end that the protection guaranteed by the Constitution of this State may be given

(b) Petition To Superior Court Effect Thereof Any person within the jurisdiction of any county charged with a felony or other crime who shall file with the prothonotary of the Superior Court a duly verified petition showing (1) that he is charged with or has been arrested for the alleged commission of or participation in some offense the nature of which shall be set out in his petition (2) that he has reason to apprehend that because of his race nationality or religion which shall be specifically stated in his petition the petitioner is likely to be denied the equal protection of the laws either by the courts the officers of the law or other inhabitants of the county within whose jurisdiction he is and (3) that some other person of his race color nationality or religion within the jurisdiction of such county charged with an offense similar to that with which the petitioner is charged has been put to death without trial or brutally assaulted or otherwise maltreated or has been denied trial by due course of law in the courts of such county upon similar charges because of the race color nationality or religion of such person he shall be entitled to and shall receive the protection of all officers of the Commonwealth The duly verified petition above described may be verified and filed by the person in jeopardy as above described or by another person in his behalf Upon the filing of such petition with the prothonotary of such court it shall be the duty of such prothonotary to issue forthwith to a member of the Pennsylvania Motor Police a warrant commanding him to bring the body of such petitioner into court for hearing upon such petition

(c) Duty of State Motor Policeman It shall be the duty of such State motor policeman upon receipt of such warrant to arrest and detain the petitioner and to protect him from assault or injury and in case such petitioner is in the custody of any officer or person upon a warrant to hold petitioner for prosecution in any county court for some offense such State motor policeman shall take such petitioner from such official receipting to him for the body of the petitioner

(d) Hearing Disposition of Body and Trial When said petitioner shall have been brought into said Superior Court he shall be entitled to a summary hearing upon his petition before one of the judges thereof and in case he has been taken from the custody of any officer he shall in event his petition is not sustained be surrendered by the State motor policeman to the officer from whom he has been taken and if he has not been taken from the custody of any officer he shall in the event his petition is not sustained be set at liberty and the costs of the proceedings shall be taxed against him In case the petition is sustained by the court the petitioner shall be remanded to the custody of the Superintendent of the Pennsylvania Motor Police for protection or committed to a proper penal institution until petitioner may be tried in a court of quarter sessions of the peace or oyer and terminer of some other county to be selected by the Superior Court upon such indictment information or other charge as may have been or may be made or returned against him For the purpose of such trial such court so selected shall have and possess jurisdiction to try and determine any and all proceedings upon indictment or information which may be removed from any other county court under this section

(e) Resisting Officer Executing Warrant Whoever shall

knowingly and wilfully obstruct resist or oppose any State motor policeman duly authorized in serving or attempting to serve or execute the warrant herein provided for or shall assault beat or wound any such officer or other person duly assisting such officer knowing or having reason to believe him to be such officer so duly authorized or other person so duly assisting in serving or executing any such warrant shall be guilty of a felony and upon conviction thereon shall be sentenced to pay a fine of not exceeding ten thousand dollars ($10,000) or undergo imprisonment not exceeding ten (10) years or both

(f) Rescuing Person From Officer Killing Person Held Under Warrant Murder Whoever shall rescue or attempt to rescue take or abduct from the custody of any officer or person lawfully assisting him any person taken upon a warrant under the provisions of this section or shall directly or indirectly aid abet or assist any person so arrested to escape or to be taken or abducted from the custody of such officer or other person assisting such officer or shall harbor or conceal any person for whose arrest such a warrant has been issued so as to prevent his discovery and arrest after notice or knowledge of the fact that a warrant or process has been issued for the apprehension of such person is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or undergo imprisonment not exceeding six (6) months or both In case the taking or rescue of any such person in custody shall be followed by the killing of the person so taken from custody all persons engaged in such taking or abduction or killing or in any way contributing thereto shall be guilty of murder

(g) Death Caused by Mob Violence The putting to death within any county of any person within the jurisdiction of the county by mob or riotous assemblage of three or more persons openly acting in concert in violation of law and in default of protection of such person by such county or the officers thereof shall be deemed a denial to such person by such county of the equal protection of the laws and a violation of the peace of the Commonwealth and an offense against the same Every person participating in such mob or riotous assemblage by which such person is put to death as described in this clause is guilty of murder

(h) Forfeiture Against Counties Procedure Every county in which such unlawful putting to death occurs shall be subject to a forfeiture of ten thousand dollars ($10,000) which may be recovered by action therefor in the name of the Commonwealth against such county for the use of the dependent family if any of the person so put to death and if none for the use of the Commonwealth which action shall be brought and prosecuted by the Attorney General in a court of common pleas of any county within the Commonwealth other than the county in in which such unlawful putting to death occurred If such forfeiture is not paid upon recovery of judgment therefor the court in which said judgment was recovered shall have jurisidiction to enforce payment thereof by the levy and collection of a tax therefor or otherwise compel payment thereof by mandamus or other appropriate process Every officer of such county and every other person who disobeys or fails to comply with any lawful order of the court in the premises shall be liable to punishment according to law as for contempt and to any other penalty provided by law therefor

(i) Forfeiture Against Several Counties Involved In the event any person so put to death who shall have been taken from an officer in one county by a mob or riotous assemblage of three or more persons shall have been taken in one county and transported to another before such killing shall have taken place each and every county through which such murdered person shall have been transported during the time intervening between his capture by such mob or riotous assemblage shall be jointly and severally liable to the forfeiture hereinabove provided

(j) Neglect of Officers To Perform Duties Every officer having the duty or power of preservation or conservation of the peace at the time and place of any such putting to death who having reasonable cause to believe that the same is being or is to be attempted neglects or omits to make all reasonable efforts to prevent the same and every officer having the duty or power of proscuting criminal offenses at such time and place who neglects or omits to make all reasonable effort to prosecute under the laws of this State all persons participating in such mob or assemblage as hereinabove described except such if any as have been or are held to answer therefor as hereinabove provided is guilty of a felony and upon conviction thereof shall be sentenced to undergo imprisonment not exceeding five (5) years or to pay a fine not exceeding five thousand dollars ($5,000) or both

(k) Officer Permitting Person To Be Taken From His Custody By Mob Every officer having the custody within a county of any person charged with or held to answer for any crime or offense who suffers such person to be taken from his custody by a mob or riotous assemblage of three or more persons openly acting in concert in violation of law with the purpose of putting such person to death or inflicting bodily violence upon him in default of protection of such person by such county or the ofcers thereof is guilty of a felony and upon conviction thereof shall be sentenced to undergo imprisonment not exceeding five (5) years or to pay a fine not exceeding five thousand dollars ($5,000) or both

(l) Disqualification For Participants In Mobs In Any prosecution for any of the offenses defined in this section and in any action for forfeiture imposed as herein provided every person who participated in lynching or in putting to death of or of the infliction of great bodily violence upon any person without authority of law and every person who entertains or has expressed any opinion in favor of lynching or in justification or excuse thereof or whose character conduct or opinions have been or are such as in the judgment of the court may tend to disqualify him for the impartial and unprejudiced trial of the cause shall be disqualified to serve as a juror and the Attorney General in such action or prosecution shall be entitled to make full inquiry thereof and to produce evidence thereon Every person who refuses to answer any inquiry touching his qualifications on the ground that he may thereby criminate himself shall be disqualified as aforesaid

ARTICLE IV

Offenses Against the Public Peace

Section 401 Riots Routs Assemblies and Affrays Whoever participates in any riot rout unlayful assembly or affray is guilty of a misdemeanor and upon conviction thereof shall be sentenced to imprisonment not exceeding three (3) years which imprisonment may be at separate or solitary confinement at labor or to pay a fine not exceeding one thousand dollars ($1,000) or both

Section 402 Riotous Destruction of Property Whoever while participating in a riotous and tumultuous assembly unlawfully and with force demolishes or pulls down or destroys or begins to demolish pull down or destroy any public or private building or any machinery whether fixed or movable is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding two thousand dollars ($2,000) or to undergo imprisonment by separate or solitary confinement at labor or by simple imprisonment not exceeding five (5) years or both

Section 403 Forcible Entry Whoever with violence and a strong hand or circumstances of terror enters upon or into any lands or buildings or after entering peaceably turns out by force or by threats or menacing conduct the party in possession is guilty of a forcible entry a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding one (1) year or both and to make restitution of the lands and tenements entered

Section 404 Forcible Detainer Whoever by force and with a strong hand or by menaces or threats unlawfully holds and keeps possession of any lands or tenements whether the possession was obtained peaceably or otherwise is guilty of forcible detainer a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding one (1) year or both and to

make restitution of the lands and tenements unlawfully detained

No person shall be adjudged guilty of forcible detainer if such person by himself or by those under whom he claims have been in peaceable possession for three (3) years next preceding such alleged forcible detention

Section 405 Disturbing Public Assemblies Whoever wilfully and maliciously disturbs or interrupts any meeting society assembly or congregation convened for the purpose of religious worship or for any moral social literary scientific agricultural horticultural or floral object ceremony examination exhibition or lecture is guilty of a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding two hundred dollars ($200) or undergo imprisonment not exceeding three (3) months or both

Section 406 Disorderly Conduct Whoever wilfully makes or causes to be made any loud boisterous and unseemly noise or disturbance to the annoyance of the peaceable residents near by or near to any public highway road street lane alley park square or common whereby the public peace is broken or disturbed or the traveling public annoyed is guilty of the offense of disorderly conduct and upon conviction thereof in a summary proceeding shall be sentenced to pay the costs of prosecution and to pay a fine not exceeding ten dollars ($10) and in default of the payment thereof shall be imprisoned for a period not exceeding thirty (30) days

Section 407 Disorderly Conduct on Railway Cars and at Picnic Grounds Whoever wilfully makes any loud boisterous and unseemingly noise or by using obscence or profane language disturbs and annoys any one who is a passenger upon any railroad or railway car or a visitor at any public or private park or picnic ground kept for the amusement of the public whereby the public peace is broken or disturbed or the public annoyed is guilty of the offense of disorderly conduct and upon conviction thereof in a summary proceeding shall be sentenced to pay the costs of prosecution and a fine not exceeding ten dollars ($10) and in default of the payment thereof shall be imprisoned for a period not exceeding thirty (30) days

Any conductor in charge of any passenger train on a railroad shall arrest on view any person so conducting himself in a disorderly manner in such train and deliver such person into the custody of any constable or any police officer for a hearing

Section 408 Challenge to Duel Whoever challenges another by a word or writing to fight with a deadly weapon or being so challenged accepts said challenge is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or to undergo imprisonment by separate or solitary confinement at labor not exceeding three (3) years or both

Section 409 Carrying Challenge To Duel Seconds Whoever wilfully or knowingly carries and delivers any written challenge or verbally delivers any message purporting to be a challenge to fight a duel or consents to be a second in any such intended duel is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dallors ($500) or to undergo an imprisionment by separate or solitary confinement at labor not exceeding two (2) years or both

Section 410 Concealing Knowledge of Challenge Whoever has knowledge of any challenge to fight a duel with any deadly weapon given or received or in any manner is witness to the fact of such challenge or duel not being a second threat or a party thereto and conceals the same is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding one (1) year or both

Section 411 Posting Another For Not Accepting Challenge Whoever in any ewspaper or hand bill written or printed or otherwise posts publishes or proclaims any other person as a coward or uses any other opprobrious and abusive language toward such person for not accepting a challenge to fight or fighting a duel is guilty of a misdemeanor and shall on conviction thereof be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undego imprisonment by separate or solitary confinement at labor not exceeding three (3) years or both

Section 412 Libel Whoever writes prints publishes or exhibits any malicious or defamatory libel tending either to blacken the memory of one who is dead or the reputation of one who is alive thereby exposing him to public hatred contempt or ridicule is guilty of libel a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

No person shall be indicted for the same libel in more than one county

Section 413 Furnishing Libelous Statements Whoever wilfully states delivers or transmits by any means whatever to the manager editor publisher or reporter of any newspaper magazine publication periodical or serial for publication therein any libelous statement concering any person or corporation and thereby secures the publication of the same is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment for a period not exceeding one (1) year or both

Section 414 Anonymous Communications Whoever without appending his proper signature thereto sends or causes to be sent to another any written or printed communication or matter which is either libelous defamatory scurrilous or opprobrious is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment for not more than one (1) year or both

Section 415 Libel On Candidates Whoever writes prints posts or distributes or causes to be written printed posted or distributed a circular or poster cartoon or other written or printed paper designed or tending to injure or defeat any candidate for nomination or election to public office by reflecting upon his personal character or political actions unless the same is published in a newspaper avowedly responsible therefor or unless there appears upon such circular poster or paper in a conspicuous place the names of at least two (2) officers of the political or other organization issuing the same or the name of some duly registered elector with description of his election district as responsible therfor is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding one (1) year or both

If the statements are untrue the person so offending is also guilty of libel and may be prosecuted in the civil or criminal courts or both

Section 416 Carrying Deadly Weapons Whoever carries any firearms slingshot handy-billy dirk-knife razor or any other deadly weapon concealed upon his person with the intent therewith unlawfully and maliciously to do injury to any other person is guilty of a misdemeanor and upon the conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo an imprisonment by separate or solitary confinement not exceeding one (1) year or both

The Jury trying the case may infer such intent from the fact the defendant carried such weapon

Section 417 Carrying Bombs And Explosives Whoever possesses or carries on or about his person or in a vehicle with the intent to use the same unlawfully against the person or property of another any bomb bombshell or other explosive substance except fixed ammunition or any noxious liquid gas or substance is guilty of a felony and on conviction thereof shall be sentenced to pay a fine not exceeding five thousand dollars ($5,000) or undergo imprisonment by separate or solitary confinement at labor for a term of not more than ten (10) years or both

ARTICLE V

Offenses Against Public Morals and Decency

Section 501 Sodomy Whoever carnally knows in any manner any animal or bird or carnally knows any male or female person by the anus or by or with the mouth or whoever voluntarily submits to such carnal knowledge is guilty of sodomy a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding five thousand dollars ($5,000) or to undergo imprisonment by separate or solitary

confinement at labor not exceeding ten (10) years or both

Any sexual penetration however slight shall be sufficient to complete the offense of sodomy

Section 502 Assault And Solicitation To Commit Sodomy Whoever unlawfully and maliciously assaults another with intent to commit sodomy or solicits an incites another to permit and suffer such person to commit sodomy with him or her is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or undergo imprisonment by separate or solitary confinement at labor not exceeding five (5) years or both

Section 503 Bigamy Whoever having entered into a contract of marriage with another person whether the marriage is valid in law or not which marriage has not been dissolved by death divorce or annulment goes through any form of marriage recognized as binding under the laws of this Commonwealth with any other person whether the parties thereto cohabit thereafter as man and wife or not is guilty of bigamy a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or to undergo imprisonment by separate and solitary confinement at labor not exceeding two (2) years or both

In all such cases where the first marriage shall be valid in law the second and all subsequent marriages shall be bigamous and void

But if any husband or wife upon any false rumor in appearance well-founded of the death of the other (when such other person has been absent for two whole years) hath married or shall marry again he or she shall not be liable to the penalties for bigamy

Section 504 Single Person Marrying Spouse Of Another Whoever being unmarried knowingly marries or goes through any form of marriage recognized as binding under the laws of this Commonwealth with the spouse of any person whether the parties to such marriage cohabit thereafter as man and wife or not is guilty of a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or undergo imprisonment by separate and solitary confinement at labor not exceeding two (2) years or both

Section 505 Adultery Whoever being married has carnal connection with another person of the opposite sex not his lawful spouse is guilty of adultery a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

Section 506 Fornication And Bastardy Whoever commits fornication is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100) for the use of the institution district where the offense was committed

It shall be sufficient to convict an unmarried woman to show that a child was born of her body

Any man charged by an unmarried woman with being the father of her bastard child shall be the reputed father and if she persists in the charge in the time of her extremity of labor or afterwards in open court the same shall be given in evidence in order to convict such person of fornication Such man being thereof convicted shall be sentenced in addition to the fine aforesaid to pay the expenses incurred at the birth of such child and if such child is born dead or shall die during the continuance of the order for the maintenance of said child to also pay the reasonble funeral expenses thereof and to give security by one or more sureties and in such sum as the court shall direct to the institution district where such child was born to perform such order for the maintenance of the said child as the court shall direct

If a bastard child is begotten out of the State and born within the State or begotten within one of the counties of this State and born in anohter in the latter case the prosecution of the reputed father may be in the county where the bastard child was born or begotten and like sentence shall be passed as if the child had been begotten in that county and in the former case like sentence shall be passed except the fine for fornication

Section 507 Incest Whoever commits incestuous fornication or incestuous adultery or inter-marries within the degress of consanguinity or affinity according to the following table is guilty of incest a misdemeanor and shall on conviction be sentenced to pay a fine not exceeding two thousand dollars ($2,000) or to undergo imprisonment by separate or solitary confinement at labor not exceeding five (5) years or both

All such marriages are hereby declared void

The table of degrees of consanguinity and affinity is as follows

Degrees of Consanguinity

A man may not marry his mother
A man may not marry his father's sister
A man may not marry his mother's sister
A man not marry his sister
A man may not marry his daughter
A man may not marry the daughter of his son or daughter
A woman may not marry her father
A woman may not marry her father's brother
A woman may not marry her mother's brother
A woman may not marry her brother
A woman may not marry her son
A woman may not marry the son of her son or daughter

Degrees of Affinity

A man may not marry his father's wife
A man may not marry his son's wife
A man may not marry his son's daughter
A man may not marry his wife's daughter
A man may not marry the daughter of his wife's son or daughter
A woman may not marry her mother's husband
A woman may not marry her daughter's husband
A woman may not marry her husband's son
A woman may not marry the son of her husband's son or daughter

Section 508 Prostitution of Female Child Whoever takes a female child under the age of sixteen years for the purpose of prostitution or sexual intercourse or without the consent of her father mother guardian or other person having legal custody of her person for the purpose of marriage or inveigles or entices any such minor female child into house of ill-fame or of assignation or elsewhere for the purpose of prostitution or sexual intercourse is guilty of a felony and upon conviction thereof shall be sentenced to undergo imprisonment at separate or solitary confinement at labor for not more than five (5) years or to pay a fine not exceeding two thousand dollars ($2,000) or both

Section 509 Permitting Child in House of Prostitution Whoever being a parent or other person charged with the care or custody for nurture or education of a child under the age of sixteen years takes sends suffers or permits any such child to be or remain in any reputed house of prostitution or assignation or in any immoral place of resort or amusement or in any place where opium or any preparation thereof is smoked is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or undergo imprisonment not exceeding two (2) years or both

Any provision of law prohibiting the disclosure of confidential communications between husband and wife shall not apply to prosecutions under this section

Section 510 Seduction of Female Under Twenty-One Whoever seduces any female of good repute under twenty-one years of age with illicit connection under promise of marriage is guilty of a seduction a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or to undergo imprisonment either at labor by separate or solitary confinement or imprisonment without labor not exceeding three (3) years or both

The promise of marriage shall not be deemed established unless the testimony of the female seduced is corroborated by other evidence either circumstantial or positive

Section 511 Disorderly House Whoever keeps and maintains a common ill-governed and disorderly house or place to the encouragement of idleness gaming drinking or misbehavior and to the common nuisance and disturbance of

the neighborhood or orderly citizens is guilty of a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding one (1) year or both

Section 512 Prostitution And Assignation Whoever uses any building conveyance or place for the purpose of prostitution or assignation or knowing or having reasonable cause to know that same is to be so used or permits any building conveyance or place owned by him or under his control to be used for the purpose of prostitution or assignation or whoever commits prostitution assignation or aids or abets prostitution or assignation by any means whatsoever or whoever directs takes or transports or offers or agrees to direct take or transport any person to any building or place with knowledge that the purpose of such directing taking or transporting is prostitution or assignation is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment for a period not exceeding one (1) year or both

In the case of prostitution the imprisonment may at the discretion of the court be by commitment to a private institution in the Commonwealth adapted to the proper control of women of this class and approved by the State Department of Health and State Department of Public Welfare In no case shall the accused be committed to a religious institution other than of her own faith if any faith is professed All institutions accepting persons for commitment under the provisions of this section shall at all times be open to State inspection so far as the welfare of the persons so committed is concerned

In the trial of any person charged with the violation of any of the provisions of this section testimony concerning the reputation of any place structure or building and of the person or persons who reside in or frequent the same and of the defendant shall be admissible in evidence support of the charge

Section 513 Pandering Whoever procures a female inmate for a house of prostitution or induces persuades encourages inveigles or entices a female person to become a prostitute or by promise threat violence or by any device or scheme causes induces persuades encourages takes places harbors inveigles or entices a female person to become an inmate of a house of prostitution or assignation place or any place where prostitution is practiced encouraged or allowed or by promise threat violence or by any device or scheme causes induces persuades encourages inveigles or entices an inmate of a house of prostitution or place of assignation to remain therein as such an inmate or by threat violence by any device or scheme by fraud or artifice or by duress of person or goods or by abuse of any position of confidence or authority takes places harbors inveigles entices or procures any female person to enter any place within this Commonwealth in which prostitution is practiced encouraged or allowed for the purpose of prostitution or inveigles entices or procures any female person to come into this Commonwealth or to leave this Commonwealth for the purpose of prostitution or takes or detains a female with the intent to compel her by force threat menace or duress to marry him or to marry any other person or receives or gives or agrees to receive or give any money or thing of value for procuring or attempting to procure any female person to become a prostitute or to come into this Commonwealth or leave this Commonwealth for the purpose of prostitution is guilty of pandering a felony and upon conviction shall be sentenced to imprisonment by separate or solitary confinement for a period of not more than ten (10) years or fined not exceeding five thousand dollars ($5,000) or both

Section 514 Forcing Wife In House Of Prostitution Whoever by force fraud intimidation or threat places or leaves or procures any other person to place or leave his wife in a house of prostitution is guilty of a felony and upon conviction thereof shall be sentenced to undergo imprisonment by separate or solitary confinement at labor for a period of not more than ten (10) years or fined not exceeding five thousand dollars ($5,000) or both

Section 515 Acceptance Of Bawdmoney Whoever knowingly accepts receives levies or appropriates any money or other valuable thing without consideration from the proceeds of the earnings of any woman engaged in prostitution is guilty of a felony and on conviction thereof shall be sentenced to imprisonment by separate or solitary confinement at labor for a period of not more than ten (10) years or fined not exceeding five thousand dollars ($5,000) or both

Any such acceptance receipt levy or appropriation of such money or valuable thing shall upon any proceeding or trial for violation of this section be evidence of lack of consideration

Section 516 Detention Of Prostitute For Debt Whoever attempts to detain any female person in a disorderly house or house of prostitution because of any debt she has contracted or is said to have contracted while living in said house is guilty of felony and upon conviction thereof shall be sentenced to undergo imprisonment by separate or solitary confinement at labor for a period of not more than ten (10) years or fine not exceeding five thousand dollars ($5,000) or both

Section 517 Transported Females For Purpose Of Prostitution Whoever knowingly transports or causes to be transported or aids or assists in obtaining transportation for by any means or conveyance into through or across this Commonwealth any female for the purpose of prostitution or with the intent and purpose to induce entice or compel such female to become a prostitute is guilty of a felony and upon conviction thereof shall be sentenced to imprisonment by separate or solitary confinement at labor for a period of not more than ten (10) years or fined not exceeding five thousand dollars ($5,000) or both

Section 518 Loitering About Bawdy House And Receiving Money From Prostitutes Whoever being a male person having no apparent trade occupation or business or being without any means of subsistence stays frequents or loiters in or about any bawdy house or asks for demands takes or receives any money or other valuable thing except in the course of lawful business from the proprietress or inmate of any bawdy house is guilty of a misdemeanor and upon conviction thereof shall be sentenced to undergo imprisonment not exceeding three (3) years or to pay a fine not exceeding one thousand dollars ($1,000) or both

Section 519 Public Indecency Whoever commits open lewdness or any notorious act of public indecency tending to debauch the morals or manners of the people is guilty of a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

Section 520 Public Exhibition of Insane Or Deformed Person Whoever exhibits in any place for a pecuniary consideration or reward any insane idiotic deformed person or imbecile is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

Section 521 Removal of Body From Tomb Whoever wilfully and maliciously opens any tomb vault grave or mausoleum in any cemetery or graveyard appropriated to and used for the interment of human beings and clandestinely removes any body or remains therefrom is guilty of a felony and upon conviction thereof shall be sentenced to pay fine of not exceeding one thousand dollars ($1,000) or undergo imprisonment by separate or solitary confinement at labor for a period not exceeding three (3) years or both

Section 522 Grave And Cemetery Property Whoever wilfully and malicuously destroys mutilates defaces injures or removes any tomb monument gravestone edifice ornament fence railing protection tree or shrubbery in any cemetery or graveyard is guilty of a misdemeanor and on conviction thereof shall be sentenced to undergo imprisonment not exceeding one (1) year to pay a fine not exceeding one hundred dollars ($100) or both

Section 523 Balsphemy Whoever wilfully and premeditately blasphemes or speaks loosely and profanely of Almighty God Christ Jesus the Holy Spirit or the Scriptures of Truth shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding one hun-

dred dollars ($100) and in default at the payment of such fine and costs shall be sentenced to imprisonment not exceeding thirty (30) days

Section 524 Obscene Literature Etc Whoever sells lends distributes gives away or shows or offers to sell lend distribute or give away or show or has in his possession with intent to sell distribute or give away or to show or knowingly advertises in any manner any obscene lewd lascivious filthy indecent or disgusting book magazine pamphlet newspaper storypaper paper writing drawing photograph figure or image or any written or printed matter of an indecent character or any article or instrument of indecent or immoral use or purporting to be for indecent or immoral use or purpose or whoever designs copies draws photographs prints utters publishes or in any manner manufactures or prepares any such book picture drawing magazine pamphlet newspaper storypaper paper writing figure image matter article or thing or whoever writes prints publishes or utters or causes to be printed published or uttered any advertisement or notice of any kind giving information directly or indirectly stating or purporting to do so where how of whom or by what means any or what purports to be any lewd lascivious filthy disgusting or indecent book picture writing paper figure image matter article or thing named in this section can be purchased obtained or had or whoever prints utters publishes sells lends gives away or shows or has in his possession with intent to sell lend or give away or show or otherwise offers for sale loan or gift or distribution any pamphlet magazine newspaper or other printed paper devoted to the publication and principally made up of criminal news police reports or accounts of criminal deeds or pictures of stories of deeds of bloodshed lust or crime or whoever hires employes uses or permits any miner or child to do or assist in doing any act or thing mentioned in this section is guilty of a misdemeanor and upon convction shall be sentenced to imprisonment not exceeding one (1) year or to pay a fine not exceeding five hundred dollars ($500) or both

Section 525 Medicines Etc to Procure Abortion or Prevent Conception Whoever prints or publishes or causes to be printed or published in any newspaper pamphlet book or circular any advertisement of or sells or keeps for sale or gives away or publishes an account or description of or by writing publishes or circulates any notice of any secret drug nostrum medicine receipe or instrument purporting to be for the use of females for the purpose of preventing conception or procuring abortion or miscarriage is guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

Nothing contained in this section shall be construed to apply to teaching in regular chartered medical colleges or the publication of standard medical books

Section 526 Advertising Treatment of Generative Organs Whoever advertises himself as being engaged in the business or profession of treating diseases of the generative organs of either sex or operates a printing establishment and inserts such advertisement in any publication issued by such printing establishment is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to imprisonment for a period not exceeding one (1) year or both

Section 527 Indecent Pictures or Writings in Public Places Whoever makes or causes to be made any obscene drawing picture writing or print liable to be seen by others in a public place or on any fence or wall or other surface continguous to the public street or highway or on the floor or ceiling or in the inner or outer wall closet room passage hall or any part of any hotel inn or tavern court house church school station house depot for freight or passengers capitol or other buildings devoted or open to public uses or on the walls of any out-buildings or other structure pertaining thereto is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not to exceed one (1) year or both

Section 528 Obscene or Sacrilegious Exhibition Whoever gives or participates in or being the owner of any premises or having control thereof permits within or on said premises any dramatic theatrical operatic or vaudeville exhibition or the exhibition of fixed or moving pictures of a lascivious sacriliegious obscene indecent or immoral nature and character or such as might tend to corrupt morals is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment for a period not exceeding one (1) year or both

Section 529 Advertisement of Indecent Shows Whoever advertises by circulars or posters any indecent lewd or immoral show play or representation is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine of not less than twenty-five dollars ($25) nor more than three hundred dollars ($300)

Section 530 Exhibiting Obscene Matter Whoever publishes or sells any filthy and obscene libel or exposes to sale or exhibits or sells any indecent lewd and obsecene print painting or statue or keeps and maintains any place for the purpose of exposing or exhibiting any lewd indecent and obscene prints pictures paintings or statues is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

Section 531 Cures For Secret Diseases Whoever publishes or causes to be published deliver or distribute or causes to be delivered or distributed or posts or displays or permits to be posted displayed or to remain on any premises owned or controlled by him where the same can be read by passers-by or the public any advertisement label statement print or writing which refers to any person office or place from or through whom or at which may be obtained any treatment or cure for diseases peculiarly appertaining to women or for syphilis gonorrhea chancroid lost manhood sexual weakness lost vitality impotency seminal emissions gleet varicocele or self-abuse whether described by such names or by any other names or terms calculated or intended to convey to the reader the idea that any of said diseases infirmities disabilities conditions or habits are meant or referred to or which refers to any medicine article device or preparation that may be used for the treatment or cure of any of the said diseases infirmities disabilities conditions or habits is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment for a period not exceeding one (1) year or both

ARTICLE VI

Offenses Against Public Policy Economy and Health

Secton 601 Lotteries All lotteries whether public or private for moneys goods wares or merchandise chattels lands tenements hereditaments or other matters or things whatsoever are hereby declared to be common nuisances Every grant bargain sale conveyance or transfer of any goods or chattels lands tenements or hereditaments which shall be made in pursuance of any such lottery is hereby declared to be invalid and void

Whoever either publicly or privately erects sets up opens makes or draws any lottery or is in any way concerned in the managing conducting or carrying on the same is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment by separate or solitary confinement at labor not exceeding one (1) year or both

Section 602 Traffic in Lottery Tickets Whoever sells or exposes to sale or cause to be sold or exposed to sale or barters or exchanges or causes or offers to be bartered or exchanged or advertises or causes to be advertised for sale barter or exchange any lottery ticket or share or part thereof or any lottery policy or any writing certificate bill token or other device purporting or intending to entitle or represent as entitling the holder or bearer or any other person to any prize to be drawn in any lottery or any part of such prize or any interest therein or in any newspaper magazine or periodical owned or controlled by him publishes or causes to be published any advertisement of any lottery ticket share policy writing certificate bill token or device or of any lottery drawing or lottery scheme or any

prospectus scheme or other advertisement of any person conducting managing or controlling any lottery or acting as agent therefor is guilty of a misdemeanor and on conviction shall be sentenced to imprisonment by separate and solitary confinement at labor not exceeding one (1) year or to pay a fine not exceeding five hundred dollars ($500) or both

The purchaser of such ticket policy or devise shall not be liable to any prosecution or penalty by virtue of this or any other law of the Commonwealth and shall in all respects be a competent witness to prove the offense

Section 603 Common Gamblers Whoever maintains any gambling device or apparatus to win or gain money or other property of value or aids assists or permits others to do the same or engages in gambling for a livelihood or is without any fixed residence and in the habit or practice of gambling is a common gambler and guilty of a misdemeanor and upon conviction thereof shall be sentenced to imprisonment by separate or solitary confinement at labor not exceeding one (1) year or to pay a fine not exceeding five hundred dollars ($500) or both

Section 604 Making Gambling Devices Whoever makes manufacturers or assembles any punch board drawing card slot machine or any machine or device used or intended to be used for gambling is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

Section 605 Establishing Gambling Places Whoever sets up or establishes or causes to be set up or established any game or device or address or hazard at which money or other valuable thing may or shall be played for or staked or betted upon or procures permits suffers and allows persons to collect and assemble for the purpose of playing at and staking or betting upon such game or device of address or hazard for money or other valuable thing or whoever being the owner tenant lessee or occupant of any premises leases hires or rents the same or any part thereof to be used and occupied or employed for the purpose of playing at or staking and betting upon such game or device of address or hazard for money or other valuable thing is guilty of a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

The owner of such premises who shall have knowledge that any such game or device of address or hazard has been set up in or upon the said premises and shall not forthwith cause complaint to be made aginst the person who has set up or established the same shall be deemed to have knowingly leased hired or rented the said premises for the said purposes

This act shall not be construed to apply to games of recreation and exercise such as billards bagatelle ten pins et cetra where no betting is allowed

Section 606 Enticing Persons to Gamble Whoever through solicitation invitation or device persuades or prevails on any other person to visit any place used for gambling is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one year or both

In addition such person shall be civilly responsible and liable to pay back to any person induced by him to enter such gambling house any sum he may have lost at play therein

Section 607 Pool-selling and Book-making Whoever engages in pool-selling or book-making or occupies any place with books apparatus or paraphernalia for the purpose of recording or registering bets or wagers or of selling pools or records or registers bets or wagers or sells pools upon the result of any political nomination appointment or election or being the owner or lessee or occupant of any premises knowingly permits the same to be used or occupied for any such purposes or keeps exhibits or employs therein any device or apparatus for the purpose of recording or registering such bets or wagers or the selling of such pools or becomes the custodian or depository for gain hire or reward of any money property or thing of value staked wagered or pledged or to be wagered or pledged upon any such result or receives registers records forwards or purports or pretends to forward to or for any race-course any money thing or consideration of value bet or wager or money thing or consideration offered for the purpose of being bet or wagered upon the speed or endurance of any man or beast or occupies any place with books papers apparatus or paraphernalia for the purpose of receiving or pretending to receive or for recording or registering or for forwarding or pretending or attempting to forward in any manner any money thing or consideration of value bet or wagered or to be bet or wagered for any other person or receives or offers to receive any money thing or consideration of value bet or to be bet at any race-track or assists or abets in any manner in any of the acts forbidden by this section is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500) or undergo imprisonment of not more than one (1) year or both

Section 608 Opium Joints Whoever sets up or establishes or causes to be set up or established any apparatus or device or instrument whereby opium may be smoked or used in any manner by other persons or procures permits suffers or allows persons to collect and assemble at or in a place under his control for the purpose of smoking opium or using opium in any manner or being the owner tenant lessee or occupant of any premises leases hires or rents the same or any part thereof to be used and occupied or employed for the purpose of smoking opium or using opium in any way or manner by other persons is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

The owner of any premises who has received information of any such smoking or use of opium in or upon the said premises and who fails within ten days thereafter to cause complaint to be made against the person who has set up or established the same shall be deemed to have knowingly leased hired or rented the premises for unlawful purposes

Section 609 Keeping and Exhibiting Opium smoking Apparatus Whoever keeps or exhibits any apparatus device or instrument for the smoking or using of opium in any manner by other persons or aids or assists or permits others to do the same is guilty of a misdemeanor and upon conviction thereof shall be sentenced to undergo imprisonment not exceeding one (1) year or to pay a fine not exceeding five hundred dollars ($500) or both

Section 610 Frequenting Opium Joints Whoever is found smoking or using opium in any place set up or established for smoking opium or using opium or in any way or manner aids assists abets or permits the smoking or use of opium in any such manner is guilty of a misdemeanor and upon conviction thereof shall be sentenced to imprisonment not exceeding one (1) year or to pay a fine not exceeding five hundred dollars ($500) or both

Section 611 Enticing Persons into Opium Joints Whoever solicits invites persuades or prevails on any person to visit any place kept for the purpose of smoking or using opium is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

Section 612 Public Nuisances Whoever erects sets up establishes maintains keeps up or continues or causes to be erected set up established maintained kept up or continued any public or common nuisance is guilty of a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or suffer imprisonment not exceeding one (1) year or both

Where the nuisance is in existence at the time of the conviction and sentence the court in its discretion may direct either the defendant or the sheriff of the county at the expense of the defendant to abate the same

All obstructions to private roads laid out according to law shall be nuisances which would be nuisances in cases of obstructions to public roads or highways

Whoever keeps or exhibits any gaming table device or apparatus to win or gain money or other property of

value or engages in gambling for a livelihood or aids or assists others to do so or who sells tickets or policies in a lottery is guilty of nuisance

Section 613 Excessive Sports Whoever promotes manages or participates in any athletic contest or exhibition in which any one of the contestants shall take part for more than twelve hours in each calendar day is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not exceeding one thousand dollars ($1,000) or undergo imprisonment not exceeding two (2) years or both

Section 614 Bribery in Athletic Contests Whoever participates in any athletic contest and accepts from another any money or other thing of value or any advantage in any respect with the understanding that he is so to conduct himself during such athletic contest as to bring about or tend to bring about his defeat or the defeat of his team in the contest in which he participates or influences or attempts to influence any person participating in any athletic contest to so conduct himself during such athletic contest as to bring about or tend to bring about his defeat or the defeat of his team in the contest in which he participates is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not exceeding one thousand dollars ($1,000) or to undergo imprisonment of not exceeding three (3) years or both

Section 615 Soliciting or Accepting Bribe in Athletic Contests Whoever being a professional baseball player professional football player professional boxer or professional wrestler solicits receives or accepts or agrees to receive or accept any bribe in the form of money goods present reward or promise contract or agreement for the payment or delivery thereof to influence him to lose or try to lose a baseball game football game or boxing or wrestling match in which he is taking part or expects to take part is guilty of a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or to undergo imprisonment by separate or solitary confinement at labor not exceeding three (3) years or both

Section 616 Dangerous Exhibitions Whoever being the proprietor of any public place of amusement or resort performs or has exhibited the shooting of a person from a catapult or other machine the throwing of knives at a performer or the shooting at a target held by or placed on the head or near the performer or permits performing on a trapeze without a strong netting below the performer or permits any other feat or performance that is extra hazardous and jeopardizes the life of any person is guilty of a misdemeanor and on conviction thereof shall pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one year or both

Section 617 Tramps Whoever goes about from place to place begging asking or subsisting upon charity and for the purpose of acquiring money or a living and who has no fixed place of residence or lawful occupation in the county or city in which he is arrested shall be deemed to be a tramp and guilty of a misdemeanor and on conviction shall be sentenced to undergo imprisonment by separate and solitary confinement at labor for not more than one (1) year or to pay or fine not exceeding five hundred dollars ($500) or both

This section does not apply to any female or minor under the age of sixteen years nor to any blind deaf or dumb person nor to any maimed or crippled person who is unable to perform manual labor

Section 618 Tramps Entering Dwellings Etc Any tramp who enters any dwelling house against the will or without the permission of the owner or occupant thereof or kindles any fire in the highway or on the land of another without the owner's consent or is found carrying any firearm or other dangerous weapon with intent unlawfully to do injury to or intimidate any other person (which intent may be inferred by the jury trying the case from the facts that the defendant is a tramp and so armed) or does or threatens to do any injury not amounting to a felony to any person or to the real or personal estate of another is guilty of a misdemeanor and shall upon conviction be sentenced to undergo imprisonment by separate or solitary confinement at labor for a period not exceeding three (3) years or fined not exceeding one thousand dollars ($1000) or both

This section does not apply to any female or minor under the age of sixteen years nor to any blind deaf or dumb person nor to any maimed or crippled person who is unable to perform manual labor

Section 619 Importing Criminals Whoever being master or commander of any ship boat or other vessel arriving from any foreign country place or port at any port harbor or place within this Commonwealth knowingly brings with him any person either as a passenger working hand or otherwise who shall have been convicted of any offense in any foreign country or place which if committed within this Commonwealth would have subjected the offender to imprisonment at labor with intent to land such person or permit him to land is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonmnt not exceeding one (1) year or both

Section 620 Conveying Liquors or Drugs Into Prisons or Mental Hospitals Whoever sells gives or furnishes to any convict in a prison or inmate in a mental hospital or gives away in or brings into any prison mental hospital or any building appurtenant thereto or on the land granted to or owned or leased by the State for the use and benefit of the prisoners or inmates or puts in any place where it may be secured by a convict of a prison inmate of a mental hospital or employe thereof any kind of spirituous or fermented liquor drug medicine poison opium morphine or other kind of narcotics (except the ordinary hospital supply of the prison or mental hospital) without a written permit signed by the physician of such institution specifying the quantity and quality of the liquor or narcotic which may be furnished to any convict inmate or employe in the prison or mental hospital the name of the prisoner inmate or employe for whom and the time when the same may be furnished which permit shall be delivered to and kept by the warden or superintendent of the prison or mental hospital is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding two thousand dollars ($2,000) or undergo imprisonment not exceeding five (5) years or both

Nothing contained in this section shall be construed to apply to tobacco supplied in accordance with the regulations of the prison

Section 621 Taking Letters Notes Etc Into or Out of Prison Whoever brings into or takes out of any prison any letter note money or contraband goods of any kind except after inspection and with the permission of the warden or his deputy is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

Section 622 Delivering or Receiving Articles At Penal Institutions Whoever delivers or procures to be delivered or has in his possession with intent to be delivered to a convict of any penal institution in this Commonwealth or deposits or conceals in or about any such institution or dependencies thereon or upon any land belonging or appertaining thereto or in any engine car wagon or other vehicle going into the premises belonging to such institution any letter article or thing with the intent that a convict confined in the institution shall obtain or receive the same or whoever receives from any convict of such institution any letter article or thing with intent to convey the same out of the institution contrary to the rules and regulations thereof and without the knowledge and permission of the superintendent or warden of said institution or purchases exchanges takes or receives from any convict thereof while he is working outside the walls of said institution any letter article or thing whether state or other property manufactured or used in and about said institution is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or undergo imprisonment not exceeding three (3) months or both

Section 623 Serenading with Guns or Explosives Whoever uses any cannon gun revolver or other explosive device at the serenade of any wedding is guilty of a misde-

demeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or undergo imprisonment not exceeding thirty (30) days or both

Section 624 Shooting on Grounds of Hospital Park Etc Whoever discharges a shotgun or a rifle or a firearm of any description except in defense of person or property or by the written consent of the owner or person controlling the same upon the fenced and posted grounds belonging to or connected with and controlled by those operating a public or private hospital or sanatorium or park or resort set apart to the use of the public either free or otherwise and upon which human beings congregate in the open in quest of health recreation or pleasure is guilty of a misdemanor and upon conviction shall be sentenced to pay a fine of twenty-five dollars ($25) for the first offense or in lieu thereof shall undergo imprisonment one (1) day for each dollar of penalty imposed for the first offense and for each succeeding offense after the first offense shall in addition to the penalty imposed for the first offense undergo imprisonment one (1) day for each dollar of fine imposed

Such lands shall be deemed fenced and posted if surrounded by a fence or single wire designating the boundaries thereof and posted with printed or painted notices not more than one hundred yards apart along the line of the fence or wire stating the purpose for which the lands are set apart and that shooting on the lands is prohibited No privilege to hunt for game on such lands shall be given by the owner or operator thereof to any person

Every peace officer and game protector shall arrest without warrant any person caught in the act of violating any provision of this section

Section 625 Discharge of Flobert Rifles Etc In Cities and Boroughs Whoever discharges on the streets or alleys of any city or borough a flobert rifle air gun spring gun or any implement which impels with force a metal pellet of any kind shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars ($50) and in default of the payment of such fine and costs shall be sentenced to imprisonment not exceeding thirty (30) days

Section 626 Sale of Weapons and Explosives to Minors Whoever knowingly and wilfully sells or causes to be sold to any person under sixteen years of age any deadly weapon or knowingly and wilfully sells or causes to be sold to any such minor any cartridge gunpowder or other dangerous and explosive substance is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

Section 627 Manufacture and Sale of Toy Deadly Weapons Whoever knowingly and wilfully makes manufactures or sells or causes to be made manufactured or sold any deadly weapon or knowingly or wilfully exposes to sale any such deadly weapon made elsewhere and brought within the State is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment for a term not exceeding one (1) year or both

This section does not interfere with the manufacture and sale of legitimate firearms

Section 628 Uniform Firearms Act (a) Definitions As used in this section

"Firearm" means any pistol or revolver with a barrel less than twelve inches any shotgun with a barrel less than twenty-four inches or any rifle with a barrel less than fifteen inches

"Crime of violence" means any of the following crimes or an attempt to commit any of the same namely murder rape mayhem aggravated assult and battery assault with intent to kill robbery burglary breaking and entering with intent to commit a felony and kidnapping

"Person" includes firm partnership association or corporation and the masculine shall include the feminine and neuter

(b) Crimes Committed with Firearms If any person shall commit or attempt to commit a crime of violence when armed with a firearm contrary to the provisions of this section he may in addition to the punishment provided for the crime be punished also as provided by this section

(c) Evidence of Intent In the trial of a person for committing or attempting to commit a crime of violence the fact that he was armed with a firearm used or attempted to be used and had no license to carry the same shall be evidence of his intention to commit said crime of violence

(d) Former Convict Not To Own A Firearm Etc No person who has been convicted in this Commonwealth or elsewhere of a crime of violence shall own a firearm or have one in his possession or under his control

(e) Firearms Not To Be Carried Without A License Exceptions No person shall carry a firearm in any vehicle or concealed on or about his person except in his place of abode or fixed place of business without a license therefor as hereinafter provided

The provisions of clause (e) shall not apply (I) to constables sheriffs prison or jail wardens or their deputies policemen of the Commonwealth or its political subdivisions or other law-enforcement officers (II) or to members of the army navy or marine corps of the United States or of the national guard or organized reserves when on duty (III) or to the regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States or from this Commonwealth (IV) or to the members of any organization incorporated under the laws of this Commonwealth engaged in target shooting with rifle pistol or revolver provided such members are at or are going to or from their places of assembly or target practice (V) or to officers or employes of the United States duly authorized to carry a concealed fire arm (VI) or to agents messengers and other employes of common carriers banks or business firms whose duties require them to protect moneys valuables and other property in the discharge of such duties (VII) or to any person engaged in the business of manufacturing repairing or dealing in firearms or the agent or representative of any such person having in his possession using or carrying a firearm in the usual or ordinary course of such business (VIII) or to any person while carrying a firearm unloaded and in a secure wrapper from the place of purchase to his home or place of business or to a place of repair or back to his home or place of business or in moving from one place of abode or business to another (IX) or to persons licensed to hunt or fish in this Commonwealth provided that such persons are actually hunting or fishing or are going to the places where they desire to hunt or fish or returning from such places or to persons training dogs Provided That such persons are actually training dogs during the regular training season Provided however That before any such exemption shall be granted to any person licensed to hunt or fish or who desires to train dogs such person shall at the time of securing his hunting or fishing license or any time after any such license has issued register with the county treasurer the make of the firearm he desires to carry and th calibre and number thereof on a blank to be furnished by the Secretary of the Commonwealth The original registration shall be delivered to the person registering such firearm and a copy thereof shall be forwarded by the county treasurer to the Secretary of the Commonwealth The county treasurer shall be entitled to collect a fee of fifteen (15) cents for each such registration of a firearm The registration of a firearm as herein provided shall be good only for the year for which the hunting or fishing in connection with which it is granted is issued

Any such registration of a firearm may be revoked by the county treasurer issuing the same upon written notice to the holder thereof and any person aggrieved by the action of a county treasurer in revoking such registration may appeal from such action in the manner provided by clause (k) of this section

(f) Police Heads In Cities And Sheriffs In Counties May Issue Licenses In Triplicate Fee Revocation The chief or head of any police force or police department of a city and elsewhere the sheriff of a county may upon the application of any person issue a license to such person to carry a

firearm in a vehicle or concealed on or about his person within this Commonwealth for not more than one (1) year from date of issue it it appears that the applicant has good reason to fear an injury to his person or property or has any other proper reason for carrying a firearm and that he is a suitable person to be so licensed The license shall be in triplicate in form to be prescribed by the Secretary of the Commonwealth and shall bear the name address description and signature of the licensee and the reason given for desiring a license The original thereof shall be delivered to the licensee the duplicate shall within seven days be sent by registered mail to the Secretary of the Commonwealth and the triplicate shall be preserved for six years by the authority issuing said license The fee for issuing such license shall be fifty (50) cents which fee shall be paid into the county treasury except that if the applicant exhibits a resident hunter's license issued to him for the current license year the fee shall not be charged

Any such license to carry firearms may be revoked by the person issuing the same at any time upon written notice to the holder thereof

(g) Persons To Whom Delivery Shall Not Be Made No person shall deliver a firearm to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict an habitual drunkard or of unsound mind

(h) Time And Manner Of Delivery Statement To Be Signed By Purchaser Sales At Wholesale No seller shall deliver a firearm to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof and when delivered said firearm shall be securely wrapped and shall be unloaded At the time of applying for the purchase of a firearm the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name address occupation color place of birth the date and hour of application the caliber length of barrel make model and manufacturer's number of the firearm to be purchased and a statement that he has never been convicted in this Commonwealth or elsewhere of a crime of violence The seller shall within six hours after such application sign and attach his address and forward by registered mail one copy of such statement to the chief or head of the police force or police department of the city or the sheriff of the county of which the seller is a resident the duplicate duly signed by the seller shall within seven days be sent by him with his address to the Secretary of the Commonwealth the triplicate he shall retain for six (6) years This clause shall not apply to sales at wholesale

(i) Retail Dealers Required To Be Licensed No retail dealer shall sell or otherwise transfer or expose for sale or transfer or have in his possession with intent to sell or transfer any firearm without being licensed as hereinafter provided

(j) Issuance Of Licenses Form To Be Prescribed By Secretary of Commonwealth Conditions Display of Firearms Prohibited License Fee Revocation The chief or head of any police force or police department of a city and elsewhere the sheriff of the county shall grant to reputable applicants licenses in form prescribed by the Secretary of the Commonwealth effective for not more than one (1) year from date of issue permitting the licensee to sell firearms direct to the consumer subject to the following conditions in addition to those specified in clause (h) hereof for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this act

I The business shall be carried on only in the building designated in the license

II The license or a copy thereof certified by the issuing authority shall be displayed on the premises where it can easily be read

III No firearm shall be sold (a) in violation of any provision of this section nor (b) shall a firearm be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity

IV A true record in triplicate shall be made of every firearm sold in a book kept for the purpose the form of which may be prescribed by the Secretary of the Commonwealth and shall be personally signed by the purchaser and by the person effecting the sale each in the presence of the other and shall contain the date of sale the caliber make model and manufacturer's number of the firearm the name address occupation color and place of birth of the purchaser and a statement signed by the purchaser that he has never been convicted in this Commonwealth or elsewhere of a crime of violence One copy shall within six (6) hours be sent by registered mail to the chief or head of the police force or police department of the city or the sheriff of the county of which the dealer is a resident the duplicate the dealer shall within seven (7) days send to the Secretary of the Commonwealth the triplicate the dealer shall retain for six (6) years

V No firearm or imitation thereof or placard advertising the sale thereof shall be displayed in any part of any premises where it can readily be seen from the outside

The fee for issuing said license shall be ten dollars ($10.00) which fee shall be paid into the county treasury

VI Any license granted under this clause may be revoked by the person issuing the same upon written notice to the holder thereof

(k) Petition To Common Pleas For Reversal Any applicant aggrieved by the refusal of his application for a license to carry a firearm or for a dealer's license or any person or retail dealer whose license has been revoked may file within thirty (30) days thereafter in the court of quarter sessions of his county a petition against the official who refused his application as defendant alleging therein in brief detail the refusal complained of and praying for reversal thereof Upon service of a copy of the petition upon the defendant returnable within ten (10) days from its date the defendant shall on or before the return day file an answer in which he may allege by way of defense the reason for his refusal and such other reasons as may in the meantime have been discovered upon application of either party the cause shall be heard without delay The court may either sustain or reverse the action of the defendant If the defendant's action is reversed he shall forthwith issue the license upon payment of the fee A judgment sustaining a refusal to grant a license shall not bar after one (1) year a new application nor shall a judgment in favor of the petitioner prevent the defendant from thereafter revoking or refusing to renew such license for any proper cause which may thereafter occur The court shall have full power to dispose of all costs

(l) Loans On Or Lending Or Giving Firearms Prohibited No person shall make any loan secured by mortgage deposit or pledge of a firearm nor shall any person lend or give a firearm to another or otherwise deliver a firearm contrary to the provisions of this section

(m) False Evidence of Identity No person shall in purchasing or otherwise securing delivery of a firearm or in applying for a license to carry the same give false information or offer false evidence of his identity

(n) Altering Or Obliterating Marks of Identification No person shall change alter remove or obliterate the name of the maker model manufacturer's number or other mark of identification or any firearm Possession of any firearm upon which any such mark shall have been changed altered removed or obliterated shall be prima facie evidence that the possessor has changed altered removed or obliterated the same

(o) Antique Firearms This section shall not apply to antique firearms unsuitable for use and possessed as curiosities or ornaments

(p) Violation Penalty Any person violating any of the provisions of this section is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding three thousand dollars ($3,000) or undergo imprisonment not exceeding three (3) years or both

(q) Short Title This section may be cited as the "Uniform Firearms Act"

(r) Uniformity This section shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it

Section 629 Traffic In Machine Guns Whoever sells gives

transfers purchases owns or has in possession any machine gun is guilty of a felony and on conviction thereof shall be sentenced to pay a fine not exceeding two thousand dollars ($2,000) or undergo imprisonment by separate or solitary confinement at labor not exceeding five (5) years or both

Nothing contained in this section shall prohibit the manufacture for and sale of machine guns to the military forces of the United States or of the Commonwealth of Pennsylvania or to any police department of this Commonwealth or of any political subdivision thereof nor to the purchase or possession of machine guns by such governments and departments nor prohibit any organization branch camp or post of veterans or any veteran of any war in which the United States was engaged from owning and possessing a machine gun as a relic if a permit for such ownership or possession has been obtained from the sheriff of the county which permit is at all times attached to such machine gun Any sheriff upon application and the payment of a fee of one dollar ($1.00) may issue permits for the ownership and possession of machine guns by veterans and organizations branches camps or posts of veterans upon production to the sheriff of such evidence as he may require that the organization branch camp or post is a bona fide organization of veterans or that any such veteran applicant is a veteran of good moral character and reputation and that the ownership and possession of such machine gun is actually desired as a relic

Section 630 Commission of Crime When Armed with Machine Gun Whoever commits or attempts to commit any offense when armed with a machine gun is guilty of a felony and shall upon conviction of such crime or attempt to commit such offense in addition to the punishment for the offense for which he has been convicted be sentenced to separate and solitary confinement at labor for a term not exceeding ten (10) years or fine not exceeding five thousand dollars ($5,000) or both

Such additional penalty of imprisonment shall commence upon the expiration or termination of the sentence imposed for the crime of which he stands convicted and shall not run concurrently with such sentence

Section 631 Unlawful Firecrackers Fireworks Etc Whoever manufactures sells or offers for sale any fire crackers or fireworks containing picric acid or picrates dynamite or other high-explosives compound or any blank dynamite pellets or tablet composed of dynamite or other high-explosive compound to be used in pistols hollow canes or any toy for explosive purposes or any firecracker containing gunpowder or any other explosive material over six inches in length or any firecracker from three and one-half inches to six inches in length which shall be more than three-quarters of an inch in diameter or any firecracker to the length of three and one-half inches which shall be more than one inch in diameter or any species of pyrotechnics fireworks tablets pellets or cartridges containing picric acid or picrates dynamite or any other high-explosive compound is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

Section 632 Fire Balloons Whoever sells or exposes for sale or buys or exchanges or gives away or has in possession any baloon made or intended to contain fire for the purpose of ascension or sends up or causes to ascend any baloon containing in or about it any fire is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding two hundred dollars ($200) or undergo an imprisonment not exceeding sixty (60) days or both

This section does not apply to a balloon in which a human being ascends

Section 633 Dealing in Infant Children Whoever deals in humanity by trading bartering buying selling or dealing in infant children is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding two thousand dollars ($2,000) or undergo imprisonment not exceeding five (5) years or both

Section 634 Out of State Convict Made Goods Whoever sells or exchanges on the open market and goods wares or mechandise prepared wholly or in part or manufactured by convicts or prisoners of other states except convicts or prisoners on parole or probation is guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

Section 635 Unwholesome Provisions and Adulterated Liquors and Medicines Whoever knowingly sells or exposes for sale the flesh of any diseased animal or any other unwholesome flesh or knowingly sells or exposes for sale unwholesome bread drink or liquor or adulterates for the purpose of sale or knowingly sells any adulterated flour meal article of food wine beer spirits of any kind or other liquid intended for drinking or adulterates for sale or knowingly sells any adulterated drugs or medicines is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or undergo an imprisonment not exceeding six (6) months or both

Section 636 Dressed Carcasses of Lamb and Sheep Whoever imports or sells any dressed carcesses of lamb or sheep without first removing from each and every carcass all hoofs is guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding five hundred dollars ($500) or shall be imprisoned not exceeding one (1) year or both

Section 637 Methyl and Wood Alcohol in Preparations Whoever sells or offers or exposes for sale or has in his possession with intent to distribute or sell any food drug preparation or mxiture of any kind intended for internal use which contains methyl or wood alcohol or sells or offers or exposes for sale or has in his possession with intent to sell or distribute or use upon or apply to the body of another any drug hair tonic bay rum or similar preparation intended for external use which contains methyl or wood alcohol is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

This section does not apply to veterinary remedies containing methyl or wood alcohol when such remedies are plainly and distinctly labeled in such a manner as to indicate that they are intended solely for external use on animals nor does this section apply to medicated liniments used for external use

Section 638 (Exposure of Poison Whoever puts or exposes in any public place or highway or on his own lands outside of his buildings or on the lands of any other person any poison or admixture thereof with the intent that the same shall be taken or swallowed by any bird fowl or wild animal is guilty of a misdemeanor and shall on conviction be sentenced to pay a fine not exceeding five hundred dollars ($500) or to imprisonment not exceeding one (1) year or both

Section 639 Sale of Poisons Whoever sells or disposes of by retail any morphia strychnia arsenic prussic acid carbolic acid or corrosive sublimate except upon the prescription of a physician or on the personal application of some respectable inhabitant of full age of the town or place in which such sale shall be made or without carefully and legibly marking or placing upon the label package bottle or other vessel or thing in which such poison is contained the word poison or unless when sold or disposed of otherwise than under the prescription of a physician the apothecary druggist or other person selling or disposing of the same notes in a register kept for that purpose the name and residence of the person to whom such sale was made the quantity sold and the date of such sale is guilty of a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo an imprisonment not exceeding one (1) year or both

Section 640 Pollution of Drinking Water Whoever wilfully enters upon enclosed land on which is erected any dam reservoir pond or other artificial means for storing water used by the public for drinking purposes and pollutes or attempts to pollute such water is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars

($500) or be imprisoned not exceeding one (1) year or both

Any duly constituted watchman of any water company or any constable or policeman is hereby empowered upon his own view of any such trespass to make arrests and bring before any magistrate any offender found violating this section

Section 641 Employment and Use of Minors Whoever having the care custody or control of any child under the age of fifteen (15) years in any manner sells apprentices gives away or otherwise disposes of such child or takes receives or employs such child for the purpose of rope or wire walking or as an acrobat gymnast contortionist or rider or takes receives or employs such child for any oscene indecent or illegal exhibition or vocation or any vocation injurious to the health or dangerous to life or limb or retains harbors or employs any minor in or about any assignation house or brothel or in any place where any obscene indecent or illegal exhibition takes place is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding one (1) year or both

Section 642 Employment of Minors for Purposes of Mendicancy Whoever having the care custody or control lawful or unlawful of any child under the age of eighteen (18) years uses such minor or apprentices gives away lets out hires or otherwise disposes of such minor to any person for the purpose of singing playing on musical instruments begging or for any mendicant business in the streets roads or other highways or takes receives hires employs uses or has in custody any such minor for any of said purposes is guilty of a misdemeanor and shall upon conviction thereof be sentenced to imprisonment for not more than one (1) year or pay a fine not exceeding five hundred dollars ($500) or both

Section 643 Employment of Minors in Dance Houses Theatres and Saloons Whoever having the care custody or control of any minor under the age of fifteen (15) years sells apprentices gives away or permits such child to sing dance act or exhibit in any dance house or in any concent saloon theatre or place of entertainment where wines or spirituous or malt liquors are sold or given away or with which any place for the sale of wines or spirituous or malt liquors is directly or indirectly connected by any passage-way or entrance or being the proprietor of any dance house or any concert saloon theatre or place of entertainment employs any such minor is guilty of a misdemeanor and upon conviction thereof in a summary proceeding shall be sentenced to pay a fine not exceeding one hundred dollars ($100) and in default in the payment of such fine and costs shall be sentenced to imprisonment not exceeding three (3) months or both

Section 644 Employment of Minors Underground Whoever takes receives hires or employs any child under twelve (12) years of age in any underground works or mine or like place whatsoever is guilty of a misdemeanor and upon conviction thereof in a summary proceeding shall be sentenced to pay a fine not exceeding one hundred dollars ($100) and in default in the payment of such fine and costs shall be sentenced to imprisonment not exceeding three (3) months or both

Section 645 Employment Of Minors Without Consent Of Parent Or Guardian Whoever takes receives hires employs uses or has in his custody any child under the age of eighteen (18) years or endeavors to secure by advertisement or otherwise any such minor child for the purpose of taking part in any theatrical performance or athletic exhibition or of singing or of playing upon musical instruments without the consent of the parents or legally appointed guardians of such child having been first obtained shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not exceeding one hundred dollars ($100) or upon subsequent conviction shall be imprisoned not exceeding three (3) years or both

Section 646 Admission Of Children To Motion Picture Theatres Whoever being the owner proprietor or lessee or the agent of such owner proprietor or lessee of any moving picture theatre during the term of compulsory attendance of public schools as fixed by the board of school directors in any school district and during the hours and upon the days such schools are in actual session admits or permits entrance into such moving picture theatre of any child between eight (8) and fourteen (14), years or age unless accompanied by a parent or other responsible adult or unless such child presents a permit signed by the teacher of such child allowing such child to be absent from school during school hours and premitting admission to the moving picture theatre shall upon conviction in a summary proceeding be sentenced to pay a fine of ten dollars ($10) for the first offense and twenty-five dollars ($25) for the second and every subsequent offense and in default of the payment of such fine and costs shall be committed to jail one (1) day for each dollar of fine and costs imposed

Such permit shall be retained by the owner proprietor lessee or agent and shall be preserved for a period of six (6) months

A copy of the provisions of this act shall be posted at a conspicuous place at or near the entrance into every moving picture theatre

Section 647 Sale Of Tobacco To Minors Whoever sells tobacco in any from to any minor under the age of sixteen (16) years or by purchase gift or other means furnishes tobacco in any form to a minor under the age of sixteen (16) years is guilty or a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or to undergo imprisonment not exceeding thirty (30) days or both

Section 648 Furnishing Cigarettes Or Cigarette Papers To Minors Whoever furnishes to any minor by gift sale or otherwise any cigarettes or cigarette paper is guilty of a misdemeanor and upon being convicted thereof in a summary proceeding shall be sentenced for the first offense to pay a fine of twenty-five dollars ($25) and in default of the payment thereof shall be imprisoned for a period not exceeding thirty (30) days and for the second offense shall be fined the sum of one hundred dollars ($100) and for the third or subsequent offense shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo an imprisonment not exceeding one (1) year or both

Section 649 Failure Of Minor To Divulge Information Whoever being a minor and being in possession of a cigarette or of cigarette paper and being by any police officer constable juvenile court officer truant officer or teacher in any school asked where and from whom such cigarett or cigarette paper was obtained refuses to furnish such information shall upon conviction thereof in a summary proceeding being of the age of sixteen (16) years or upwards be sentenced to pay a fine not exceeding five dollars ($5) or to undergo an imprisonment in the jail of the proper county not exceeding five (5) days or both or being under the age of sixteen (16) years shall be certified by the magistrate to the juvenile court for such action as to said court shall seem proper

Section 650 Pawnbrokers Dealing With Minors Whoever being a pawnbroker or the employe of a pawnbroker makes any loan or advances or permits to be made any loan or advance to any minor under the age of sixteen (16) years or in any manner receives directly or indirectly any goods chattels wares or merchandise from any minor under the age of sixteen (16) years in pledge for loans made or to be made to such minor or whoever acts as an intermediary between any pawnbroker or the employ of a pawnbroker to effect any loan the benefit of which shall accrue to any minor under the age of sixteen (16) years shall upon conviction in a summary proceeding be sentenced to pay a fine of not less than five dollars ($5) nor more than twenty-five dollars ($25) for each offense or in case of non-payment of such fine within forty-eight (48) hours to undergo imprisonment for a period not exceeding five (5) days

Section 651 Pool And Billard Rooms And Bowling Alleys Whoever being a licensed keeper proprietor owner or superintendent of any public pool-rooms billiard-room bowling-saloon or tenpin alley permits such place to remain open between the hours of one o'clock ante meridian and six o'clock ante meridian of any secular day or on the first day of the week commonly called the Sabbath Day or knowingly allows or permits any person under the

age of eighteen (18) years to be present therein upon conviction thereof in a summary proceeding shall be sentenced to pay a fine not exceeding ten dollars ($10) and in default of fine and costs shall be imprisoned not exceeding thirty (30) days

Section 652 Discriminating On Account Of Uniform Whoever being the proprietor manager or employe of a theatre or other public place of entertainment or amusement makes or causes to be made any discrimination against any person wearing the uniform of the United States because of that uniform is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

Section 653 Discrimination On Account Of Religion Creed Or Nationality (a) Whoever being the owner lessee proprietor manager superintendent agent or employ of any place of public accommodation resort or amusement directly or indirectly by himself or any body else publishes issues circulates sends distributes gives away or displays (except as hereinafter provided) any communication paper poster folder manuscript book pamphlet writing print letter notice or advertisement of any kind nature or description intended or calculated to discriminate or actually discriminating against any religious sect creed class denomination or nationality or against any of the members thereof in the matter of furnishing or neglecting or refusing to furnish to them or any one of them any lodging housing schooling tuition or any accommodation right privilege advantage or convenience offered to or enjoyed by the general public or to the effect that any of the accommodations rights privileges advantages or conveniences of any such place of public accommodation resort or amusement shall or will be refused withheld from or denied to any person or persons or class of persons on account of religion sect creed class denomination or nationality or that the patronage custom presence frequenting dwelling staying or lodging at such place of any person persons or class of persons belonging to or purporting to be of any partcular religion sect creed class denomination or nationality is unwelcome objectionable or not acceptable desired or solicited is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred ($100) or undergo imprisonment for not less than thirty (30) days nor more than ninety (90) days

(b) The production of any such communication paper poster folder manuscript book pamphlet writing print letter notice of advertisement purporting to relate to any such place and to be made by any person being the owner lessee proprietor agent superintendent manager or an employe thereof shall be presumptive evidence in any civil or criminal action or prosecution that the same was authorized by such person

(c) A place of public accommodation resort or amusement within the meaning of this section shall be deemed to include any inn tavern or hotel whether conducted for the entertainment housing or lodging of transient guests or for the benefit use or accommodation of those seeking health recreation or rest any restaurant eating-house public conveyance on land or water bath-house barber-shop theatre and music hall

(d) Nothing in this section contained shall be construed to prohibit the mailing of a private communication in writing sent in response to specific written inquiry

Section 654 Discrimination On Account Of Race And Color (a) All persons within the jurisdiction of this Commonwealth shall be entitled to the full and equal accomodations advantages facilities and privileges of any places of public accommodation resort or amusement subject only to the conditions and limitations established by law and applicable alike to all persons Whoever being the owner lessee proprietor manager superintendent agent or employe of any such place directly or indirectly refuses withholds from or denies to any person any of the accommodations advantages facilities or privileges thereof or directly or indirectly publishes circulates issues displays posts or mails any written or printed communication notice or advertisement to the effect that any of the accommodations advantages facilities and privileges of any such places shall be refused withheld from or denied to any person on account of race creed or color or that the patronage or custom thereat of any person belonging to or purporting to be of any particular race creed or color is unwelcome objectionable or not acceptable desired or solicited is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars ($100) or shall undergo imprisonment for not more than ninety (90) days or both

(b) The production of any such written or printed communication notice or advertisement purporting to relate to any such place and to be made by any person being the owner lessee proprietor superintendent or manager thereof shall be presumptive evidence in any civil or criminal action that the same was authorized by such person

(c) A place of public accommodation resort or amusement within the meaning of this section shall be deemed to include inns taverns roadhouses hotels whether conducted for the entertainment of transient guests or for the accommodation of those seeking health recreation or rest or restaurants or eating houses or any place where food is sold for consumption on the premises buffets saloons barrooms or any store park or inclosure where spirituous or malt liquors are sold ice cream parlors confectionaries soda fountains and all stores where ice cream ice and fruit preparations or their derivatives or where beverages of any kind are retailed for consumption on the premises drug stores dispensaries clinics hospitals bath-house theatres motion picture houses airdromes roof gardens music halls race courses skating rinks amusement and recreation parks fairs bowling alleys gymnasiums shooting galleries billiard and pool parlors public libraries kindergartens primary and secondary schools high schools academies colleges and universities extension courses and all educational institutions under the supervision of this Commonwealth garages and all public conveyances operated on land or water as well as the stations and terminals thereof

(d) Nothing contained in this section shall be construed to include any institution club or place or places of public accommodation resort or amusement which is or are in its or their nature distinctly private or to prohibit the mailing of a private commnication in writing sent in response to a specific written inquiry

Section 655 Discrimination By Railroad And Railway Agents Whoever being an agent conductor or employe of any railroad or railway corporation excludes allows to be excluded or assists in the exclusion from any of their cars set apart for the accommodation of passengers or refuses to carry thereon any person on account of color or race or throws any car from the track thereby preventing such person from riding is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment for a term not exceeding three (3) months or both

Section 656 Airport Obstructions Whoever hereafter erects and maintains any smoke stack flag pole elevated tank radio station tower building or other structure or obstruction to the operation of aircraft of a height in excess of thirty-five (35) feet above the level of the landing field within five hundred (500) feet of the exterior boundaries of any airport landing field or intermediate landing field licensed by this Commonwealth is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of one hundred dollars ($100) and costs of prosecution or undergo imprisonment for not more than one (1) year or both

Each days continuation of a violation of the provisions of this act shall be deemed a separate and distinct offense

Section 657 Distribution of Samples of Candies and Medicines Whoever deposits casts throws or places any package parcel or sample of any medicine or candy in or upon any house building porch veranda portico or any other part of any house or building or in or upon any lawn yard land street or public highway is guilty of a misdemeanor and upon conviction shall be sentenced to pay a

fine not exceeding one hundred dollars ($100) or undergo imprisonment not exceeding three (3) months or both

Section 658 Distribution of Trial Samples of Medicines Dyes Etc To Children Prohibited Whoever distributes any free or trial samples of any medicines dyeing ink coloring or polishing compounds in any form of preparation upon the ground sidewalk porches into yards or into or under doors or windows or in any way or manner that children may get possession of or secure the same is guilty of a misdemeanor and shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars ($50) and in default of the payment of the fine and costs shall be sentenced to imprisonment not exceeding thirty (30) days or both

Nothing contained in this section shall prohibit such distribution to adult persons only

Section 659 Vending Machines And Mechanical Devices For Distribution of Drugs Whoever offers for sale or sells or distributes any medicine drug poison or article intended for external or internal use in the cure mitigation treatment or prevention of disease in man or animal through or by means of any vending machine or other mechanical device or uses any vending machine in or for the sale or distribution of any medicine drug poison or article intended for external or internal use in the cure mitigation treatment or prevention of disease in man or animal is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding one (1) year or both

The term "drug" as used in this section shall mean all medicinal substances and preparations recognized in the United States Pharmacopoeia and National Formulary or any supplements thereto and all substances and preparations intended for external or internal use in the cure mitigation treatment or prevention of disease in man or animal and all substances and preparations that contain medicinal or quasi-medicinal preparations such as those sold or produced primarily for their vitamin intended to affect the structure or any function of the body of man or animal

Section 660 Carrying Explosives On Trains Whoever enters into or upon any railroad train locomotive tender or car thereof or into or upon any automobile or other conveyance used for the carrying of freight or passengers having in his custody or about his person any nitro-glycerine or torpedo other than as freight regularly shipped as such is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding one (1) year or both

The conductor or persons having charge and control of any railroad train coach or other conveyance for the carriage of freight or passengers may arrest any person found violating the provisions of this section and to detain such party or person until reaching some place where such person or persons may be delivered to a constable or other police authority

It shall be lawful to prosecute such offenders in any county through which said public conveyance passes without reference to the place where such offenders were arrested

Section 661 Shipping Explosive Whoever knowingly delivers or causes to be delivered to any transportation company or to any person engaged in the business of transportation any explosive material adopted for blasting or for any other purpose for which such articles may be used under any false or deceptive invoice or description or without informing the carrier at or before the time when such delivery is made of the true nature of the same and without having the keg barrel can or package containing the same plainly marked with the name of the explosive material therein contained together with the word "dangerous" article is guilty of a misdemeanor and upon conviction thereof shall be sentenced to imprisonment for one (1) year and to pay a fine of five hundred dollars ($500) and shall be responsible for all damages to persons or property directly or indirectly resulting from the explosion of any such article

Any person engaged in the business of transportation upon affdavit made of the fact that any container tendered for transportation not in compliance with the provisions of this section is believed to contain explosive material may require such container to be opened and refuse to receive any such container unless such requirement is complied with If such container is opened and found to contain any explosive material the container and its contents shall be forthwith removed to any lawful place for the storing of explosives After conviction of the offender or after three (3) months from such removal the container with its contents shall be sold at public sale after the expiration of ten (10) days from notice of the time and place of such sale published in one newspaper in the county where such seizure shall have been made The proceds of such sale after deducting therefrom the expenses of removal storage advertisement and sale shall be paid into the treasury of the county

Section 662 Railroad Employe Abandoning Train Whoever being a locomotive engineer or other railroad employe engaged in any strike or with a view to incite others to such strike or in furtherance of any combination or preconcerted arrangement with any other person to bring about a strike abandons the locomotive engine in his charge when attached either to a passenger or freight train at any place other than the scheduled or otherwise appointed destination of such train or refuses or neglects to continue to discharge his duty or to proceed with said train to the place of destination is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding two hundred dollars ($200) or imprisoned for a term not exceeding six (6) months or both

Section 663 Railroad Employe Refusing To Move Car Whoever being a locomotive engineer or other railroad employe for the purpose of furthering the object of or lending aid to any strike or strikes organized or attempted to be maintained on any other railroad refuses or neglects in the course of his employment to aid in the movement over and upon the tracks of the company employing him of the cars of such other railroad company received therefrom in the course of transit is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding two hundred dollars ($200) or imprisoned for a term not exceeding six months or both

Section 664 Interfering With Railroad Employe Whoever in aid or furtherance of the objects of any strike upon any railroad interferes with molests or obstructs any locomotive engineer or other railroad employe engaged in the discharge and performance of his duty as such is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding two hundred dollars ($200) or imprisoned for a term not exceeding six (6) months or both

Section 665 False Fire Alarm Whoever knowingly gives or raises or causes to be given or raised a false alarm of fire by ringing of fire-bells or gives any other common or recognized alarm of fire is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding two (2) years or both

Section 666 Demanding Property To Secure Employment Whoever being an officer or employe of any employer of labor solicits demands or receives directly or indirectly from any person any money or other valuable thing for the purpose actual or alleged of either obtaining for such person employment in the service of said employer or of the continuing of such person in employment is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment of not more than one (1) year or both

Section 667 Bribery Etc of Servants And Employes Whoever offers or gives to any agent employe or servant of another or to a member of his family or to anyone for his use or benefit directly or indirectly any commission money property or other valuable thing without the knowledge and consent of the principal employer or master as an inducement bribe or reward for doing or omitting to do any

act or for showing or forbearing to show any favor or disfavor by such agent employe or servant in relation to the affairs or business of his principal employer or master or whoever being an agent employe or servant solicits accepts receives or takes directly or indirectly any commission money property or other valuable thing as an inducement bribe or reward for doing or omitting to do any act or for showing any favor or disfavor in relation to the affairs or business of his principal employer or master is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment for a period not exceeding one (1) year or both

Nothing contained in this section shall apply to transactions between a principal employer or master and his agent employe or servant nor to that practice which is commonly known as "tipping"

Evidence shall not be admissible in any prosecution under this section to show that a gift or acceptance of any commission money property or other valuable thing is customary in any business trade or calling nor shall the customary nature of such transactions be any defense in any such proceeding or prosecution

Section 668 Using False Document With Intent to Deceive Employer Whoever uses or gives to any agent employe or servant of another or whoever being an agent employe or scervant uses approves or certifies with intent to deceive the principal employer or master any receipt account invoice or other document in respect of which the principal employer or master is interested which contains any statement which is false erroneous or defective in any material particular or which omits to state fully the fact of any commission money property or other valuable thing having been given or agreed to be given to such agent employe or servant is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment for a period not exceeding one (1) year or both

Nothing in this section shall apply to that practice which is commonly known as "tipping"

Evidence shall not be admissible in any prosecution under this section to show that a gift or acceptance of any commission money property or other valuable thing is customary in any business trade or calling nor shall the customary nature of such transaction be any defense in any such prosecution

Section 669 Coercion of Employes Whoever being an officer agent of employe or any corporation coerces or attempts to coerce any employe of such corporation by discharging him from employment of such corporation because of his connection with any lawful labor organization which such employe may have formed joined or belonged to or exacts from any applicant for employment by such corporation any promise or agreement not to form join or belong to a lawful labor organization or in any way prevents or endeavors to prevent any employe from forming joining or belonging to a lawful labor organization or interferes or attempts to interfere by any other means direct or indirect with any employe's free and untrammeled connection with a lawful labor organization is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding ($2000) nor less than one thousand dollars ($1000) five hundred dollars ($500) or undergo imprisonment for a term not exceeding one (1) year or both in the discretion of the court

Section 670 Intimidation of Employes Penalty Whoever being an officer superintendent foreman boss or agent of any employer or any other person in authority over any employe intimidates or threatens any such employe with the loss of employment for failing or refusing to affix his signature to any petition which such employe has been solicited or requested to sign is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) or undergo imprisonment for a term not exceeding six (6) months or both

Section 671 Discontinuing Water Supply For Fire Protection Whoever operating as a water company has undertaken to supply any city borough town or township with water for the purpose of fire protection and fo · any reason cuts off or otherwise refuses to continue the supply of water for such purposes unless and until water for such purposes is available from other sources without first having secured the approval of the Public Utility Commission of the Commonwealth of Pennsylvania evidenced by its certificate of public convenience authorizing discontinuance of such service is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one hundred dollars ($100) for each day of such discontinuance

Section 672 Appointment of Special Policemen Whoever having authority to do so appoints as a spcial deputy or policeman to preserve the public peace and prevent or quell public disturbances any person who shall not be a citizen of this Commonwealth is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo an imprisonment not exceeding one (1) year or both

If any corporation company or association is convicted under this section it shall be sentenced to pay a fine not exceeding five thousand dollars ($5000)

This section shall not be construed as applying to policemen constables or specials appointed by municipalities for municipal purposes

Section 673 Withholding and Destroying Papers of Soldiers Whoever having the possession or control of the commission or discharge papers of any officer soldier sailor or marine of the United States army or navy withholds the same from the party named in such commission or discharge when he demands possession thereof or wilfully destroys mutilates or makes away with such commission or discharge to the prejudice of the owner thereof or delivers the same to any person other than the party named therein without the written request of such officer soldier sailor or marine or in case of the death of the party named in such commission or discharge fails or refuses to deliver up the same on the written request of the widow or legal representative of such officer soldier sailor or marine is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or undergo imprisonment not exceeding three (3) months or both

Section 674 Sale of Diplomas No university college or other institutions incorporated under the laws of this State with power to grant academic degrees honorary or otherwise confers the same upon any person in consideration of the payment or promise of payment by any person of any money or property or knowingly signs a diploma or other instrument of writing purporting to confer an academic degree when such consideration has been paid or promised to be paid is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding one year or both

Section 675 Misrepresentation of Age by Minor to Secure Liquor Whoever being under the age of twenty-one (21) years knowingly and falsely represents himself to be twenty-one (21) years of age to any licensed dealer or other person for the purpose of procuring or having furnished to him any intoxicating liquors is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding fifty dollars ($50) or undergo imprisonment not exceeding sixty (60) days or both

Section 676 Representing to Liquor Dealer that Minor Is of Age Whoever knowingly wilfully and falsely represents to any licensed dealer or other person any minor to be of full age for the purpose of inducing any such licensed dealer or other person to sell or furnish any intoxicating liquors to said minor is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding fifty dollars ($50) or undergo imprisonment for a period not exceeding sixty (60) days or both

Section 677 Minors Inducement of to Buy Liquor Prohibited Whoever hires or requests or induces any minor or brewed and malt liquors from a duly licensed dealer for any purpose is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding one (1) year or both

Section 678 Ticket Scalping Whoever sells barters or exchanges or offers for sale barter or exchange upon the

public streets or highways or in front of any theatre or place of amusement and entertainment tickets of admission to such theatre or place of amusement and entertainment is guilty of a misdemeanor and on conviction shall be sentenced to pay a fine of fifty dollars ($50) or undergo imprisonment not exceeding three (3) months or both

Section 679 Loan of Public Money Whoever being an officer of this Commonwealth or of any political subdivision thereof loans out with or without interest or return therefor any money or valuable security received by him or which may be in his possession or under his control by virtue of his office is guilty of a felony and on conviction shall be sentenced to pay a fine not exceeding two thousand dollars ($2000) and undergo imprisonment by separate or solitary confinement at labor not exceeding five (5) years and if still in office be adjudged thereafter incapable of exercising the same and the said office shall be forthwith declared vacant by the court passing the sentence

Section 680 Deposit of Public Money for Gain Whoever being an officer of this Commonwealth or any political subdivision thereof enters into any contract or agreement with any bank corporation or individual or association of individuals by which said officer is to derive any benefit gain or advantage from the deposit with such bank corporation or individual or association of any money or valuable security held by him or which may be in his possession or under his control by virtue of his office is guilty of a felony and on conviction shall be sentenced to pay a fine not exceeding two thousand dollars ($2000) and to undergo imprisonment not exceeding five (5) years and if still in office be adjudged thereafter incapable of exercising the same and the said office shall be forthwith declared vacant by the court passing sentence

Section 681 Payment of Public Money Without Authority Whoever being an officer of this Commonwealth authorizes the payment of any money by warrant or otherwise out of the State Treasury or whoever being the State Treasurer pays any money out of the State Treasury except in accordance with the provisions of an act of Assembly setting forth the amount to be expended and the purpose of the expenditure or whoever being an officer of this Commonwealth authorizes the payment of any money by warrant or otherwise out of the State Treasury in excess of the amount specifically appropriated is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or undergo imprisonment for a term not exceeding two (2) years or both

Section 682 Prohibited Acts by Public Officers Whoever being a councilman burgess trustee manager or director of any corporation municipality or public institution and at the same time the treasurer secretary or other officer subordinate to the president and directors of the corporation or governing body of the municipality or public institution and receives a salary therefrom or at the same time the surety of any such officer or whoever being a member of any corporation municipality or public institution or any officer or agent thereof is in anywise directly or indirectly interested in any contract for the sale or furnishing of any supplies or materials to be furnished to or for the use of such corporation municipality or public institution of which he is a member or officer or for which he is an agent or receives any reward or gratuity from any person interested in such contract or sale is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both and forfeit his office in such corporation municipality or institution

Nothing contained in this section shall prevent a president or vice-president of any banking insitution from being a director of such bank or of receiving a salary as president or vice-president

Section 683 Influencing Officers of Corporations Municicapilities and Public Institutons Whoever contracts for the sale or sells any supplies or materials to any corporation municipality or public institution and causes to be interested in any such contract or sale any member officer or agent of any corporation municipality or institution or gives or offers to give any such person any reward or gratuity to influence him or them in the discharge of their official duties is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both and shall not be capable of recovering anything on any such contract or sale

Section 684 Officers of State-Aided Institutions Whoever being an officer or member of the board of managers of an institution receiving state moneys from legislative appropriations furnishes or supplies to such institution either by direct sale or sale through an agent or firm or acts as an agent for another in so furnishing supplies is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

Section 685 Malversation by Corporation Officers and Employes Whoever being a director president officer agent or employe of any canal or railroad company is interested directly or indirectly in furnishing material or supplies to such company or to any other company engaged in the business of transportation as a common carrier of freight or passengers over the works owned leased controlled or worked by such company is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or shall be imprisoned not more than two (2) years or both

Section 686 Bank Cashiers Whoever being the cashier of any bank engages directly or indirectly in the purchase or sale of stock or in any gainful profession occupation or calling other than that of his duty as cashier is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding one (1) year or both

Nothing contained in this section shall prevent a cashier from being a member of the board of directors or board of trustees of the institution of which he is cashier

Section 687 Issuing Unauthorized Currency Whoever being an officer of a private corporation or political subdivision is instrumental in or consents to or connives at the making or issuing of any note bill check ticket or order intended to be used as currency which is not authorized by law is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1.000) or to undergo imprisonment not exceeding two (2) years or both

Section 688 Divulging Contents of Telegraph and Telephone Communications All messages and conversations shall be transmitted over any line of telegraph or telephone without being made public or their purport being in any manner divulged and in all respects the same inviolable secrecy safe keeping and conveyance shall be maintained as is enjoined by the laws of the United States in reference to ordinary mail service Whoever being connected with any line of telegraph or telephone whether as superintendent operator or in any capacity whatsoever uses or causes to be used or makes known or causes to be made known the contents of any message or conversation which may be sent or received over any line of telegraph or telephone or in any wise unlawfully exposes another's business secrets or impairs the value of correspondence sent or received without the consent or direction of either the party sending or receiving the same is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred dollars ($500) or undrego imprisonment not exceeding one year (1) year or both

Nothing contained in this section shall be construed to prevent the publication at any point of any message of a public nature which may be sent to any person with a view to general publicity

Section 689 Unlawful Advertising of Insurance Business Whoever publishes or prints in any newspaper magazine periodical circular letter pamphlet or in any other manner or publishes by radio broadcasting in this Commonwealth any advertisement or other notice either

directly or indirectly setting forth the advantages of or soliciting businss for any insurance company association society exchange or person which has not been authorized to do business in this Commonwealth or accepts for publication or printing in any newspaper magazine or other periodical or for radio broadcasting in this Commonwealth any advertisement or other notice either directly or indirectly setting forth the advantages of or soliciting business for any insurance company association exchange or person unless such newspaper magazine or other periodical or the radio broadcasting company has in its possession a true and attested or photostatic copy of a certificate of authority from the Insurance Department to the effect that the insurance company association society exchange or person named therein is authorized to do business in this Commonwealth is gulty of a midemeanor and upon conviction thereof shall be sentenced to undergo imprisonment not exceeding one (1) year or to pay a fine not exceeding five hundred dollars ($500) or both

Such certificates shall be issued by the Insurance Department to any person applying therefor

Section 690 Interest of Certain Architects and Engineers In Public Work Contracts Whoever being an architect or engineer in the employ of the Commonwealth or any political subdivision thereof and engaged in the preparation of plans specifications or estimates bids on any public work at any letting of such work in this Commonwealth or whoever being an officer of the Commonwealth or any political subdivision thereof charged with the duty of letting any public work awards a contract to any such architect or engineer or whoever being any such architect or engineer is in any wise interestd in any contract for public work or receives any remuneration or gratuity from any person interested in such contract is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment of not less than six (6) months or both and shall forfeit his office

Section 691 Driving Animals While Intoxicated whoever rides drives leads or handles any horse or other animal or drives or is in charge of any carriage wagon or other vehicle drawn by horses or other animals on any of the public highways of the Commonwealth when in an intoxicated condition is guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding one hundred dollars ($100) or undergo imprisonment for not more than three (3) months or both

Section 692 Marrying Intoxicated Persons Whoever performs the marriage ceremony between parties when either of said parties intoxicated is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or be imprisoned not exceeding one (1) year or both

Section 693 Throwing Articles on Highways Whoever throws or causes to be thrown any glass or metal or refuse dangerous or detrimental to the traveling public upon any highway shall upon conviction in a summary proceeding be sentenced to pay a fine of not exceeding fifty dollars ($50) and in default of the payment of the fine and costs shall be sentenced to imprisonment not exceeding thirty (30) days or both

Section 694 Throwing Rubbish On Streets Etc Whoever throws waste paper sweepings ashes household waste nails or rubbish of any kind into any road street highway or alley or interferes with scatters or disturbs the contents of any receptacle containing ashes garbage household waste or rubbish which shall be placed upon any sidewalk or elsewhere for the collection of the contents thereof shall upon conviction thereof in a summary proceeding be sentenced to pay the cost of prosecution and a fine not exceeding ten dollars (10) for each such offense and in default of the payment thereof shall be imprisoned for a period not exceeding ten (10) days

Section 695 Spitting In Public Places Whoever spits on any public walk public wharf or landing or on the floor platform stairway or elevator or covering used thereon of any railroad or railway station or other building to which the public has access or on the floor or platform or steps or any covering used thereon of any railroad or railway car or other vehicle conveyance or common carrier used for the transportation of the public shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of one dollar ($1) and costs such fine to be paid into the treasury of the municipality in which the violation is committed or if committed upon a train or car into the treasury of the municipality or township in which the offender is tried and convcted In default of payment of such fine and costs the offender shall be sentenced to imprisonment for a period of not less than one (1) day or more than five (5) days

All owners of public buildings cars or other vehicles conveyances or common carriers used for transportation of the public shall post and keep posted in prominent places conspicuously lettered signs warning the public against spitting and calling attention to the penalty for violation of this section or if spitting receptacles are provided for the convenience of the public shall cleanse and disinfect such receptacles daily Whoever violates the provisions of this paragraph shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than five dollars ($5) nor more than fifty dallars ($50)

Section 696 Steam Engine Without Spark Arrester Whoever operates any steam traction engine or steam portable engine without three hundred (300) feet of any building unless such engine is first equipped with an efficient spark arrester shall upon conviction in a summary proceeding be sentenced to pay a fine of fifty dollars ($50) for the first offense and for the second and any subsequent offense a fine of not less than one hundred dollars ($100) nor more than two hundred dollars ($200)

Section 697 Playing for Drinks Whoever being the proprietor keeper lessee or manager of any saloon hotel tavern inn billiard room or other place of resort or entertainment keeps maintains or permits to be played upon his premises or in connection therewith or having passage or communication to or with the same the game or amusement of pool with balls or any other game of chance the result or price of forfeiture of payment in any form of such game or amusement shall be by drinks of vinous spirituous malt or brewed liquors or any admixtures thereof upon conviction thereof in a summary conviction shall be sentenced for the first offense to pay a fine not exceeding one hundred dollars ($100) and in default of such fine and costs to undergo imprisonment of not exceeding thirty (30) days and for the second offense to pay a fine not exceeding five hundred dollars ($500) and in default of such fine and costs to undergo imprisonment not exceeding one (1) year

Section 698 Frauds in Securing Professional Licenses Whoever (a) for the purpose of misrepresenting his qualifications to the Department of Public Instruction or any professional examining board within said department buys sells or fraudulently or illegally makes or alters gives issues or obtains any literary scientific professional or other degree or constitutes any license or certificates to the completion in whole or in part of any course of study in any university college high school academy or other educational institution or (b) personates or attempts to offer to personate another person in taking or attempting or offering to take any examination held in accordance with the rules of the Department of Public Instruction or of any of the professional Examining Boards within said department or (c) takes or attempts or offers to take such an examination in the name of any other person or (d) procures any other person falsely to take or attempt or offer to take any such examination in his name or (e) has in his possession question papers to be used in any such examination when not contained in their sealed wrappers or copies of such papers or questions at any time prior to the dates set for such examination unless duly authorized by the Department of Public Instruction or the agents thereof or (f) sells or offers to sell question papers or any questions prepared for use in any examination held in accordance with the rules of the Department of Public Instruction or any professional examining board within said Department or (g) uses in any such examination any question papers or questions or secures or perpares the answers to such questions prior to the time set for the examination or

(h) transmits to the Department of Public Instruction answers to questions used in any such examination which are prepared or written outside of the period of examination or alters any such answer after such period is closed or (i) secures or attempts to secure any credential regularly issued by the Department of Public Instruction or any professional examining board within said Department which is based upon such examinations or based upon a course or courses of study in any institution of learning or educational institution approved by the Department of Public Instruction which he has not actually passed or completed is guilty of a misdemeanor and upon conviction thereof shall be sentenced for a first offense by a fine of not less than fifty dollars ($50) or imprisonment for not less than thirty (30) days or both and for a second or subsequent offense by a fine of not less than two hundred and fifty dollars ($250) or imprisonment for not less than six (6) months or both

Section 699 Keeping Bucket-Shop Whoever keeps or causes to be kept any "bucket-shop' as defined in article one of this act or assist in the keeping of any bucket-shop is guilty of a misdemeanor and upon conviction thereof shall for a first offense be sentenced to pay a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) or undergo imprisonment for a period not exceeding six (6) months or both and for a second offense shall in addition to the fine above described be sentenced to undergo imprisonment for a period of not less than sixty (60) days nor more than six (6) months

If a corporation is convicted it shall be liable to the forfeiture of its charter by a proceeding in quo warranto to be instituted at the relation of the attorney general or of the district attorney

The continuance of the establishment after the first conviction shall be deemed a second offense

It shall not be necessary in order to convict any person of keeping a bucket-shop or causing one to be kept to show that such person has entered into any contract agreement trade or transaction of the nature described in the definition of the phrase "bucket-shop" but it shall be sufficient to show that such person has offered to make such a contract agreement trade or transaction whether the contract agreement trade or transaction was accepted or not Proof of a single instance wherein any person or another on his behalf has made or offered to make any such contract agreement trade or transaction shall be conclusive that the place wherein the same was made is a bucket-shop

Section 699.1 Accessories in Conduct of Bucket-Shop Whoever transmits or communicates by telegraph telephone wireless telegraphy express mail or otherwise or who receives exhibits or displays in any manner any statement or quotation of the prices of any property mentioned in the definition of the phrase bucket-shop with a view of entering into any contract agreement trade or transaction or offering to enter into any contract agreement trade or transaction or with a view of aiding others to enter or offer to enter into any such contract agreement trade or transaction of the nature described in the definition of the phrase bucket-shop shall be deemed an accessory to the keeping of a bucket-shop and guilty of a misdemeanor and upon conviction shall for a first offense be sentenced to pay a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) or undergo imprisonment for a period not exceeding six (6) months or both and for a second offense shall in addition to the fine for a first offense be sentenced to imprisonment for a period of not less than sixty (60) days nor more than six (6) months

If a corporation is the defendant its charter shall be forfeited by a proceeding in quo warranto instituted either at the relation of the Attorney General or the district attorney

Section 699.2 Mantaining of Premises in Which Bucket-Shop Operated Whoever knowingly permits a bucket-shop as defined in this act to be maintained or operated in any premises owned leased controlled or operated by him is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

Any fine so adjudged shall be a lien upon the premises in or on which the said bucket-shop shall be maintained and operated

Section 699.3 Bucket-Shop Contracts All contracts agreements trades or transactions of the nature described in the definition of the phrase bucket-shop are hereby declared gambling and criminal acts and null and void Whoever shall enter into the same whether for himself or as agent or broker of any person is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500) for each offense

Section 699.4 Worldly Employment or Business on Sunday Whoever does or performs any worldly employment or business whatsoever on the Lord's day commonly called Sunday (works of necessity and charity only excepted) or uses or practices any game hunting shooting sport or diversion whatsoever on the same day not authorized by law shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of four dollars ($4) for the use of the Commonwealth or in default of the payment thereof shall suffer six (6) days' imprisonment

Nothing herein contained shall be construed to prohibit the dressing of victuals in private families bake-houses lodging-houses inns and other houses of entertainment for the use of sojourners travellers or strangers or to hinder watermen from landing their passengers or ferrymen from carrying over the water travellers or persons removing with their families on the Lord's day commonly called Sunday nor to the delivery of milk or the necessaries of life before nine of the clock in the forenoon nor after five of the clock in the afternoon of the same day

Section 699.9 Horse Racing Whoever races runs paces or trots any horse mare or gelding for money goods or other valuable things or contributes or collects any money goods or valuable things to make up a purse therefor or prints or causes to be printed sets up or causes to be set up any advertisement mentioning the time and place for the running pacing or trotting of any horses mares or geldings or knowingly suffers any such advertisement to be attached to his property or to remain on his property is guilty of maintaining a nuisance a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or suffer imprisonment not exceeding one (1) year or both

All wagers and bets laid on any such race shall be null and void and money goods and valuable things lost on any such race or the value thereof may be recovered from the winner by action of debt

Nothing contained in this section shall be construed as applying to racing at exhibitions of agricultural societies and associations nor to trials of speed in any incorporated driving park nor to races given by regularly incorporated trotting associations

ARTICLE VII

Offenses Against the Person

Section 701 Murder of the First and Second Degree All murder which shall be perpetrated by means of poison or by lying in wait or by any other kind of willful deliberate and premeditated killing or which shall be committed in the perpetration of or attempting to perpetrate any arson rape robbery burglary or kidnapping shall be murder in the first degree All other kinds of murder shall be murder in the second degree The jury before whom any person indicted for murder shall be tried shall if they find such person guilty thereof ascertain in their verdict the person is guilty of murder of the first or second degree If such person is convicted by confession the court shall proceed by examination of witnesses to determine the degree of the crime and to give sentence accordingly

Whoever is convicted of the crime of murder of the first degree is guilty of a felony and shall be sentenced to suffer death in the manner provided by law or to

undergo imprisonment for life at the discretion of the jury trying the case which shall fix the penalty by its verdict The court shall impose the sentence so fixed as in other cases In cases of pleas of guilty the court where it determines the crime to be murder of the first degree shall at its discretion impose sentence of death or imprisonment for life The clerk of the court wherein such conviction takes place shall within ten (10) days after such sentence of death transmit a full and complete record of the trial and conviction to the Governor

Whoever is convicted of the crime of murder of the second degree is guilty of a felony and shall for the first offense be sentenced to undergo imprisonment by separate or solitary confinment not exceeding twenty (20) years or fined not exceeding ten thousand dollars or both and for the second offense for the period of his natural life

Section 702 Petit Treason The offense formerly known as petit treason is hereby declared to be murder and shall be indictable triable and punishable only as such

Section 703 Voluntary And Involuntary Manslaughter Whoever is convicted of voluntary manslaughter is guilty of a felony and shall be sentenced to pay a fine not exceeding six thousand dollars ($6,00z) and to undergo imprisonment by separate or solitary confinement at labor or simple imprisonment not exceeding twelve (12) years and in the discretion of the court to give security for good behavior during life or for any less time according to the nature and enormity of the offense

Whoever is convicted of involuntary manslaughter happening in consequence of an unlawful act or the doing of a lawful act in an unlawful way is guilty of a misdemeanor and shall be sentenced to pay a fine not exceeding two thousand dollars ($2,000) or to undergo imprisonment not exceeding three (3) years or both

The district attorney may charge both voluntary and involuntary manslaughter in the same indictment in which case the jury may acquit the party of one and find him or her guilty of the other charge

Section 704 Robbery And Robbery By Assault And Force Whoever robs another or steals any property from the person with intent to rob him or by menace or demands any property of another with intent to steal the same is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding five thousand dollars ($5000) or undergo imprisonment by separate or solitary confinement not exceeding ten (10) years or both

Section 705 Robbery With Accomplice Or While Armed Or By Violence Whoever being armed with an offensive weapon or instrument robs or assaults with intent to rob another or together with one or more person or persons robs or assaults with intent to rob or robs any person and at the same time or immediately before or immeditately after such robbery beats strikes or ill-uses any person or does violence to such person is guilty of felony and upon conviction shall be sentenced to pay a fine not exceeding ten thousand dollars ($10,000) or undergo imprisonment by separate or solitary confinement at labor not exceeding twenty (20) years or both

Section 706 Robbery Of Bank Vaults Whoever by fraud force threats or menace or by seizing gagging or tying compels or attempts to compel another to surrender the key or other appliance or to divulge the combination secret or other means used to open any bank vault safe or other depository of money securities or property or administers or attempts to administer to another any stupefying or overpowering drug matter or thing for the purpose of enabling such offender to obtain such key or other appliance with intent to steal any such money securities or property is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding ten thousand dollars ($10,000) or to undergo imprisonment at hard labor not exceeding twenty (20) years or both

Section 707 Train Robbery Whoever removes displaces or injures any switch frog rail tie bridge or trestle or places upon any railroad track any obstruction or explosive substance or enters into an conspiracy therefor with the design of stopping a train for the purpose of robbery on any railways and there robs or attempts to rob maim wound injure or kill any passenger agent employe or person or robs or attempts to rob any express company mail pouch baggage or car of any money or valuable thing either the property of such company agent employe or passenger or other person or the property of another in his care or custody is guilty of train robbery a felony and upon conviction thereof shall be sentenced to imprisonment for a term of not less than fifteen (15) years and to pay a fine not exceeding seven thousand dollars ($7,000) or both

Section 708 Assault And Battery Whoever commits an assault and battery or an assault is guilty of a misdemeanor and upon conviction therof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or undergo imprisonment not exceeding two (2) years or both

Section 709 Aggravated Assault And Battery Whoever unlawfully and maliciously inflicts upon another person either with or without any weapon or instrument any grievous bodily harm or unlawfully cuts stabs or wounds any other person is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding two thousand dollars ($2,000) or undergo imprisonment either at labor by separate or solitary confinement or to simple imprisonment not exceeding three (3) years or both

Section 710 Assault With Intent To Kill Whoever administers by another any poison or other destructive thing or stabs cuts or wounds any person or by means causes any person bodily injury dangerous to life with intention to commit murder is guilty of felony and shall on conviction be sentenced to pay a fine not exceeding three thousand dollars ($3,000) and or undergo imprisonment by separate or solitary confinement at labor not exceeding seven (7) years or both

Section 711 Attempts With Intent To Kill Whoever attempts to administer any poison or other destructive thing or shoots at any person or by drawing a trigger or in any other manner attempts to discharge any kind of load arms at any person or attempts to drown suffocate or strangle any person with intent to commit the crime of murder although no bodily injury is effected is guilty of felony and shall be sentenced to pay a fine not exceeding three thousand dollars ($3,000) or undergo imprisonment by separate and solitary confinement at labor not exceeding seven (7) years or both

Section 712 Assault With Intent To Maim Whoever unlawfully and maliciously shoots at any person or by drawing a trigger or by any other manner attempts to discharge any kind of loaded arms at any person or stabs cuts or wounds any person with intent to maim disfigure or disable such person is guilty of felony and on conviction shall be sentenced to pay a fine not exceeding two thousand dollars ($2,000) or undergo imprisonment by separate or solitary confinement at labor not exceeding three (3) years or both

Section 713 Maiming By Means Of Explosives Whoever unlawfully wilfully and maliciously by the explosion of gunpowder or other explosive substance burns mains disfigures disables or does grievous bodily harm to any person is guilty of felony and on conviction shall be sentenced to pay a fine not exceeding two thousand dollars ($2,000) or undergo imprisonment by separate or solitary confinement not exceeding three (3) years or both

Section 714 Explosive or Corrosive Substances With Intent To Maim Whoever unlawfully and maliciously causes any gunpowder or other explosive substance to explode or sends or delivers to or causes to be taken and received by any person any explosive substance or any other dangerous or noxious thing or casts or throw at or upon or otherwise applies to any person any corrosive fluid or other destructive or explosive substance with intent to burn maim disfiguer or disable any person or to do some grievous bodily harm to such person is guilty of felony and on conviction shall be sentenced to pay fine not exceeding two thousand dollars ($2,000) or undergo imprisonment by separate or solitary confinement at labor not exceeding three (3) years or both

Section 715 Mayhem Whoever on purpose and of malice aforethought by lying in wait unlawfully cuts out or disables the tongue puts out an eye slits the nose cuts off the nose ear or lip cuts off or disables any limb or member of another or brands another with intention in so doing to maim or disfigure such person or voluntarily maliciously and of purpose pulls or puts out an eye or bites off the nose ear lip limb or member or any part thereof of his

opponent while fighting or otherwise is guilty of mayhem a felony and on conviction shall be sentenced to pay a fine not exceeding two thousand dollars three-fourths part thereof for the use of the party grieved ($2,000) or undergo imprisonment by separate or solitary confinement at labor not exceeding five (5) years or both

Section 716 Pointing Deadly Weapons Whoever playfully or wantonly points or discharges a gun pistol or other firearm at any other person is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

Section 717 Administering Drugs Whoever unlawfully and wilfully administers to another any stupefying and overpowering drug narcotic or anaesthetic agent by placing dropping or pouring the same or causing the same to be placed dropped or poured into or upon any food or drink intended or prepared for the use of any other person or into or upon any dish glass or vessel into which any such food or drink is intended to be placed or poured or knowing the said drug narcotic or anaesthetic agent to have been placed dropped or poured into or upon any such food or drink or into or upon any such dish glass or vessel causes or allows or permits another to eat or drink the same with intent thereby to enable such offender or any other person to commit or with the intent to assist such offender or other person in committing any felony is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding two thousand dollars ($2,000) or undergo imprisonment at hard labor not exceeding five (5) years or both

Section 718 Abortion Whoever with intent to procure the miscarriage of any woman unlawfully administers to her any poison drug or substance or unlawfully uses any instrument or other means with the like intent is guilty of felony and upon conviction thereof shall be sentenced to pay a fine not exceeding three thousand dollars ($3,000) or undergo imprisonment by separate or solitary confinement at labor not exceeding five (5) years or both

Section 719 Abortion Causing Death Whoever unlawfully administers to any woman pregnant or quick with child or supposed and believed to be pregnant or quick with child any drug poison or other substance or unlawfully uses any instrument or other means with the intent to procure the miscarriage of such woman resulting in the death of such woman or any child with which she may be quick is guilty of felony and upon conviction thereof shall be sentenced to pay a fine not exceeding six thousand dollars ($6,000) or undergo imprisonment by separate or solitary confinement at labor not exceeding ten (10) years

Section 720 Concealing Death of Bastard Child Whoever being a woman endeavors privately either by herself or the procurement of others to conceal the death of her bastard child so that it may not come to light whether it was born dead or alive or whether it was murdered or not is guilty of a misdemeanor and upon conviction thereof shall undergo imprisonment by separate and solitary confinement at labor not exceeding one (1) year or fined not exceeding five hundred dollars ($500) or both

If the grand jury in the same indictment charges any woman with the murder of her bastard child as well as with the offense of the concealment of the death the jury may acquit or convict her of both offenses or find her guilty of one and acquit her of the other

Section 721 Rape Whoever has unlawful carnal knowledge of a woman forcibly and against her will or whoever being of the age of sixteen (16) years and upwards unlawfully and carnally knows and abuses any woman child under the age of sixteen (16) years with or without her consent is guilty of rape a felony and on conviction shall be sentenced to pay a fine not exceeding seven thousand dollars ($7,000) or undergo imprisonment by separate or solitary confinement at labor or by simple imprisonment not exceeding fifteen (15) years or both

Upon the trial of any defendant charged with the unlawful carnal knowledge and abuse of a woman child under the age of sixteen (16) years if the jury shall find that such woman child was not of good repute and that the carnal knowledge was with her consent the defendant shall be acquitted of rape and be convicted of fornication

Section 722 Assault With Intent to Ravish Whoever commits an assault and battery upon a female with intent forcibly and against her will to have unlawful carnal knowledge of her is guilty of a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding two thousand dollars ($2,000) or undergo imprisonment by separate or solitary confinement at labor not exceeding five (5) years or both

Section 723 Kidnapping for Extortion Whoever takes or carries away or decoys or entices away or secretes any person with intent to extort money or any other valuable thing for the restoration or return of such person is guilty of a felony and upon conviction thereof shall be sentenced to undergo imprisonment by separate and solitary confinement at labor for the term of his or her natural life or to pay a fine not exceeding ten thousand dollars ($10,000) and undergo imprisonment for any term of years

Section 724 Aiding and Abetting Kidnappers Whoever aids assists or abets in the taking or carrying away or in the decoying or enticing away or secreting of any person with intent to extort money or any other valuable thing for the restoration or return of such person is guilty of felony and upon conviction thereof shall be sentenced to pay a fine of ten thousand dollars ($10,000) or undergo imprisonment by separate and solitary confinement at labor for a period not exceeding twenty-five (25) years or both

Section 725 Kidnapping Child From Persons Having Custody Whoever maliciously either by force or fraud leads takes or carries away or decoys or entices away any child under the age of ten (10) years from its parent or parents or any other person having the lawful charge or care of such child or the possession of such child with intent to conceal or detain such child or with intent to steal any article of apparel or ornament or other thing of value or use upon or about the person of such child or knowingly conceals harbors or detains or assists in concealing harboring or detaining such child either within or without this Commonwealth is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding five thousand dollars ($5,000) or to undergo an imprisonment by separate or solitary confinement at labor not exceeding fifteen (15) years or both

Section 726 Abandoning Infants Whoever being the father or mother of any child under the age of seven (7) years or a person to whom such child shall have been confided exposes such child in any highway street field house outhouse or other place with intent to wholly abandon it is guilty of a misdemeanor and upon conviction thereof shall be sentenced to imprisonment not exceeding three (3) years or to pay a fine not exceeding one thousand dollars ($1,000) or both

Section 727 Neglect to Maintain Child Abandonment Whoever being a parent or other person charged with the care and custody for nurture or education of a child under the age of sixteen (16) years abandons the child in destitute circumstances or wilfully omits to furnish necessary and proper food clothing or shelter for such child is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or undergo imprisonment not exceeding two (2) years or both

In case a fine is imposed the same may be applied in the discretion of the court to the support of such child

Proof of the abandonment of such child in destitute circumstances and omission to furnish necessary and proper food clothing or shelter shall be prima facie evidence that such omission was wilful

Any provision of law prohibiting dsclosure of confidential communications between husband and wife shall not apply to prosecutions under this section.

Section 728 Cruelty to Minors Whoever cruelly illtreats abuses or inflicts unnecessary cruel punishment upon any minor child shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not exceeding two hundred dollars ($200) and upon default in the payment of the fine and costs shall be sentenced to imprisonment not exceeding ninety (90) days or both

Section 729 Tattooing Minors Whoever tattoos any person under the age of twenty-one (21) years without the consent of the living parents or of the legal guardian thereof if such minor is under the care of a guardian shall upon

conviction thereof in a summary proceeding be sentenced to pay a fine of not more than one hundred dollars ($100) or to undergo imprisonment of not more than three (3) months or both

Section 730 Negligence by Transportation Employes Whoever being in the service or employ of a railroad or other transportation company refuses or neglects to obey any rule or regulation of such company or by reason of negligence or wilful misconduct fails to observe any precaution or rule which it was his duty to obey and observe and injury or death to any person shall result thereby is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five thousand dollars ($5,000) or to undergo imprisonment not exceeding five (5) years or both

This section shall not be construed to be a bar to a trial and conviction for any other or higher offense or to relieve such person or any company for liability for damages for such injuries or death.

Section 731 Wilful Separation or Nonsupport Whoever being a husband or father separates himself from his wife or from his children or from wife and children without reasonable cause or wilfully neglects to maintain his wife or children such wife or children being destitute or being dependent wholly or in part on their earnings for adequate support is guilty of a misdemeanor and on conviction thereof shall be sentenced to imprisonment not exceeding one (1) year or to pay a fine not exceeding five hundred dollars ($500) or both at the discretion of the court Such fine if any may be paid or applied in whole or in part to the wife or children as the court may direct

No such conviction payment or fine or undergoing imprisonment shall in any manner affect the obligation of any order for support theretofore made against the defendant in any competent court

In any such case the court may suspend sentence upon and during compliance by the defendant with any order for support as already made or as thereafter modified If no such order shall have been made then the court trying the defendant may make such order for the support by the defendant of his wife and children or either of them which order shall be subject to modifications by the court on cause shown and may suspend sentence upon and during the compliance by defendant with such order upon entry of bond by defendant with surety approved by the court conditioned on compliance with such order

In any proceedings under this section the wife or any person having the care custody or control of minor children shall be a competent witness

As used in this section the word "children" shall be limited to mean children under sixteen (16) years of age and also such children over sixteen (16) and under twenty-one (21) years of age as by reason of infirmity are incapable of supporting themselves "Separation" or "non-support" shall include every case where a husband has caused his wife to leave him by conduct on his part which would be ground for divorce or father has neglected to provide for maintenance support and care of his wife or children or wife and children

Section 732 Neglect to Support Bastard Whoever being a parent wilfully neglects or refuses to contribute reasonably to the support and maintenance of a child born out of lawful wedlock whether within or without this Commonwealth is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

All prosecutions under this section must be brought within two (2) years of the birth of the child except where the reputed father shall have voluntarily contributed to the support of the child or shall have acknowledged in writing his paternity in which case a prosecution may be brought at any time within two (2) years of any such contribution or acknowledgment by the reputed father

Before the trial with the consent of the defendant indorsed on the bill of indictment as now provided by law or at the trial on entry of a plea of guilty or after conviction instead of imposing the fine herein provided or in addition thereto the court having regard to the circumstances and to the financial capacity of the defendant may make an order subject to change from time to time as circumstances may require directing the defendant to pay a certain sum periodically for such time and to such person as the court may direct The court shall have the power to suspend the sentence herein provided and release the defendant from custody on probation in the manner provided in cases of desertion and nonsupport provided that the defendant has entered into a recognizance in such sum with or without surety as the court shall direct for compliance with such order

Whenever a parent is paying for the support of a child under an order of court made in any other proceeding civil criminal or quasi-criminal said parent shall not be subject to proceedings for support for the same child under this section unless he has failed to obey such order of court

Section 733 Desertion and Non-Support If any husband or father being within the limits of this Commonwealth separates himself from his wife or from his children or from wife and children without reasonable cause or neglects to maintain his wife or children any magistrate upon information made before him under oath or affirmation by his wife or children or either of them or by any person or persons may issue his warrant for the arrest of the person against whom the information shall have been made and bind him over with one sufficient surety to appear at the next court of quarter sessions or other court having jurisdiction there to answer the said charge of desertion

The said court after hearing in a summary proceeding may order the person against whom complaint has been made being of sufficient ability to pay such sum as said court shall think reasonable and proper for the comfortable support and maintenance of the said wife or children or both and to commit such person to prison there to remain until he shall comply with such order or give security by one or more sureties to the Commonwealth and in such sum as the court shall direct for the compliance therewith The court may also issue the appropriate writ of execution against any property real or personal belonging to the defendant and its writ of attachment execution against any money or property to which he may be in any way entitled whether under what is known as a spendthrift trust or otherwise which shall not exceed fifty per centum thereof and shall remain a continuing levy until the order has been paid in full with costs The person against whom an order is made shall not be entitled to the benefits of any exemption law now in force or hereafter passed

The provisions of this section shall apply to any trust whether it is known as a spendthrift trust or otherwise whether such trust was created or came into existence before or after the passage of this act Where an attachment execution is issued the further proceedings theron shall be in the manner provided in the case of foreign attachments

Any wife so deserted shall be a competent witness on the part of the Commonwealth and the husband shall also be a competent witness

Should any such person abscond remove or be found in any other county of the Commonwealth than the one in which said warrant issued he may be arrested by the said warrant being backed by any magistrate of the county in which such person may be found

Whenever the court of quarter sessions of any county in the Commonwealth commits the person complained of to the county prison there to remain until he complies with their order or give security et cetera the court may at any time after three (3) months if it shall be satisfied of the inability of such person to comply with the said order and give such security to discharge him from imprisonment

ARTICLE VIII

Offenses Against Personal Property and Fraudulent Dealing Therewith

Section 801 Blackmail Whoever by means of written printed or oral communications intimidates or levies blackmail or extorts money property or other valuable thing from any person or by such means attempts to intimidate annoy or levy blackmail or extort money prop-

erty or other valuable thing from any person is guilty of a misdemeanor and on conviction shall be sentenced to imprisonment not exceeding three (3) years or to pay a fine not exceeding one thousand dollars ($1,000) or both

Section 802 Blackmail by Injury to Reputation or Business Whoever with intent to intimidate annoy or levy blackmail or extort money property or other valuable thing from any person by means of threats charges or accusations by written printed or oral communications injures the person property reputation or business of any person is guilty of a misdemeanor and on conviction shall be sentenced to imprisonment by separate or solitary confinement at labor or by simple imprisonment not exceeding three (3) years or to pay a fine not exceeding one thousand dollars ($1,000) or both

Section 803 Blackmail by Accusation of Heinous Crime Whoever accuses any person of any heinous crime committed either with man or beast or of any assault with intent to commit such heinous crime or any attempt to endeavor to commit the same or of making or offering any solicitations persuasion promise or threat to any person whereby to move or induce such person to commit or perform such heinous crime with a view and intent to extort or gain from such person or by intimidating such person by such accusation or threat extorts or gains from such person any money or property is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or to undergo imprisonment by separate or solitary confinement at labor not exceeding ten (10) years or both

Section 804 Blackmail by Threatening Murder or Destruction of Particular Property Whoever sends delivers or utters any letter or writing threatening to kill or murder any other person or to burn or destroy any building or any rick or stack of grain hay or straw or other agricultural produce with a view or intent to extort or gain money security or other valuable thing from any person is guilty of a misdemeanor and on conviction shall be sentenced to imprisonment by separate or solitary confinement at labor or by simple imprisonment not exceeding three (3) years or to pay a fine not exceeding one thousand dollars ($1,000) or both

Section 805 Blackmail by Threatening Letter or Accusation of Crime Whoever knowingly sends or delivers or utters to any other person any letter or writing accusing or threatening to accuse either the person to whom such letter or writing shall be sent or delivered or any other person of any offense with a view or intent to extort or gain any property money security or other valuable thing from any person is guilty of a misdemeanor and on conviction shall be sentenced to imprisonment by separate or solitary confinement at labor or by simple imprisonment not exceeding three (3) years or to pay a fine not exceeding one thousand dollars ($1,000) or both

Section 806 Blackmail by Threatening to Kidnap or Damage Property Generally Whoever extorts or attempts to extort money or any other personal property of value from another by means of oral or written or printed threats to kidnap him or any one related to him or to injure or destroy real or personal property belonging to him or to any one related to him or knowing any such threat to have been made solicits or demands or receives or attempts to solicit or demand or receive from such threatened person any money or other personal property of value or receives such money or property and delivers it directly or indirectly to the person who made or caused such threats to be made is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding seven thousand dollars ($7,000) or to undergo imprisonment by separate or solitary confinement at labor for a period not exceeding fifteen (15) years or both

Section 807 Larceny Whoever commits larceny is guilty of felony and shall upon conviction thereof be sentenced to pay a fine not exceeding two thousand dollars ($2,000) or to undergo imprisonment by separate or solitary confinement at labor not exceeding five (5) years or both

Section 808 Larceny of Bank Bills Securities and Documents Whoever steals any bank bill note draft or check of or on any bank or any bill of exchange order warrant draft bill or promissory note for the payment of money or any certificate or security entitling or evidencing the title of any person or body corporate to any share portion or interest in any public debt or security or fund either of this Commonwealth or of the United States or of any of the states thereof or of any foreign state or to any interest in any stock fund or debt of any body corporate company or society or to any deposit in any saving bank or company being the property of another person or of any corporation association or society is guilty of larceny a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment by separate or solitary confinement at labor not exceeding three (3) years

Whoever steals any letters patent charter testament will or deed whether indented or poll covenant assurance lease indenture contract letter of attorney or other power or instrument of writing respecting any property real or personal or any release acquittance voucher receipt receipt book letter book waste book day book journal ledger or other book of accounts belonging to another is guilty of larceny a felony and shall on conviction be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment by separate or solitary confinement not exceeding two (2) years or both

Section 809 Larceny of Horse Whoever is guilty of horse stealing or is accessory thereto before the fact or of having received or bought any horse knowing the same to have been stolen is guilty of larceny a felony and shall on conviction be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment by separate or solitary confinement at labor not exceeding ten (10) years or both

Section 810 Larceny of Motor Vehicle Whoever feloniously takes or steals any motor vehicle or is accessory thereto before or after the fact or receives or purchases any motor vehicle knowing the same to have been stolen is guilty of larceny a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding five thousand dollars ($5,000) or to undergo imprisonment by separate or solitary confinement at labor not exceeding ten (10) years or both

Section 811 Larceny of Growing Property Whoever wilfully and unlawfully steals takes or carries away or is engaged in stealing taking or carrying away any kind of property whatsoever growing or being on the land of another is guilty of larceny a felony and shall upon conviction thereof be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment by separate or solitary confinement at labor not exceeding three (3) years or both

Section 812 Larceny of Coal and Iron Ore Whoever mines or digs out any coal iron or other minerals knowing the same to be upon the lands of another without the consent of the owner is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or to undergo imprisonment not exceeding one (1) year or both

The person so offending shall be further liable to pay to the owner double the value of the coal iron or other materials so mined dug out or removed or in case of the conversion of the same to the use of such offender treble the value thereof to be recovered with costs of suit by action of trespass or trover as the case may be

No prosecution by indictment under this act shall be a bar to such action

The provisions of this section shall not apply to persons picking coal for their own domestic use

Section 813 Larceny of Fixtures Whoever steals or rips cuts or breaks with intent to steal any glass or woodwork belonging to any building or any lead iron copper brass or other metal or any utensil or fixture whether made of metal or other material fixed in or to any building or anything made of metal fixed in any land being private property or used for a fence to any dwelling house garden or area or in any square street or other place dedicated to public use or ornament is guilty of larceny a felony and upon conviction thereof shall be

sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment by separate or solitary confinement at labor not exceeding three (3) years or both

Section 814 Larceny of Electric Wire Whoever steals or attempts to steal or cuts or breaks with intent to steal any wire forming part of the line or system of any telegraph telephone electric light electric traction or electric railway company or of any other person engaged in transmitting electricity by wire or is an accessory before or after the fact to such stealing attempt to steal or cutting or breaking with intent to steal is guilty of larceny a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment by separate or solitary confinement at labor not exceeding seven (7) years or both

Section 815 Larceny By Employe Whoever being in the employ of another by virtue of such employment receives and takes into his possession any chattel money or valuable security which is or may be made the subject of larceny for or in the name or on account of his employer and fraudulently embezzles the same or any part thereof although such chattel money or security was not received into possession of such master or employer otherwise than by the actual possession of his employe is guilty of larceny a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment by separate or solitary confinement at labor not exceeding three (3) year or both

Section 816 Larceny By Bailee Whoever being a bailee of any property fraudulently takes or converts the same to his own use or to the use of any other person except the owner thereof or wilfully fails to return the same to the owner in accordance with the terms of the agreement between the bailee and the owner thereof or wilfully destroys the same or permits it to be destroyed although he does not break bulk or otherwise determine the bailment is guilty of larceny a felony and shall be punished as is provided in cases of larceny of like property

Section 817 Receiving Stolen Property Whoever buys has or receives any goods chattels money or securities or any other matter or thing which shall have been stolen or feloniously taken either in this Commonwealth or in any other state or country knowing the same to have been stolen or feloniously taken is guilty of a felony and on conviction shall be imprisoned not exceeding three (3) years or fined not exceeding one thousand dollars ($1,000) or both

Section 818 Bringing Stolen Property Into State Whoever brings or aids or assists in bringing into this Commonwealth any goods chattels money or securities or any other matter or thing knowing or having reasonable cause to know the same to have been stolen or feloniously taken in any other state or country is guilty of a felony and on conviction thereof shall be sentenced to pay a fine not exceeding two thousand dollars ($2,000) or undergo imprisonment by separate and solitary confinement at labor not exceeding five years or both

Section 819 Receiving Property Fraudulently Disposed Of Whoever receives any money chattel or valuable security which shall have been so fraudulently disposed of as to render the party disposing thereof guilty of a misdemeanor knowing the same to have been so fraudulently disposed of is guilty of a misdemeanor and may be indicted and convicted thereof whether the party guilty of the principal misdemeanor shall or shall not have been previously convicted

Section 820 Trial of Receivers of Stolen Property It is lawful to prosecute and punish all buyers and receivers of stolen property as well before as after the principal felon shall be taken and convicted and whether he is amenable to justice or otherwise The prosecution conviction and sentence of receivers shall exempt them from being prosecuted as accessories after the fact in case the principal felon shall be afterwards convicted

Section 821 Professional Thieves Whoever being charged before a magistrate with being a professional thief burglar or pick-pocket after having been arrested if it shall be proven to the satisfaction of the said magistrate by sufficient testimony that he was frequently or attending any place for an unlawful purpose he shall upon conviction in a summary proceeding be sentenced to imprisonment for a term not exceeding ninety (90) days at labor or in the discretion of the magistrate be required to enter security for his good behavior for a period not exceeding one (1) year

Section 822 Embezzlement By Public Officers Whoever being an officer employe or agent of this Commonwealth or political subdivision thereof charged with the collection safe keeping transfer or disbursement of public money converts to his own use in any way whatsoever or uses by way of investment in any kind of property or merchandise any portion of the public money intrusted to him for collection safe keeping transfer or disbursement or proves a defaulter or fails to pay over the same when thereunto legally required by the person authorized to demand and receive the same or aids or abets or is an accessory to any such act is guilty of embezzlement a felony and upon conviction thereof shall be sentenced to undergo imprisonment by separate or solitary confinement at labor not exceeding ten (10) years and to pay a fine equal to the amount of the money embezzled

Section 823 Embezzlement by Tax Collectors Whoever being charged with the collection safe keeping or transfer of any taxes of the Commonwealth or any political subdivision thereof converts or appropriates the moneys so collected or any part thereof to his own use in any way whatever or uses by way of investment in any kind of property or merchandise any portion of the money so collected by him as taxes and proves a defaulter or fails to pay over the same or any part thereof at the time or place required by law and to the person legally authorized to demand and receive the same or aids or abets or is an accessory to such act is guilty of embezzlement a felony and upon conviction thereof shall be sentenced to undergo imprisonment not exceeding five (5) years or to pay a fine not exceeding five thousand dollars ($5,000) or both

Section 824 Embezzlement by Bankers Brokers Et Cetera Whoever being a banker broker attorney merchant or agent and being intrusted for safe custody with the property of any other person and with intent to defraud sells negotiable transfers pledges or in any manner converts or appropriates to or for his own use or the use of any other person such property or any part thereof is guilty of embezzlement a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or undergo imprisonment not exceeding two (2) years or both

Section 825 Embezzlement by Attorneys in Fact Whoever being intrusted with any power of attorney for the sale or transfer of any property fraudulently sells or transfers or otherwise converts such property or any part thereof to his own use or benefit or the use or benefit of any other person is guilty of embezzlement a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or undergo imprisonment not exceeding two (2) years or both

Section 826 Embezzlement by Consignees or Factors Whoever being a consignee or factor having the possession of merchandise with authority to sell the same or having possession of any bill of lading permit certificate receipt or order for the delivery of merchandise with the like authority deposits or pledges such merchandise or document consigned or intrusted to him as a security for any money borrowed or negotiable instrument received by such consignee or factor and applies or disposes of the same to his own use in violation of good faith with intent to defraud the owner of such merchandise or with like fraudulent intent applies or disposes of to his own use any money or negotiable instrument raised or acquired by the sale or other disposition of such merchandise is guilty of embezzlement a felony and upon conviction shall be sentenced to pay a fine not exceeding five thousand dollars ($5,000) or undergo imprisonment not exceeding five (5) years or both

Section 827 Embezzlement by Officers of Corporations Whoever being an officer director superintendent manager receiver employe agent attorney broker or member of any bank or other body corporate or public company municipal or quasi-municipal corporation fraudulently takes converts or applies to his own use or the use of any other person any of the money or other property of such bank body corporate or company municipal or quasi-municipal corporation or belonging to any person or persons corporation or association and deposited therein or in possession thereof is guilty of embezzlement a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or undergo imprisonment not exceeding two (2) years or both

Section 828 Embezzlement by Officers of Trust Annuity and Insurance Companies Whoever being any director officer agent or other person connected with or doing business for or with any fire marine or life insurance company trust or annuity company or any health or casualty insurance company or any company for the insurance of horses mules cattle and live stock fraudulently embezzles or appropriates to his own use or the use of any other person or persons any money or other property belonging to such company or left with or held by such company in trust as a special deposit or otherwise is guilty of embezzlement a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding nor less than the amount so appropriated or embezzled or be sentenced to undergo imprisonment for a term not exceeding five (5) years or both

Section 829 Embezzlement or Fraud by Officers and Agents of Banks Corporations and Associations Whoever being the president vice-president cashier treasurer secretary teller bookkeeper clerk employe or agent of any mutual savings bank savings bank bank of discount and deposit trust company title insurance company surety company or safe deposit company incorporated under the laws of this Commonwealth or of any private bank or unincorporated association receiving deposits of money or of any building and loan association or authorized to do business therein embezzles abstracts or wilfully misapplies any of the moneys funds or credits of any of said institutions or issues or puts forth any certificate of deposit draws any order or bill of exchange makes any acceptance assigns any note bond draft bill of exchange mortgage judgment or other instrument in writing or makes any false entry in any book report or statement of such institution with intent in either case to injure or defraud such institution or any other company body politic or corporate or person or deceives any officer of such institution or any bank examiner or other person legally authorized to examine the affairs of any such institution or for the benefit of himself as an individual or for the benefit of any corporation or copartnership of which he is an officer director agent employe or member and as such draws any order check or bill of exchange makes any acceptance assigns any note bond check draft or bill of exchange with intent to injure or defraud such institution or to deceive any bank examiner or with like intent aids or abets any president vice-president cashier treasurer secretary director trustee teller bookkeeper clerk employe or agent of such institution in any violation of this section is guilty of embezzlement a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred dollars ($500) nor more than five thousand dollars ($5,000) or undergo imprisonment for not less than six (6) months nor more than five (5) years or both

Section 830 Embezzlement by Trustees Whoever being a trustee of any property for the benefit either wholly or partially of some other person or for any public or charitable purpose and with intent to defraud converts or appropriates the same or any part thereof to or for his own use or purpose or the use or benefit of any other person or with intent aforesaid otherwise disposes of or destroys such property or any part thereof is guilty of embezzlement a misdemeanor and upon conviction thereof shall be sentenced to undergo imprisonment not exceeding two (2) years or to pay a fine not exceeding one thousand dollars ($1,000) or both

The word "trustee" as used in this section shall mean a trustee on some express trust created by deed will or instrument in writing and shall also include all executors administrators guardians and assignees

The word "property" shall include every description of real and personal property money debts and legacies and all deeds and instruments relating or evidencing the title or right to recover or receive any money or goods and shall also include not only such property as may have been the original subject of a trust but any property in which the same may have been converted and the proceeds thereof respectively or anything acquired by such proceeds

Section 831 Embezzlement by Transporters Whoever being engaged in carrying or transporting coal iron lumber or other articles of merchandise or property fraudulently sells or disposes of or pledges the same or any part thereof without the consent of the owner thereof is guilty of embezzlement a misdemeanor and shall on conviction be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo an imprisonment not exceeding one (1) year or both

Whoever knowingly buys and receives the said merchandise knowing the same to have been sold disposed of or pledged fraudulently shall on conviction be sentenced to the like punishment

Section 832 Misapplication of Public Moneys Collected for Special Purposes Whoever being the treasurer of a political subdivision applies any moneys collected by law for any special purpose to any purpose other than that for which such moneys shall have been collected is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than the amount so misapplied and undergo imprisonment for not exceeding one (1) year

Section 833 Refusal to Pay Over Money Collected on Execution a Misdemeanor Whoever being a constable receives money by virtue of an execution or other process and neglects or refuses upon application to him made by the party interested to pay the amount thereof to the party entitled to receive the same or to his agent or legal representative is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100) and shall stand committed until the money so withheld shall be paid together with the interest fine and costs and moreover shall for seven (7) years thereafter be incapable of holding the office of constable or the appointment of deputy constable

Section 834 Fraudulent Conversion of Property Whoever having received or having possession in any capacity or by any means or manner of any money or property of any kind whatsoever of or belonging to any other person or which any other person is entitled to receive and have fraudulently withholds converts or applies the same or any part thereof or the proceeds or any part of the proceeds derived from the sale or other disposition thereof to and for his own use and benefit or to and for the use and benefit of any other person is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or to undergo imprisonment not exceeding five (5) years or both

The offense specified in this section may be joined in the same bill of indictment with any other felony or misdemeanor arising out of the same transaction and there may be included in the same indictment as many counts as there are separate and distinct misdemeanors hereunder committed against the same person

Section 835 Fraudulent Conversion of Partnership etc Property Whoever being a member of a copartnership corporation or association without the consent of his associates in such copartnership corporation or association wilfully and fraudulently converts to his own use or takes or makes away with or secretes with intent to convert to his own use or to the use of another or withholds or appropriates or otherwise fraudulently applies or makes use of any money goods rights in action or other valuable securities or effects belonging to such copartnership corporation or association and which may have came into his possession or under his care or wilfully or fraudulently uses or pledges the name of the partnership corporation

or association for any other purpose than the bona fide use of said copartnership corporation or association is guilty of a misdemeanor and shall upon conviction thereof be sentenced to undergo imprisonment not exceeding two (2) years or to pay a fine not exceeding one thousand dollars ($1,000) or both

Section 836 Cheating By Fraudulent Pretenses Whoever by any false pretense obtains the signature of any person to any written instrument or obtains from any other person any chattel money or valuable security with intent to cheat and defraud any person of the same or being an officer manager agent employe of or in any way interested in any person by false pretense knowingly and with intent to defraud procures obtains or aids assists or abets in obtaining from any other person any chattels moneys or valuable securities for such person of which he is an officer manager agent employe or in which he is in any way interested is guilty of a felony and on conviction shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or undergo imprisonment not exceeding three (3) years or both

If upon the trial of any person indicted for such a misdemeanor it shall be proved that he obtained the property in question in such manner as to amount in law to larceny he shall not by reason thereof be entitled to be acquitted of such misdemeanor No person tried for such misdemeanor shall be liable to be afterwards prosecuted for larceny upon the same facts

Section 837 False Statements of Financial Condition Whoever knowingly makes or causes to be made directly or indirectly or through any agency any false statement in writing with intent that it shall be relied upon respecting the financial condition or means or present ability to pay of himself or of any other person in whom he is interested or for whom he is acting for the purpose of procuring either to himself or to the person in whom he is interested or for whom he is acting either the delivery of property the payment of cash the making of a loan or credit the extension of credit the discount or sale of an account receivable the procurement of contracts of surety or the making acceptance discount sale or endorsement of a bill of exchange promissory note or of any negotiable instrument for the benefit of either himself or of any such other person is guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or to undergo imprisonment not exceeding three (3) years or both

Section 838 Obtaining Property or Credit By False Statement Whoever knowingly makes a false statement in writing respecting the financial condition or means or present ability to pay of himself or any person in whom he is interested or for whom he is acting to procure or receive upon the faith of such false statement for the benefit either of himself or of any person in whom he is interested or for whom he is acting any property the payment of cash the making of a loan or credit the extension of credit the discount or sale of an account receivable the making or execution of any contract of surety or the making acceptance discount sale or endorsement of a bill of exchange promissory note or of any negotiable instrument is guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding two hundred dollars ($200) or to undergo imprisonment not exceeding six (6) months or both

Section 839 Representing That Former Statement is Still True Whoever knowing that a statement in writing has been made respecting the financial condition or means or present ability to pay of himself or of any person in whom he is interested or for whom he is acting represents subsequently in writing that such statement theretofore made if again made would still be true when in fact such statement if then made would be false and procures upon the strength thereof for the benefit of himself or of any person in whom he is interested or for whom he is acting any property the payment of cash the making of a loan or credit the extension of credit the discount or sale of an account receivable the making or execution of any contract of surety or the making acceptance discount sale or endorsement of a bill of exchange promissory note or of any negotiable instrument is guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or to undergo imprisonment not exceeding three (3) years or both

Section 840 False Statements Concerning Financial Institutions Whoever makes utters publishes writes circulates or transmits to another any statement or rumor untrue in fact in reference to the solvency or derogatory to the financial condition of any national or state bank banking house banking company trust company surety company guarantee company insurance company or any building and loan association or other financial institution in this Commonwealth or counsels aids procures or induces another to originate make utter publish write transmit or circulate to another any such statement or rumor is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not more than two thousand dollars ($2,000) or to undergo imprisonment at hard labor for a term not exceeding five (5) years or both

The falsity of the statement or rumor shall be prima facie evidence of intent to violate the provisions of this section

Section 841 False Statements and Entries By Officials of Financial Institutions Whoever being a director officer agent bookkeeper or clerk of any bank trust company or building and loan association wilfully and knowingly subscribes or makes any false statement of fact or false entry in the books of such bank trust company or building and loan association or knowingly subscribes or exhibits any false papers with intent to deceive any person authorized to examine as to the condition of such bank trust company or building and loan association or wilfully or knowingly subscribes to or makes any false report is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or undergo imprisonment not exceeding two (2) years or both

Section 842 Fraudulent Accounts Whoever being an officer director superintendent manager receiver employe agent attorney broker or member of any body corporate or public company or municipal or quasi-municipal corporation receives or possesses himself of any money or other property of such corporate or public company municipal or quasi-municipal corporation otherwise than in payment to him of a just debt or demand and with intent to defraud omits or fails to cause or directs to be made a full and true entry thereof in the books and accounts of such body corporate public company municipal or quasi-municipal corporation is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or undergo imprisonment by separate and solitary confinement at labor not exceeding three (3) years or both

Section 843 False Statements By Corporate Agents Whoever being an officer director superintendent manager receiver employe agent attorney broker member of any bank or other body corporate or public company municipal or quasi-municipal corporation makes circulates or publishes or concurs in making circulating or publishing any written or printed statement or account which he knows to be false in any particular with intent to deceive or defraud any member shareholder or creditor of such body corporate or public company municipal or quasi-municipal corporation or with intent to induce any person to become a shareholder or partner therein or to interest or advance any money or property to such body corporate or public company or to enter into any security for the benefit thereof is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine of one thousand dollars ($1,000) or undergo imprisonment by separate and solitary confinement at labor not exceeding three (3) years or both

Section 844 False State By Accountants Whoever practicing as an accountant public accountant auditor or certified public accountant wilfully issues or permits the

issuance of any false statement of the financial transactions standing or condition of any corporation partnership or individual business undertaking is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500) or undergo imprisonment for a period not exceeding one (1) year or both

Section 845 False Entries By Partners Whoever being a member of any copartnership or association and as such receives or possesses himself of any money or other property of such copartnership firm or association otherwise than in payment to him of a just debt or demand and with intent to defraud omits to make or to cause or direct to be made a full and true entry thereof in the books and accounts of such copartnership or association or with intent to defraud destroys alters mutilates or falsifies any of the books papers or writings or securities belonging to any such copartnership or association or concurs in making any false entry or material omission in any book of accounts or other documents is guilty of a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or undergo imprisonment not exceeding two (2) years or both

Section 846 Destroying or Mutilating Books of Corporation Whoever being an officer director superintendent manager receiver employe agent attorney broker or member of any bank or other body corporate or public company municipal or quasi-municipal corporation with intent to defraud destroys alters mutilates or falsifies any of the books papers writings or securities belonging to the bank body corporate or public company municipal or quasi-municipal corporation of which he is a director officer superintendent manager receiver employe agent attorney broker or member or makes or concurs in the making of any false entry or any material omission in any book of accounts or other document shall be guilty of a misdecount or other document shall be guilty of a felony and shall be imprisoned not exceeding three (3) years or fined not exceeding five thousand dollars ($5,000) or both

Section 847 Obtaining Possession of Motor Vehicles By False Promise Whoever with intent to defraud the owner or any person in lawful possession thereof obtains possession of his motor vehicle by agreeing to pay a rental for the use thereof based in whole or in part upon the distance such motor vehicle shall travel is guilty of a misdemeanor and upon conviction thereof shall be sentenced to undergo imprisonment for not less than thirty (30) days nor more than one (1) year or to pay a fine of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200) or both

The refusal to pay the rental for such motor vehicle or absconding without paying or offering to pay such rental shall be prima facie evidence of the intent to defraud

Section 848 Fraudulent Removal of Automobile Whoever places in any garage or automobile shop any automobile for storage repairing or garage service and surreptitiously removes or causes it to be removed by any false pretension or device with intent to defraud is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not more than one hundred dollars ($100) or undergo imprisonment not exceeding three months or both

Section 849 Fraudulent Use of Hired Teams and Conveyances Whoever wilfully or negligently abuses the confidence imposed in him by any livery stable keeper by driving or taking any team or conveyance hired or loaned any farther or greater distance than contracted or named at the time of hire or loan without promptly reporting and making known such extended use and compensating the owner therefor is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or undergo imprisonment not exceeding thirty (30) days or both

Such person shall also be liable to the owner of the team or conveyance in double amount of the injury done the property recoverable as claims of debt are now recoverable by law but the rate charged for any farther or greater distance than contracted for shall in no case be in excess of the rate per mile originally charged or agreed upon

Section 850 Rehypothecation of Stocks and Bonds Whoever repledges or rehypothecates any stocks bonds or other securities received in possession for money lent and borrowed during the continuance of the contract of hypothecation or pledging of such securities is guilty of a felony and on conviction thereof shall be sentenced to pay a fine not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) or undergo imprisonment for a period not exceeding three (3) years or both

This section shall not be construed to prevent brokers from pledging or hypothecating stocks or other securities which they have purchased in whole or in part with their own money or credit for others and for which they have not been wholly reimbursed by the parties for whom such stocks or other securities have been purchased

Section 851 Fraudulent Warehouses Receipts Whoever pledges sells transfers endorses assigns delivers or in any way passes to another the title to any paper not issued by a warehouseman or person owning or operating a warehouse or other place for the storing of goods and not being a warehouse receipt but made in the likeness or similitude as to design or contents of a warehouse receipt and calculated to induce any person to believe such paper to be a warehouse receipt and thereby obtains the signature of any person to any written instrument or obtains from any person any chattel money promissory note check or other negotiable instrument or valuable security is guilty of a misdeameanor and on conviction shall be sentenced to pay a fine not exceeding five thousand dollars ($5,000) or undergo imprisonment not exceeding three (3) years or both

Section 852 Receipt of Deposits by Insolvent Savings Banks Whoever being any officer or agent of a saving fund society national state or private bank or trust company or a broker knowingly receives for deposit or otherwise any sum of money when such institution or broker has not assets sufficient at their cash value to pay all its or his debts and liabilities is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or undergo imprisonment not exceeding three (3) years or both

Section 853 Frauds by Railroad Agents Whoever being in the employ of any railroad company fraudulently neglects to cancel or return to the proper officer company or agent any coupon or other railroad ticket with the intent to permit the same to be used in fraud or injury of any such company or steals or embezzles any such coupon or other railroad ticket or fraudulently stamps or prints or signs any such ticket is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding three thousand dollars ($3,000) and to undergo imprisonment by separate or solitary confinement at labor not exceeding five (5) years or both

Section 854 Worthless Checks and Drafts Whoever makes draws utters or delivers any check draft or order for the payment of money upon any bank banking institution trust company or other depository knowing at the time of such making drawing uttering or delivering that the maker or drawer has not sufficient funds in or credit with such bank banking institution trust company or other depository for the payment of such check although no express representation is made in reference thereto is guilty of a misdemeanor and upon conviction thereof shall be imprisoned not exceeding two (2) years or fined not exceeding one thousand dollars ($1,000) or both

In any prosecution under this section the making drawing uttering or delivering of a check draft or order payment of which is refused by the drawee because of lack of funds or credit shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in or credit with such bank banking institution trust company or other depository unless such maker or drawer shall have paid the drawee thereof the amount due thereon

together with interest and protest fees within ten (10) days after receiving notice that such check draft or order has not been paid to the drawee

The word "credit" as used in this section shall be construed to mean any arrangement of understanding with the bank banking institution trust company or other depository for the payment of such check draft or order

Section 855 False Certification of Check Whoever being an officer director agent or employe of any banking institution trust company or savings bank certifies any check drawn upon such banking institution trust company or savings bank unless the person drawing the check has on deposit with such banking institution trust company or savings institution at the time such check is certified an amount of money not less than the amount specified in such check or resorts to any device or receives any fictitious obligation directly or collaterally in order to evade the provisions of this section or certifies a check before the amount thereof shall have been regularly deposited in the bank or institution by the drawer thereof is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment for a term of not more than one (1) year or both

Section 856 Letters of Recommendation and False Impersonation Whoever obtains or attempts to obtain employment or appointment to any office or place of trust by color or aid of any false or forged letter or certificate of recommendation or of any false statement in writing as to his name residence previous employment or qualification or wilfully or intentionally or fraudulently represents himself to be a deaf or dumb or blind person in order to collect receive or otherwise to obtain money food clothing or anything of value whatsoever is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding a term of one (1) year or both

Section 857 Untrue False and Misleading Advertising Whoever with intent to sell or in any wise dispose of merchandise securities service or any other thing or with intent to increase the consumption thereof or to induce the public in any manner to enter into any obligation relating thereto or to acquire title thereto or any interest therein makes publishes disseminates or causes directly or indirectly the same to be made published diseminated circulated or placed before the public in a newspaper or other publication in the form of a book notice handbill poster sign bill circular pamphlet or letter or in any other way an advertisement of any sort regarding merchandise security investment service or anything so offered to the public or concerning the quantity quality value merit use present or former price cost reason for price motive for sale or concerning the method or cost of production or manufacture or the possession of rewards prizes or distinctions conferred regarding such merchandise security investment service or thing which advertisement contains any assertion representation or statement of fact which is untrue deceptive or misleading and which is known or which by the exercise of reasonable care should be known to be untrue deceptive or misleading is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

The provisions of this section shall not apply to any owner publisher printer agent or employes of a newspaper or other publication periodical or circular who in good faith and without knowledge of the falsity or deceptive character thereof publishes causes to be published or takes part in the publication of such advertisement

It shall be deemed deceptive advertising within the meaning of this section for any person engaged in the business of buying or selling new or second hand furs wearing apparel jewelry furniture pianos phonographs or other musical instruments motor vehicles stocks or generally any form of property real personal or mixed or in the business of furnishing any kind of service or investment to advertise by "liner ads" or likewise such articles property or service for sale in any manner indicating that the sale is being made by a private party or householder not engaged in such business and such advertisement shall affirmatively and unmistakably indicate and state that the seller is a business concern and not a private party

No owner of any newspaper or other publication or employe thereof shall hereafter accept any advertisement for its classified or other columns without at the time obtaining the name and address of the advertiser and making a record of the same which record shall be retained for a period of two weeks and shall be subject to the examination of any duly constituted law officer of this Commonwealth No owner or owners of any newspaper or publication or employe thereof shall knowingly accept any advertisement from any person engaged in any of the businesses mentioned in this section if such advertisement does not affirmatively state that the merchandise property or service advertised belong to and are the property of the business concern from whom such advertisement is directly or indirectly received

Every person engaged in any of the businesses mentioned in this section or in any other kind of business whether conducting such business in a store business block residence or other building shall at all times keep a conspicuous sign posted on the outside of his establishment and another conspicuous sign in the salesroom which sign shall clearly state the name of the person who actually owns said merchandise property or service which are being offered to the public and not the name of any other person but an exterior sign shall not be required where the seller has no control over the exterior of the premises where such business is conducted.

Section 858 Attaching Advertisement Without Consent of Publisher Whoever places or affixes or inserts or causes to be placed or affixed or inserted any advertisement notice circular pamphlet card handbill book booklet or other printed notice of any kind on or in or to any newspaper magazine periodical or book when such newspaper magazine periodical or book is in the possession of the owner or publisher thereof or in the possession of any newsdealer distributor or carrier or of any agent or servant of such owner or publisher without the consent of the owner or publisher is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars ($100) for each offense with costs of prosecution

Section 859 Fraudulent Use of "Consul" "Consulate" or Coat of Arms Whoever for exhibition display or advertisement purposes uses the word "Consul" or "Consulate" or any derivative or equivalent thereof in any language or the coat of arms of any foreign nation or any simulation thereof tending to convey the impression that the business so advertised has official relation to any foreign government is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment for not more than one (1) year or both

The provisions of this section shall not apply to a consular official of a foreign nation or country duly accredited to any city

Section 860 Tampering With Electrical Apparatus Whoever injuries or destroys or permits to be injured or destroyed any meter pipe conduit wire line pole lamp motor generator or other apparatus belonging to any person using or engaged in the manufacture or sale of electricity for the purpose of light heat or power or being a consumer or customer knowingly has in his possession or under his control an electric meter which has been tampered with or prevented from duly registering the quantity of electricity supplied or consumed or interferes or permits any interference with the proper action and just registration of any meter or without the consent of such person diverts any electric current from any wire of such person or otherwise uses or causes to be used without the consent of such person any electricity manufactured or supplied by such person is guilty of a misdemeanor and upon conviction thereof shall be sentenced to undergo imprisonment not exceeding six (6) months or to pay a fine not exceeding two hundred dollars ($200) or both

Nothing in this section shall in any way interfere with any lawful supervision or control of electric light and power companies their electric conductors appliances machinery and poles by the municipality within which the said companies are doing business or by the officers of

such municipality nor interfere with any right now existing in the councils of any muncipality to pass ordinances relating to regulating such electric light and power companies

Section 861 Fraud on Automatic Machines Whoever uses or attempts to use any false or counterfeit coin washer piece of metal or any other device or substance resembling or intended to resemble in shape size or weight any coin by inserting or attempting to insert the same into any automatic vending machine automatic telephone or any instrument machine apparatus meter or device which is operated or intended to be operated by the use or insertion thereinto of any coin or operates or attempts to operate any such machine telephone or device by any other fraudulent means method contrivance or artifice whatsoever not lawfully authorized by the owner lessee bailee or licensee of such machine telephone or device shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding fifty dollars two hundred dollars ($200) or to undergo imprisonment not exceeding sixty days six (6) months or both

Section 862 Manufacture of False Tokens to Operate Automatic Machines Whoever with intent to cheat or defraud the owner lessee licensee or other person entitled to the contents of any automatic vending machine automatic telephone or any instrument machine apparatus meter or device which is operated or intended to be operated by the use or insertion thereinto of any coin in furtherance of or connection with the sale use or enjoyment of property or service or the use or enjoyment or knowing or having cause to believe that the same is intended for faudulent or unlawful use on the part of the purchaser donee or user thereof manufacturers for sale sells or gives away any false or counterfeit coin washer piece of metal or other device or substance intended or calculated to be placed deposited or used in any such machine telephone instrument apparatus meter or device is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding one (1) year or both

Section 863 Spurious Archaeological Specimens Whoever manufacturers sells offers for sale or has in possession with intent to sell or offer for sale any object with intent to represent such object to be an original or genuine archaeological specimen or with the intent to deceive is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than twenty-five ($25) nor more than two hundred dollars ($200) or to undergo imprisonment for a period of not more than ninety (90) days or both

Section 864 False Representation that Meat is Kosher Whoever sells or exposes for sale in any place where food products are sold any article of food falsely represented as kosher either by direct statements orally or in writing or by the display of the word "kosher" in English or Hebrew letters or by the display of any sign or mark in simulation of such word insignia six-pointed star or any mark which might reasonably be calculated to deceive or lead a reasonable person to believe that a representation is being made that the food exposed for sale or sold is kosher or prepared in accordance with orthodox Hebrew religious requirements or sells or exposes for sale any meat or meat preparation and falsely represents the same to be kosher whether such meat or meat preparations be raw or prepared for human consumption or as having been prepared under and of a product or products sanctioned by the orthodox Hebrew religious requirements or falsely represents any food products or the contents of any package or container to be so constituted and prepared by having or permitting to be inscribed thereon the word "kosher" in any language or sells or exposes for sale in the same place of business both kosher and nonkosher meat or meat preparations either raw or prepared for human consumption and fails to indicate on his window signs and all display advertising in block letters at least four (4) inches in height "Kosher and Nonkosher meat sold here" or exposes for sale on any show window or place of business both kosher and nonkosher meat or meat preparations either raw or prepared for human consumption and fails to display over each kind of meat or meat preparations so exposed a sign in block letters at least four (4) inches in height reading "kosher meat" or "nonkosher meat" as the case may be is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500) or undergo imprisonment of not exceeding six (6) months or both

Section 865 Fraudulent Dealing in Liquid Fuels and Oils (a) Whoever stores sells exposes for sale or offers for sale any liquid fuels lubricating oils or other similar products in any manner so as to deceive or tend to deceive the purchaser as to the nature quality and identity of the product so sold or offered for sale shall be subject to the penalties provided in clause (f) of this section

(b) Whoever stores keeps exposes for sale offers for sale or sells from any tank or continer or from any pump or other distributing device or equipment any other liquid fuels lubricating oils or other similar products than those indicated by the name trade name symbol sign or other distinguishing mark or device of the manufacturer or distributor appearing upon the tank container pump or other distributing equipment from which the same are sold offered for sale or distributed shall be subject to the penalties provided by clause (f) of this section

(c) Whoever disguises or camouflages his own equipment by imitating the design symbol trade name of the equipment under which recognized brands of liquid fuels lubricating oils and similar products are generally marketed shall be subject to the penalties provided by clause (f) of this section

(d) Whoever exposes for sale offers for sale or sells under any name in general use any liquid fuels lubricating oils or other like products except those manufactured or distributed by the manufacturer or distributor marketing liquid fuels lubricating oils or other like products under such trade name or substitute mixes or adulterates the liquid fuels lubricating oils or other similar products sold offered for sale or distributed under such trade name shall be subject to the penalties provided by clause (f) of this section

(e) Whoever aids or assists any other person in the violation of the provisions of this section by depositing or delivering into any tank receptacle or other container any other liquid fuels lubricating oils or like products than those intended to be stored therein and distributed therefrom as indicated by the name of the manufacturer or distributor or the trade name of the product displayed on the container itself or on the pump or other distributing device used in connection therewith shall be subject to the penalties provided by clause (f) of this section

(f) Whoever violates any of the provisions of this section is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than two hundred dollars ($200) nor more than five hundred dollars ($500) for the first offense and of not less than five hundred dollars ($500) nor more than two thousand dollars ($2,000) for each susbequent offense or in the case of the second conviction shall undergo imprisonment of not less than sixty (60) days nor more than one (1) year or both

Section 866 Traffic in Registered Bottles Whoever without the written permission of the owner thereof refills with any beverage or other article of merchandise for the purpose of sale or without such premission buys or sells or deals or trafficks in any bottle having impressed upon it the manufacturer's or vendor's name or other mark which shall have been registered according to law is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment for a term not exceeding six (6) months or both

The refilling of any bottle other than by the rightful owner or the using of the same for the sale therein of any beverage or other article of merchandise or having in possession of said bottle for the purpose of dealing or trafficking therein shall be prima facie proof of the unlawful use or unlawful dealing or trafficking in such bottles

Section 867 Destruction of Milk Bottles Whoever wil-

fully and maliciously breaks or destroys any milk bottle or other dairy product container except paper containers and containers used for the retail sale of milk or evaporated milk is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or undergo imprisonment for a period not exceeding sixty (60) days or both

Section 868 Unlawful Use of Containers Bearing Owner's Name Whoever uses in the sale exchange or delivery of milk or cream or their products or any other products any bottle jar vessel can or other container of another upon which is stamped blown or engraved the name title or mark of the owner without the permission of the owner thereof is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding twenty-five dollars ($25) or undergo imprisonment for a period not exceeding one (1) month or both

Section 869 Unauthorized Use of Stamped Containers Whoever without the consent of the owner thereof sells or offers for sale any milk can butter tub or box used for the transportation of milk cream butter or other produce having the name and residence of the owner stamped thereon or wilfully detains for his own use or has in his possession for any cause any milk can butter tub or box belonging to another without the consent of the owner thereof or wilfully removes obliterates mutilates or otherwise destroys any lettering or plate containing the name and residence of such owner or owners of any milk can butter tub or box used for the transportation of milk cream butter or other produce without the consent of the owner is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or undergo imprisonment not exceeding thirty (30) days or both

Section 870 Fortune Telling Whoever pretends for gain or lucre to tell fortunes or predict future events by cards tokens the inspection of the head or hands of any person or by any one's age or by consulting the movements of the heavenly bodies or in any other manner or for gain or lucre pretends to effect any purpose by spells charms necromancy or incantation or advises the taking or administering of what are commonly called love powders or potions or prepare the same to be taken or administered or publishes by card circular sign newspaper or other means that he can predict future events or for gain or lucre pretends to enable anyone to get or to recover stolen property or to tell where lost property is or to stop bad luck or to give good luck or to put bad luck on a person or animal or to stop or injure the business or health of a person or shorten his life or to give success in business enterprise speculation and games of chance or to win the affections of a person or to make one person marry another or to induce a person to make or alter a will or to tell where money or other property is hidden or to tell where to dig for treasure or to make a person to dispose of property in favor of another is guilty of a misdemeanor and upon conviction thereof shall be sentenced to a term of imprisonment not exceeding one (1) year or a fine not exceeding five hundred dollars ($500) or both

Any publication contrary to this section may be given in evidence to sustain the indictment

Any person whose fortune may have been told shall be a competent witness against the person charged with violating this section

Section 871 Fraud on Hotel Board-House and Inn Keepers Whoever with intent to cheat or defraud shall obtain food lodging credit or other accommodation in any hotel inn or boarding house is guilty of a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding two hundred dollars ($200) or undergo imprisonment not exceeding six (6) months or both at the discretion of the court

Proof that lodging food or other accommodations were obtained by false pretense or by false or fictitious show or protense of any baggage or other property or that the person refused or neglected to pay for such food lodging or other accommodation on demand or that he gave in payment for such food lodging or other accommodation negotiable paper on which payment was refused or that he absconded without paying or offering to pay for such food lodging or other accommodation or that he surreptitiously removed or attempted to remove his baggage shall be prima facie proof of the fraudulent intent mentioned in this section but this act shall not apply where there has been an agreement in writing for delay in payment for a period to exceed ten (10) days

Section 872 Fraudulent Marking of "Gold" Whoever makes or sells or offers to sell or to dispose of or has in his possession with intent to sell or to dispose of any article of merchandise marked stamped branded or labeled "gold" or "solid gold" which contains less than ten (10) karats of pure gold is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or undergo imprisonment not exceeding three (3) months or both

Section 873 Fraudulent Marking of Gold Fineness Whoever makes or sells or offers to sell or to dispose of or has in his possession with intent to sell or dispose of any article of merchandise marked stamped or branded with any karat of gold not less than ten (10) in fineness or wrapped encased or enclosed in any box package cover or wrapper or other thing in or by which the said article is packed wrapped encased or enclosed or otherwise prepared for sale or distribution having thereupon any engraving label stamp imprint mark or trademark indicating or denoting by such marking stamping branding engraving or printing that such article is of any other number of karat of gold of not less than ten (10) in fineness unless the component parts of which the said article is made are in the following ratio If eighteen (18) karat then eighteen (18) parts of pure gold and six (6) parts alloy if fourteen (14) karat then fourteen (14) parts of pure gold and ten (10) parts alloy if ten (10) karat then ten (10) parts pure gold and fourteen (14) parts alloy and other quantities in the same proportion with twenty-four (24) karats as the standard of pure gold is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or undergo imprisonment not exceeding three (3) months or both

Section 874 Fraudulent Marking of Silver Whoever makes or sells or offers to sell or to dispose of or has in his possession with intent to sell or to dispose of any article of merchandise marked stamped or branded with the words "sterling" or "sterling silver" or wrapped encased or enclosed in any box package cover or wrapper or other thing in or by which the said article is packed wrapped enclosed encased or otherwise prepared for sale or disposition having thereupon any engraving label stamp imprint mark or trade-mark indicating or denoting by such marking stamping branding engraving or printing that such article is sterling or sterling silver unless nine hundred and twenty-five thousandths (925/1000) of the component parts of the metal of which the said article is made is pure silver is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or undergo imprisonment not exceeding three (3) months or both

Section 875 Fraudulent Marking of Coin Silver Whoever makes or sells or offers to sell or to dispose of or has in his possession with intent to sell or dispose of nay article of merchandise marked stamped or branded with the words "coin" or "coin silver" or wrapped encased or enclosed in any box package cover wrapper or other thing in or by which the said article is packed wrapped enclosed encased or otherwise prepared for sale or disposition having thereupon any engraving label stamp imprint mark or trade-mark indicating or denoting by such marking stamping branding engraving or printing that such article is coin or coin silver unless nine hundred one-thousandths (900/1000) of the component parts of the metal of which the said article is made is pure silver is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundrd dollars ($100) or undergo imprisonment not exceeding three (3) months or both

Section 876 Fraudulent Marking of Mounting as Sterling Whoever makes or sells or offers to sell or to dispose of or has in his possession with intent to sell or dis-

pose of any article of merchandise comprised of any material to which is attached a metal mounting or trademark indicating or denoting by such marking stamping branding with the words "sterling" or "sterling silver" unless such attached metal mounting shall contain not less than nine hundred and twenty-five one-thousandths (925/1000) parts of pure silver is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or undergo imprisonment not exceeding three (3) months or both

Section 877 Fraudulent Marking of Mounting as Coin Whoever makes or sells or offers to sell or dispose of or has in his possession with intent to sell or dispose of any article of merchandise comprised of any material to which is attached a metal mounting marked stamped or branded with the words "coin" or "coin silver" unless such attached metal mountaining shall contain not less than nine hundred one-thousandths parts (900/1000) parts of pure silver is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or undergo imprisonment not exceeding three (3) months or both

Section 878 Unpublished Dramas and Musical Composition Whoever publicly presents for profit without consent of the author or authors thereof any unpublished dramatic play or musical composition is guilty of a misdemeanor and on conviction thereof shall for each offense be sentenced to pay a fine not exceeding one hundred dollars ($100) or to undergo imprisonment not exceeding three (3) months or both

Section 879 Purchase of Junk Whoever buys or receives from minors knowing them to be such or from any person unknown to the person so buying or receiving or from any person pursuing no trade labor or employment for a livelihood any junk rope scrap iron brass lead copper or other metal is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment of not more than one (1) year or both

Section 880 False Registration of Domestic Animals Whoever by any false pretence obtains from any club association society or company for improving the breed of domestic animals the registration or transfer of registration of any animal in its herd or other register or knowingly gives a false pedigree of any animal is guilty of a misdemeanor and shall upon conviction thereof be sentenced to undergo imprisonment not exceeding one (1) year or to pay a fine not exceeding five hundred dollars ($500) or both

Section 881 Fraudulent Entry of Horses in Races Whoever enters or causes to be entered for competition or competes for any purse prize premium stake or sweepstake offered or given by any agricultural or other society association or person any horse mare or gelding colt or filly under an assumed name or out of its proper class when such price purse premium stake or sweepstake is to be decided by a contest in trotting or pacing races is guilty of a misdemeanor and upon conviction thereof shall be sentenced to undergo imprisonmnet not exceeding six (6) months or to pay a fine not exceeding two hundred dollars ($200) or both

Section 882 Destruction of Deeds Securities and Records Whoever fraudulently or maliciously tears burns or in any other way destroys any deed lease will bond bill note check draft or other security for the payment of money or the delivery of goods or any certificate of loan or other public security of this Commonwealth or of the United States or any of them or any certificates of the stock or debt of any bank corporation or society or of any foreign country or any receipt acquittance release or discharge of any debt suit or other demand or any transfer or assurance of money stock goods chattels or other property or any letter of attorney or other power or any day book or other book of accounts or any agreement or contract whatever with intent to defraud prejudice or injure any person bank body corporate society or association is guilty of a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) or to undergo imprisonment not exceeding three (3) years or both

Section 883 Identifying Marks on Machines and Apparatus Whoever removes alters defaces covers or destroys the manufacturer's serial number or any other manufacturer's number or distinguishing number or identification mark upon any machine or other apparatus for the purpose of concealing or destroying the identity of any such machine or other apparatus or takes in his possession any such machine or apparatus from which the manufacturer's serial number or any other manufacturer's number or distinguishing number or identification mark has been removed altered defaced covered or destroyed for the purpose of concealing or destroying the identity of such machine or other apparatus knowing at the time of taking possession of such removal alteration defacement covering or destruction is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or undergo imprisonment for a period not exceeding six (6) months or both

This section shall not be construed to apply to electric storage batteries

Section 884 Electric Storage Batteries Whoever removes defaces alters or destroys or causes to be removed defaced altered or destroyed the word "rental" or any other word mark or character printed or painted or stamped upon or attached to any electric storage battery which has been so placed upon or attached to identify the same as belonging to or being the property of any other person or sells disposes of delivers or gives or attempts to sell dispose of deliver or give to any person other than the owner thereof any electric storage battery upon which the word "rental" or any other word mark or character is attached for the purpose of identifying the said electric storage battery as belonging to or being the property of any other person or being engaged in buying selling or recharging electric storage batteries receives or retains in his possession or recharges except in cases of emergency any electric storage battery not owned by such person upon which the word "rental" or any other word mark or character is printed painted or stamped or to which such work or mark or character is attached for the purpose of identifying the said electric storage battery as belonging to or being the property of any other person or retains in his possession for a longer period than ten (10) days without the written consent of the owner any electric storage battery upon which the word "rental" or any other word mark or character is printed painted or stamped or to which any such word mark or character is attached for the purpose of identifying the said electric storage battery as belonging to or being the property of any other person is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or undergo imprisonment for a term not exceeding ninety (90) days or both

Section 885 Confession of Judgment to Defraud Creditors Whoever confesses or authorizes the confession of a judgment against himself or against any copartnership corporation or association represented by him in favor of one not a bona fide creditor with intent to defraud his creditors or any of them or the creditors of such copartnership corporation or association or any of them is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or to undergo imprisonment not exceeding two (2) years or both

Section 886 Removing or Secreting Property to Defraud Creditors Whoever removes any of his property or the property of any other person out of any county with intent to prevent the same from being levied upon by virtue of any execution or to prevent the said property from being sold by virtue of any execution after levy has been made thereon or secretes assigns conveys or otherwise dispose of any of his property or the property of any other person with intent to defraud any creditor or to prevent such property from being levied upon by virtue of any execution or to prevent such property from being sold by virtue of any execution after levy has been made thereon or to prevent such property from being made liable for the payment of his debts or the debts of

any other person or receives such property with such intent or with like intent colludes with any debtor or other person for the concealment or removal of such property or for giving a false color thereto or conceals any grant sale lease bond or other instrument or proceeding either in writing or by parol or becomes a grantee purchaser lessee obligee or other like party in any such instrument or proceeding with the like fraudulent intent or acts as broker scrivener agent or witness in regard to such instrument or proceeding with like intent is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) or undergo imprisonment not exceeding two years or both

Section 887 Concealment of Goods from Officer Whoever being in possession of goods and chattels of any description belonging to another either as storage or warehouseman pawnbroker second-hand dealer or junkdealer conceals from any constable or sheriff entrusted with the execution of any writ any such goods or chattels with intent to prevent the same from being taken or levied upon under any such writ is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

The refusal to disclose or point out to any constable or sheriff the whereabouts of any such goods or chattels shall be evidence of the intent to conceal such goods and chattels as provided for in this section

Section 888 Illegally Wearing Insignia Whoever wilfully wears or displays on a vehicle any insignia emblem badge or button of any association club society or trade or labor union or uses the same to obtain aid assistance or service unless he shall be entitled to use wear or display the same under the constitution and by-laws rules and regulations of such organization is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or shall be sentenced to undergo imprisonment for a period not exceeding sixty (60) days or both

Section 889 Illegally Wearing Military Insignia Whoever wilfully wears the insignia badge shield or button of the Loyal Legion of the United States or the Grand Army of the Republic or the Order Sons of Veterans or the Spanish-American War Veterans or the Society of Spanish-American or Philippine Wars or the American Legion or the Veterans of Foreign Wars of the United States or the Disabled American Veterans of the World War on the official decorations of any of said organizations or uses the same to obtain aid or assistance unless he is entitled to use or wear the same under the constitution and by-laws rules and regulations of such organizations is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not to exceed one hundred dollars ($100) or be imprisoned for a period not to exceed sixty (60) days or both

Section 890 Illegally Wearing Military Discharge Button Whoever wears the discharge button issued by the United States Government to soldiers sailors marines and war nurses who served in the military or naval forces of the United States during times of war when not entitled to do so under the laws or regulations of the United States Government by virtue of which the same were issued is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or be imprisoned for a period not to exceed sixty (60) days or both

Section 891 Illegally Wearing Military Uniform Whoever wears the uniform or any distinctive part thereof of the United States Army Navy Marine Corps Revenue Cutter Service or Coast Guard or of the National Guard while soliciting alms or while engaged for personal profit in selling merchandise or taking orders for the same or while engaged for personal profit in seeking or receiving contributions in support of any cause enterprise or undertaking or while engaged in soliciting or receiving subscriptions to any book paper or magazine unless said wearer is a duly authorized solicitor of the Grand Army of the Republic the United Spanish War Veterans the Veterans of Foreign Wars of the United States the American Legion or the Disabled American Veterans of the World War or any local branch camp or post thereof is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or undergo imprisonment for not more than two (2) months or both

This section shall not apply to any member of the United States Army Navy Marine Corps Revenue Cutter Service or Coast Guard or to any member of the National Guard while in service

Section 892 Illegal Sale of Veterans' Flowers Whoever imitates sells or offers to sell the labeled artificial flowers of the American Legion Veterans of Foreign Wars Spanish American War Veterans and Disabled American Veterans of the World War namely the poppy the buddy poppy carnation and the forget-me-not except on the day or day designated or appointed by the respective veterans' organizations to conduct such sales shall upon conviction in a summary proceeding be sentenced to pay a fine of not more than fifty dollars ($50) and in default of the payment of such fine and costs shall be sentenced to imprisonment for ten (10) days

Section 893 Illegal Dealing in and Theft of Military Decorations Whoever purchases sells accepts as a pledge or pawn or offers for sale steals or converts to his own use when not entitled to such use a victory medal service button or other medal insignia or decoration granted by the Government of the United States for service in the army navy marine or nurses corps is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment for a term not exceeding one (1) year or both

Section 894 Fraud on Association Having Grand Lodge Whoever fraudulently uses in a newspaper or other publication or in any letter writing circular paper pamphlet or other written or printed notice matter or device or by word of mouth or in any other manner without the authority of the grand lodge hereinafter mentioned or aids in the use of the name or title of any secret fraternal association society order or organization which has had a grand lodge having jurisdiction in this Commonwealth for ten (10) years or longer or imitates such name or title or any name or title so nearly resembling it as to be calculated to deceive or wears or uses or aids in the wearing or use of any emblem badge button device or insignia fraudulently or with the intent to deceive or without the authority of the grand lodge publishes sells lends gives away circulates or distributes any letter writing circular paper pamphlet or other written or printed notice or device advertising for or soliciting members or applications for membership in such secret fraternal association society order or organization or in any alleged or pretended association society order or organization using or designated or claimed to be designated or known by such title or imitation or resemblance thereof or offers to sell or to confer or to communicate or to give information directly or indirectly as to where how of whom or by what means any alleged or pretended degrees or any alleged or pretended secret work or any alleged or pretended secrets of such secret fraternal association society association order or organization or of any alleged or pretended association society order or organization designated or claimed to be known by such title or imitation or resemblance thereof can or may be obtained conferred or communicated is guilty of a misdemeanor and upon conviction shall be sentenced to imprisonment for not more than two (2) years or to pay a fine not exceeding one thousand dollars ($1,000) or both

Any such letter writing circular paper pamphlet or other written or printed notice advertising matter or device shall be deemed presumptive proof of the fraudulent character of the scheme therein referred to and of an intent to violate this section

Section 895 Unlawful Collection Agency Practices (a) The following words and terms as used in this section shall be construed as follows

"Person" means and includes an individual partnership association or corporation and any employe agent director or officer thereof

"Claim" means and includes any claim demand account note or any other chose in action or liability of any kind whatsoever

"Debtor" means and includes any person against whom a claim is asserted and

"Creditor" means and includes a person having or asserting such a claim

(b) It is unlawful for a collection agency to appear for or represent a creditor or other person in any proceeding or in any action or proceeding for or growing out of the appointment of a receiver or trustee or in connection with an assignment for the benefit of creditors or to present any claim or to vote on behalf of a creditor whether an assignee or transferee of such claim or by virtue of a proxy or otherwise or to represent any creditor in any action or proceeding in any court or before any alderman or justice of the peace in this Commonwealth or to solicit from any creditor any claim for any of the purposes forbidden by this section

(c) It is unlawful for a collection agency for the purpose of collecting or enforcing the payment thereof directly or indirectly to buy take an assignment of or to become in any manner interested in the buying or taking of an assignment of any such claim

(d) It is unlawful for a collection agency to furnish or offer to furnish legal services directly or indirectly or to offer to render or furnish such services within or without this Commonwealth Provided however That the forwarding of a claim by a collection agency to an attorney or attorneys at law for the purpose of collection shall not be construed as furnishing legal service

(e) It is unlawful for a collection agency to act for represent or undertake to render services for any debtor with regard to the proposed settlement or adjustment of the affairs of such debtor whether such compromise settlement or adjustment be made through legal proceedings or otherwise or to demand ask for or receive any compensation for services in connection with the settlement or collection of any claim except from the creditor for whom it has rendered lawful services

(f) It is unlawful for a collection agency to solicit employment for any attorney at law or firm or group of attorneys at law whether practicing in this Commonwealth or elsewhere or to receive from or divide with such attorney or attorneys at law any portion of any fee received by such attorney or attorneys at law but the established custom of sharing commissions at a commonly accepted rate upon collection of claims between a collection agency and an attorney or attorneys at law is not prohibited hereby

(g) It is unlawful for a collection agency to coerce or intimidate any debtor by delivering or mailing any paper or document simulating or intending to simulate a summons warrant writ or court process as a means for the collection of a claim or to threaten legal proceedings against any debtor but nothing contained herein shall prohibit a collection agency from informing a debtor that if a claim is not paid it will be referred to an attorney or attorneys at law for such action as he is they may deem necessary without naming a specific attorney or attorneys and nothing herein contained shall be construed to prohibit a magistrate from sending out notices to debtors before the institution of suit

(h) Whoever violates any of the provisions of this section is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500) or to undergo imprisonment of not more than one (1) year or both

Section 896 Fraudulent Traffic in Food Orders As used in this section the term "food order" shall mean any order issued by or under the authority of any public relief or assistance agency authorizing the furnishing and delivery of food to any person or persons therein named or described

Whoever whether acting for himself or for another directly or indirectly furnishes or delivers to any person money merchandise or anything other than food on or in exchange for a food order or furnishes or delivers food on or in exchange for a food order to any person other than the original recipient of the order or in quantities or for prices other than those itemized on the food order at the time the food is furnished or delivered shall upon summary conviction before a magistrate be sentenced to pay a fine of not more than one hundred dollars ($100) and costs of prosecution and in default of payment thereof shall be sentenced to undergo imprisonment for not less than ten (10) nor more than thirty (30) days In addition to the penalties hereinbefore prescribed the defendant shall also be adjudged to pay to the agency which shall have issued such food order the face amount thereof

This section shall not apply to the negotiation of a food order after food to the full amount of the order shall have been furnished thereon to the original recipient of the order

ARTICLE IX

Offenses Against Real Property and Malicious Mischief

Section 901 Burglary Whoever at any time wilfully and maliciously enters any building with intent to commit any felony therein is guilty of burglary a felony and upon conviction thereof shall pe sentenced to pay a fine not exceeding ten thousand dollars ($10,000) or to undergo imprisonment by separate or solitary confinement at labor not exceeding twenty (20) years or both

Section 902 Burglary with Explosives Whoever at any time wilfully and maliciously enters any building with intent to commit a felony by the use of an explosive is guilty of burglary a felony and upon conviction thereof shall be sentenced to pay a fine not exceding ten thousand dollars ($10,000) or undergo imprisonment by separate and solitary confinement at labor not exceeding twenty (20) years or both

Section 903 Burglary of Railroad Cars Whoever at any time wilfully and maliciously enters any car caboose locomotive wilfully or maliciously either by day or by night with motor vehicle trailer boat aircraft or any other vehicle with intent to commit any felony therein is guilty of burglary a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment by separate and solitary confinement at labor not exceeding four (4) years or both

Section 904 Possession of Burglary Tools Whoever has in his possession any tool false-key lockpick bit nippers fuse force-screw punch drill jimmy or any material implement instrument or other mechanical device designed or commonly used for breaking into any vault safe railroad car boat vessel warehouse store shop office dwelling house or door shutter or window of a building of any kind with the intent to use such tools or instruments for any of the felonious purposes aforesaid is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1000) or undergo imprisonment by separate or solitary confinement for a period of not more than three (3) years or both

Section 905 Arson Whoever wilfully and maliciously sets fire to or burns or causes to be burned or who aids counsels or procures the burning of any dwelling house kitchen shop barn stable or other outhouse that is parcel thereof or belonging to or adjoining thereto whether the property of himself or of another is guilty of a felony arson and upon conviction thereof shall be sentenced to imprisonment in solitary confinement for not exceeding twenty (20) years and fined not exceeding ten thousand dollars ($10,000) or both

Whoever wilfully or maliciously sets fire to or burns or causes to be burned or aids counsels or procures the burning of any building whether the property of himself or of another not a parcel of a dwelling house or any other building or structure used in connection with any industrial establishment or mine whether the property of himself or of another or any bridge is guilty of the felony of arson and upon conviction thereof shall be sentenced to imprisonment for not more than ten (10) years and fined not more than five thousand dollars ($5000) or both

Section 906 Burning to Defraud Insurer Whoever wilfully and with intent to injure or defraud the insurer sets fire to or burns or causes to be burned or who aids counsels or procures the burning of any goods wares merchandise or other chattels or personal property of any kind whether the property of himself or of another which at the time is insured by any person or corporation

against loss or damage by fire is guilty of a felony and upon conviction thereof shall be sentenced to imprisonment for not more than seven (7) years or fined not exceeding three thousand dollars ($3,000) or both

Section 907 Firing Personal Property Any person who without the consent of the owner wilfully and maliciously sets fire to or burns or causes to be burned or who aids counsels or procures the burning of any barrack cock crib rick or stack of hay corn wheat oats barley or other grain vegetable product or any field of standing hay or grain of any kind or any pile of coal wood fuel planks boards posts rails or other lumber or any street car railway car ship boat or other water craft automobile or other motor vehicle or any other personal property not herein specifically named (such property being of the value of twenty-five dollars ($25) and the property of another person) is guilty of a felony and shall upon conviction thereof be sentenced to imprisonment for not exceeding two (2) years or fined not exceeding one thousand dollars ($1000) or both

Section 908 Attempt to Commit Arson Whoever wilfully and maliciously attempts to set fire to or attempts to burn or to aid counsel or procure the burning of any of the buildings or property attached thereto or in furtherance thereof is guilty of a misdemeanor and upon conviction thereof shall be sentenced to imprisonment for not less than one (1) nor more than two (2) years or to pay a fine not to exceed one thousand dollars ($1,000) or both

The placing or distributing of any flammable explosive or combustible material or substance or any device in any building or property in an arrangement or preparation with intent to eventually wilfully and maliciously set fire to burn the same or to procure the setting fire to or burning of the same constitutes an attempt to burn such building or property

Section 909 Possession Not to Exempt Prosecution for Arson No principle or policy of law because the defendant has been in possession as tenant or otherwise at the time of the commission of the offense exempts any person from conviction and punishment if he wilfully and maliciously burns or causes to be burned or causes or attempts to set fire to any building

Section 910 Injury to Property of Public Library Museum etc Whoever wilfully cuts mutilates or otherwise injures any book volume map chart magazine newspaper painting engraving or statuary belonging to or deposited in any public library museum or gallery or in any department of this Commonwealth or procures such injury to be done is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than three hundred dollars ($300 or undergo imprisonment not exceeding six (6) months or both and shall be liable to make good the said damage or injury to said institution in addition to the aforesaid fine and imprisonment

No prosecution shall be maintained under this section unless the library museum gallery or department prosecuting shall have at least two printed copies of this section conspicuously placed upon its premises

Section 911 Retention of Library Property After Notice to Return Whoever retains any book pamphlet magazine newspaper manuscript map or other property belonging in or to or on deposit with the State Library or any free public library which is established or maintained under any law of this Commonwealth or any public school library or the library of any university college or educational institution chartered by the Commonwealth or any branch reading room deposit station or agency operated in connection therewith for a period exceeding thirty (30) days after such library has given written notice to return the same shall upon conviction in summary proceedings be sentenced to pay a fine of not more than ten dollars ($10) to be paid over by the magistrate imposing such fine to the library instituting the prosecution and costs of prosecution Any person in default of payment of such fine and costs shall undergo imprisonment in the county jail for a period not exceeding ten (10) days

Such notice may be given by personal service upon the borrower or by the mailing of a registered letter to the borrower's address on file with said library The notice shall recite this act and shall contain a demand that the property be returned

Section 912 Injuring Property at Exhibition Whoever wilfully injures or destroys the property of exhibitors visitors or lessees at any fair or shall hinder or obstruct the officers and police in their duties is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not more than one hundred dollars ($100) or undergo imprisonment not exceeding three (3) months or both

Section 913 Malicious Mischief to Works of Art etc Whoever unlawfully and maliciously destroys or damages anything kept for the purpose of art science or literature or as an object of curiosity in any museum gallery cabinet library or other repository which museum gallery cabinet library or other repository is either at all times or from time to time open for the admission of the public or any considerable number of persons to view the same either by the permission of the proprietor thereof or by payment of money for entering the same or any picture statue monument or painted glass in any church meeting house or other place of religious worship or any statue monument memorial tablet or work of art erected within any building or on any grounds for public view is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding three hundred dollars ($300) or to undergo imprisonment not exceeding six months or both

Section 914 Malicious Mischief to Monuments Whoever unlawfully wilfully or recklessly injures or defaces any statue or monument erected by the authority of or within the Commonwealth or in like manner alters defaces adds to or changes any of the inscriptions upon any such statue or monument is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo an imprisonment not exceeding one (1) year or both

Section 915 Malicious Mischief to Windows Doors Bells and Signs Whoever wilfully and maliciously breaks injures or destroys any window door or fixture belonging to any dwelling house hunting lodge cabin cottage barn or out-house parcel thereof or unlawfully and maliciously breaks or takes off from the door any knocker or bell-pull or plate inscribed with the name of the occupant or number of the house or other building or wilfully and maliciously destroys takes down injures or defaces any sign put up by an inhabitant to denote the place of abode his abode occupation business employment or place of abode for hunting fishing or recreation purposes is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding three hundred dollars ($300) or suffer imprisonment not exceeding six (6) months or both

Section 916 Malicious Injury to Property Whoever unlawfully and maliciously breaks injures or otherwise destroys or damages any part of any locomotive or stationary engine inclined plane engine house station or depot bridge culvert trussel work or other building or structure belonging to any railroad or wantonly and maliciously deranges or displaces the fixtures or machinery of any locomotive or stationary engine used or employed on any railroad or wilfully and maliciously destroys or injures any fence or wall cross road passing over or under such railroad or unlawfully and maliciously breaks injures or otherwise destroys or damages any of the posts wires or other materials or fixtures employed in the construction and use in any line of an electrical telegraph or wilfully and maliciously interferes with such structure so erected or in any way attempts to lead from its uses or make use of the electrical current or any portion thereof properly belonging to and in use or in readiness to be made use of for the purpose of communicating telegraphically from one station of a telegraph company to another established station of the same or a connecting telegraph line or unlawfully and maliciously breaks injures or otherwise destroys or damages any bridge river or meadow bank or mill dam or wilfully and maliciously takes down injures removes or in any manner damages or destroys any flag flag-staff beacon buoy or other way or water marks which now are or hereafter may be put erected or placed by lawful authority near or in any streams that are or may be declared public highways or unlawfully and maliciously cuts breaks or otherwise destroys any lead tin copper or iron spout affixed to any house or other building public

or private or unlawfully and maliciously daubs paints or otherwise defaces any dwelling house is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding twelve (12) months or both

Section 917 Malicious Mischief by Explosives Whoever unlawfully wantonly wilfully and maliciously by the explosion of any substance placed or thrown in into upon under against or near any building structure vessel automobile truck engine motor car vehicle property machinery tools goods fixtures or chattels does or attempts to do bodily harm to any person or destroys or attempts to destroy damages or injures any such property whether or not injury to any person or damage or injury to any such property results is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding five thousand dollars ($5,000) and to undergo an imprisonment by separate or solitary confinement at labor not exceeding ten (10) years or both

Section 918 Injuring Mine Whoever unlawfully and maliciously causes any water to be conveyed into any mine or into any subterraneous passage communicating therewith with intent thereby to destroy or damage such mine or to hinder or delay the working thereof or fills up or obstructs any airway waterway drain pit level or shaft of or belonging to any mine such offender his aiders and abettors is guilty of a misdemeanor and shall on conviction thereof be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or undergo imprisonment not exceeding two (2) years or both

Section 919 Malicious Injury to Railroads Murder if Death is Caused Whoever wilfully and maliciously puts places casts or throws upon or across any railroad any wood stone or other matter or thing or wilfully and maliciously takes up removes or displaces any rail sleeper or other matter or thing belonging to any such railroad or wilfully and maliciously turns moves or diverts any switch machinery or other appliance belonging to any such railroad or wilfully and maliciously makes or shows hides or removes any signal or light upon or near any such railroad or wilfully and maliciously casts throws or causes to fall or strike against into or upon any engine tender carriage car or truck upon any such railroad any wood stone or other matter or thing or wilfully and maliciously attempts to do or cause to be done any other matter or thing in any of the cases aforesaid to obstruct upset derail overthrow injure or destroy any engine tender carriage car or track used on any such railroad or to endanger the safety of any person or employe traveling or working or being upon any such railroad is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding five thousand dollars ($5,000) or to undergo imprisonment at hard labor for a period not exceeding ten (10) years or both

In every case where the life of a human being is destroyed by or as a result of any of the acts herein prohibited the offender shall be deemed guilty of murder in the first degree

Section 920 Malicious Interference with Journal Boxes and Air Appliances of Railroad Whoever wilfully and maliciously takes or removes the waste brasses or packing from out any journal-box or boxes or the air appliances of any locomotive engine tender carriage coach car caboose or truck used or operated upon any railroad whether the same be operated by steam fuel oil electricity or other motive power is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding five thousand dollars ($5,000) or to undergo an imprisonment by separate and solitary confinement at labor not exceeding ten (10) years or both

Section 921 Obstructing Track etc During Strike Whoever in aid or furtherance of the objects of any strike obstructs any railroad track or injures or destroys the rolling stock or any other property of any railroad company or takes possession of or removes any such property or prevents or attempts to prevent the use thereof by such railroad company or its employes is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500) or be imprisoned not more than one (1) year or both

Section 922 Malicious Mischief to Canals Whoever wilfully and maliciously breaks throws down levels or destroys the whole or any part of any lock sluice flood-gate bank waste-wier dam aqueduct culvert bridge feeder guard-wall towing-path or berm-bank belonging to any artificial navigation or stops up or obstructs any such feeder waste-wier aqueduct or culvert is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) or undergo an imprisonment by separate or solitary confinement or by simple imprisonment at labor not exceeding three (3) years or both

Section 923 Wantonly Opening Water Locks etc. Whoever wantonly opens or shuts or causes to be opened or shut any lock or safety-gate or any wicket paddle or culvert gate or any waste feeder or sluice gate or drives any nails spikes pins or wedges into any such gate or fixtures thereof or takes any other means to prevent the perfect and free use of the same or wantonly and maliciously breaks throws down or destroys any fence wall or timber work on any canal pool feeder or other part of any artificial navigation or wilfully obstructs the navigation of any canal or pool by throwing into the same or sinking to the bottom thereof any vessel timber stone earth or other thing or by placing anything whatever upon any towing-paths is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding three hundred dollars ($300) or undergo an imprisonment not exceeding six months or both

Section 924 Destroying Banks or Canals etc Whoever unlawfully and maliciously breaks down or cuts down the bank or wall of any river canal or marsh whereby any land is overflowed or damaged or be in danger thereof is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) or to undergo an imprisonment not exceeding one (1) year or both

Section 925 Wilful Obstructions to Streams Whoever wilfully throws into or causes to be thrown or placed so that the same may slide or be washed into any navigable stream of this Commonwealth used for the purpose of floating running or manufacturing lumber or into any tributary flowing into such stream or streams any slabs edgings driftwood brush stumps logs or trees is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding six (6) months or both

Section 926 Malicious Destruction of Water Embankments Breakwaters Dams etc Whoever maliciously breaks down destroys or removes or in any manner injures impairs or damages any riprap wall dam bank or breakwater built or formed or composed of stone cinders or other materials along property fronting or abutting on any river or stream within this Commonwealth or removes carries away or tears up any stones cinders or other materials of which such riprap wall dam bank or breakwater is in whole or in part composed is guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding two hundred dollars ($200) or undergo imprisonment not exceeding six (6) months

Section 927 Interference with Property of Gas Company Whoever except the authorized agent or employe for the purpose of the owner manufacturer or operator thereof maliciously opens closes or in any manner or to any extent adjusts or interferes with any valve regulator gauge gate disc curbcock stopcock meter or other regulating operating or measuring device or appliance in or attached to the wells tanks conduits pipe-lines mains service-pipes housepipes displaypipes or other distributing pipes of any gas company manufacturer or furnisher of natural or artificial gas with intent to cause the escape of any gas or to injure or destroy any of such property or maliciously enlarges or alters any mixer furnished or approved by any such gas company manufacturer or furnisher of gas to or for a consumer or maliciously removes from its connection any mixer so furnished or approved of or puts on any mixer without express permission first obtained or consumes for fuel or light the gas of any gas company manufacturer or furnisher of gas or taps severs or opens any main or pipe used or intended for the trans-

mission of gas or connects with such main or pipe any other main or pipe is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) or undergo imprisonment not exceeding three (3) years or both

Section 928 Injuring Fire Apparatus Whoever wilfully and maliciously cuts injures or destroys or defaces any hose or engine or any apparatus appertaining to the same belonging to any fire engine or hose company is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) or to undergo imprisonment by separate or solitary confinement at labor not exceeding two (2) years or both

Section 929 Injury to Fire Alarm Systems Whoever wilfully tampers meddles or interferes with any station or signal box of any fire-alarm telegraph system or any auxiliary fire-alarm system or appliance or wilfully breaks injures destroys or disturbs any of the wires poles or supports and appliances connected with or forming a part of any fire-alarm telegraph system or any auxiliary fire-alarm system or removes any such fire-alarm box or station system is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars ($1,000) or by imprisonment for a term not exceeding two (2) years or both

Section 930 Defacing Show Bills etc. Whoever wilfully and maliciously mutilates destroys tears down or removes any show bill placard programme poster or other advertisement lawfully posted upon any rail fence bill board or other structure is guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars ($100) or undergo imprisonment not exceeding three (3) months or both

This section shall not apply to those tearing down or removing show bills play bills posters programmes after the performance therein advertised or to the owner or tenant of any building fence or other structure when the same has been posted or put up without his or her consent except such owner or tenant be the bill poster putting up or employed to put up the same

Section 931 Posting Advertisements on Property of Another Whoever pastes paints brands or stamps or in any manner whatsoever places upon or attaches to any building fence bridge gate outbuilding or other object upon the grounds of any charitable educational or penal institution of the State of Pennsylvania or upon any property belonging to the State of Pennsylvania or to any political subdivision thereof any written printed painted or other advertisement bill notice sign or poster or pastes paints brands stamps or in any manner whatsoever places upon or attaches to any building fence bridge gate outbuilding or property of another whether within or without the limits of a highway any written printed painted or other advertisement bill notice sign card or poster without first having obtained the written consent of the owner or tenant lawfully in possession or occupancy thereof is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or undergo imprisonment not exceeding three (3) months or both

Nothing contained in this section shall be construed to prevent the posting or placing of any notice required by law or order of court nor to prevent the posting or placing of any notice particularly concerning or pertaining to premises upon which the same is so posted or placed

Section 932 Injuring Plants Trees Grains Etc Whoever wilfully enters or breaks down through or over any land orchard garden or yard fence hotbed or greenhouse or who wrongfully clubs stones cuts breaks barks or otherwise mutilates or damages any nut fruit shade timber or other trees shrubs bush plant or vine trellis arbor hotbed or greenhouse or who wilfully trespasses upon walks over beats down tramples or in any way injures any grain grass vines vegetables or other growing crops is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding three hundred dollars ($300) or undergo imprisonment not exceeding six (6) months or both

Section 933 Cutting or Injuring Trees in Forest Reserves Punishment Whoever without the consent of the Commonwealth or any of her agents wilfully or maliciously cuts bark from or cuts down injures destroys or removes a tree or trees shrub or shrubs or parts thereof growing on any forest reserve of this Commonwealth or wilfully negligently or maliciously does or causes to be done any other act to the damage of said reserve or the trees or shrubs growing therein shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars ($25) and costs of prosecution for each such tree or shrub or part thereof cut down injured destroyed removed or from which bark has been cut and in default of the payment of said fine and costs shall be imprisoned in the county jail one (1) day for each dollar of fine and costs unpaid

One-half of any fine collected under the provisions of this section shall be paid by the magistrate to the person or persons furnishing the information upon which the prosecution was instituted and the other half of said fines collected under the provisions of the act shall be paid into the State Treasury for the use of the Commonwealth

Any constable police officer game protector fish warden or forest officer is hereby authorized to arrest without warrant any person so found cutting bark from cutting down injuring destroying or removing such trees or shrubs Said arrest may be made on any day including Sunday

Section 934 Injuring Trees on Highways Whoever wilfully and maliciously clubs stones cuts breaks climbs upon injures or destroys any shade tree or any fruit tree growing on or along any street road or other highway shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding ten dollars ($10) and in default of the payment of the fine and costs to undergo an imprisonment not exceeding thirty (30) days

Section 935 Felling or Converting Trees Penalty Right to Retake Whoever wilfully negligently or maliciously cuts down or fells or employs any person to cut down or fell a tree or trees growing upon the land of another without the consent of the owner shall be liable to pay to the owner double the value of such trees so cut down or felled and in case of the removal from the land where grown and the conversion thereof treble the value to be recovered in an appropriate action with costs of suit

No prosecution under any other section of this act shall be a bar to the recovery of damages under this section

In addition to the remedy for recovery of damages herein provided the owner of such trees may follow the same and retake them from the possession of any person and wheresoever they may be identified and found as well as in the same manner retake all material into which said trees may have been converted wherever the same may be identified and found and without any liability on the part of said owner for the retaking of his own property and restoring the same to his own possession

Whoever being in possession of such trees or materials refuses to surrender or deliver the same to the owner thereof after due proof of ownership has been made is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or be imprisoned not exceeding three (3) months or both

Section 936 Purchasing Converted Trees or Lumber Thereof Whoever purchases or receives a tree or shrub knowing the same to have been cut or removed without the consent of the owner thereof or purchases or receives any logs planks boards staves shingles or other lumber made from said trees so cut or removed and knowing same to have been so cut and made without such consent shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than twenty-five dollars ($25) and costs of prosecution and in default of the payment of such fine and costs shall be imprisoned one (1) days for each dollar of fine and costs unpaid

Section 937 Violation of State Forest Rules Whoever wilfully negligently or maliciously violates any of the rules made for the government of the State Forest Reserves or cuts tears down defaces or otherwise mutilates injures or destroys any of the copies of the rules or other notices relating to forest administration which may be

posted therein by the Department of Forests and Waters or any of its officers or agents is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100) for each offense or imprisonment not exceeding thirty (30) days or both with costs of suit no conviction shall be had for any act committed in violation of this section unless it shall affirmatively appear that copies of such rules or notices were prominently posted in upon or about said Forest Reserves

All fines collected for the violation of any of the provisions of this section shall be paid to the Secretary of Forests and Water who shall pay the same to the State Treasurer for the use of the Commonwealth

Section 938 Flowers Trees Etc in Cemeteries Whoever wilfully and maliciously destroys mutilates injures plucks off defaces or removes any tree or trees vines flowers grass or ornamental shrubbery growing being or temporarily placed for ornamental or useful purposes in any cemetery or graveyard or wilfully trespasses in and upon private enclosures in any cemetery or graveyard is guilty of a misdemeanor and upon conviction thereof shall be sentenced to undergo an imprisonment not exceeding one (1) year or to pay a fine not exceeding one hundred dollars ($100) or both

Section 939 Destroying or Taking Seeds or Plants Whoever not being the owner thereof or under his direction takes removes steals or destroys any seed or plants after the same have been sown or planted in the ground is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or be imprisoned for a term not exceeding one (1) year or both

Section 940 Fences Whoever maliciously or wantonly breaks or throws down any post rail or other fence erected for the enclosure of land or carries away breaks or destroys any post rail or other material of which such fence was built enclosing any lots or fields is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding fifty dollars ($50) one-half thereof to be paid to the informer the other half to the support of the poor of such county where the offense has been committed with costs of prosecution or to undergo an imprisonment not exceeding six (6) months or both

Section 941 Killing Maiming or Poisoning Domestic Animals Etc Whoever wilfully and maliciously kills maims or disfigures any domestic animal of another person or wilfully and maliciously administers poison to any such animal or exposes any poisonous substance with intent that the same shall be taken or swallowed by animals fowl or birds is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) or to undergo an imprisonment by separate or solitary confinement at labor not exceeding three (3) years or both

This section shall not apply to the killing of any animal taken or found in the act of actually destroying any other domestic animal

Section 942 Cruelty to Domestic Animals Whoever wantonly or cruelly illtreats overloads beats or otherwise abuses any animals whether belonging to himself or otherwise or abandons any maimed sick infirm or disabled animal or keeps or uses or in any way is connected with or interested in the management of or receives money for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull bear dog cock or other creature or encourages aids or assists therein or permits or suffers any place to be so kept or used shall upon conviction thereof in a summary proceeding be sentenced for the first offense to pay a fine of not less than ten dollars ($10) nor more than twenty dollars ($20) and for the second and every subsequent offense a fine not less than twenty dollars ($20) nor exceeding fifty dollars ($50) to be paid to any regular incorporated society for the prevention of cruelty to animals bringing the prosecution and if said fine and the costs are not paid then the magistrate shall commit said offender to the county prison there to remain until discharged by due course of law

Section 943 Selling or Using Disabled Horse Whoever offers for sale or sells any horse which by reason of debility disease or lameness or for other cause could not be worked without violating the laws against cruelty to animals or leads rides or drives any such horse for any purpose except that of conveying the animal to a proper place for its humane keeping or killing or for medical or surgical treatment shall on being convicted thereof in a summary proceding be sentenced to pay a fine of not less than ten dollars ($10) nor more than one hundred dollars ($100) and in default of the payment of such fine and costs to undergo imprisonment for not more than six (6) months

All fines shall be paid to any regularly incorporated society for the prevention of cruelty to animals bringing the suit or prosecuting the charge

Section 944 Transporting Animals in Cruel Manner Whoever is arrested for carrying or causing or allowing to be carried in or upon any cart or other vehicle whatsoever any animal in a cruel or inhuman manner or for abandoning any maimed sick infirm or disabled animal the person taking him into custody may take charge of the animal and of any such vehicle and its contents and deposit the same in some safe place of custody and any necessary expenses which may be incurred for taking charge of and keeping the same and sustaining any animal attached thereto shall be a lien thereon to be paid before the same can lawfully be recovered or the said expenses or any part thereof remaining unpaid may be recovered by the person incurring the same of the owner of said creature in any action therefor

Section 945 Hours of Labor of Animals Whoever leads drives rides or works or causes or permits any other person to lead drive ride or work any horse mare mule ox or any other animal whether belonging to himself or in his possession or control for more than fifteen hours in any twenty-four (24) hour period or more than ninety (90) hours in any one week shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not exceding fifty dollars ($50) or in default of the payment of said fine and costs to undergo imprisonment for not more than three (3) months

Said fine shall be paid to any regularly incorporated society or association for the prevention of cruelty to animals which shall have jurisdiction in the county wherein suit is brought

Nothing in this section contained shall be construed to warrant any persons leading driving riding or walking any animal a less period than fifteen (15) hours when so doing shall in any way violate the laws against cruelty to animals

Section 946 Cruelty to Cow to Enhance Appearance of Udder Whoever kneads or beats or pads the udder of any cow or wilfully allows it to go unmilked for a period of twenty-four (24) hours or more for the purpose of enhancing the appearance or size of the udder of said cow or by a muzzle or any other device prevents its calf if less than six weeks old from obtaining nourishment and thereby relieving the udder of said cow for a period of twenty-four (24) hours shall upon conviction thereof in a summary proceding be sentenced to pay a fine of not more than twenty-five dollars ($25) and in default of the payment of such fine and costs to undergo imprisonment for a period of not more than thirty (30) days

Section 947 Cropping Ears of Dog Prima Facie Evidence of Violation Whoever crops or cuts off or causes or procures to be cropped or cut of the whole or part of the ear or ears of a dog unless such person has in his or her possession a certificate of a duly licensed veterinarian stating that such cropping or cutting is necessary for the health of the dog or shows or exhibits or procures the showing or exhibition of any dog whose ear is or ears are cropped or cut off in whole or in part unless the person showing such dog has in his possession either a certificate of a duly licensed veterinarian stating that such cropping was necessary for the health of the dog or a certificate of registration from a county treasurer showing that such dog was cut or cropped before this section became effective shall upon conviction thereof in a summary proceding be sentenced to pay a fine of twenty-

five dollars ($25) and costs of the proceedings or undergo imprisonment for not more than thirty (30) days and for a second or subsequent offense shall be sentenced to pay a fine of one hundred dollars ($100) or undergo imprisonment for not more than sixty (60) days

The possession by any person of a dog with an ear or ears cut off or cropped and with the wound resulting therefrom unhealed or any such dog being found in the charge or cutsody of any person or confined upon the premises owned by or under the control of any person shall be prima facie evidence of a violation of this section by such person except as provided for in section two of this act

The owner of any dog whose ear or ears have been cut off or cropped before this section became effective may if a resident of this Commonwealth register such dog with the treasurer of the county where he resides and if a nonresident of this Commonwealth with the treasurer of any county of this Commonwealth by certifying under oath that the ear or ears of such dog were cut or cropped before this section became effective and the payment of a fee of one dollar ($1) into the county treasury The said treasurer shall thereupon issue to such person a certificate showing such dog to be a lawfully cropped dog

Section 948 Power to Make Arrests in Cruelty to Animal Cases Any policeman or constable or any agent of any society or association for the prevention of cruelty to animals duly incorporated under the laws this Commonwealth shall upon his own view of any offense against sections nine hundred and forty-four nine hundred and forty-five nine hundred and forty-seven and nine hundred and forty-eight of this act make an arrest and bring before a magistrate the offender found violating said provisions and any policeman or constable or any agent of any society as aforesaid shall also make arrests of such offenders on warrants duly issued according to law when such offense is not committed in view of said officer constable or agent

Section 949 Seizure of Animals Kept for Baiting or Fighting Any agent of the Pennsylvania society or of any society for the prevention of cruelty to animals shall have power to seize any bull bear dog cock or other creature kept used or intended to be used for the purpose of fighting or baiting and to sell the same for the benefit of said society When the seizure is made the animal or animals so seized shall not be deemed absolutely forfeited but shall be held by the officer seizing the same until a conviction of some person is first obtained for keping or using or being connected with or interested in the management of any place used for fighting or baiting animals and the animal or creature seized shall have been found on the premises which are the subject of the complaint The agent making such seizure shall make due return to the magistrate before whom the complaint is heard of the number and kind of animals or creatures so seized by him and it shall be the duty of the magistrate hearing the complaint in case of a conviction to make the forfeiture of such animals or creatures seized a part of the sentence

Section 950 Killing Homing Pigeons Whoever shoot maims or kills any Antwerp or homing pigeon either while on flight or at rest or detains or entraps any such pigeon which carries the name of its owner shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than ten dollars ($10) nor more than twenty-five dollars ($25)

Section 951 Malicious Mischief to Ice Ponds Whoever wilfully throws places or casts upon the ice forming formed or being upon any pond stream river creek or canal owned or leased in whole or in part for the production of ice for sale any timber stone earth or other substance or enters upon or in anywise injuries or defiles the ice thereon forming formed or being is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or undergo imprisonment not exceeding three (3) months or both

Section 952 Malicious Mischief to Land Marks Whoever knowingly and maliciously cuts fells alters or removes any certain bounded tree or other allowed land mark to the wrong of his neighbor or any other person is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding one (1) year or both

Section 953 Malicious Mischief to Property of Livery Stable Keepers Whoever being a bailee for hire or loan of any property of any livery stable keeper wilfully or with gross negligence damages or destroys such property while the same is in the custody or possession of said bailee or bailees is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars ($100) or undergo imprisonment not exceeding three (3) months in the county jail or both

Section 954 Trespass Upon Posted Land Whoever wilfully enters upon any land which the owner or owners have caused to be prominently posted with printed notices that the said land is private property and warning all persons from trespassing thereon under the penalties provided in this section shall upon conviction thereof in a summary proceeding be sentenced to a fine not exceeding ten dollars ($10) together with the costs of prosecution and in default of payment of said fine and costs shall be committed to jail for one (1) day for each dollar of fine imposed

Section 955 Trespassing on Grounds of State Institutions The term "state institution" as used in this section includes all penal reformatory or correctional institutions hospitals for the insane or any institution for feebleminded or epileptic persons for inebriates or for juvenile delinquents and dependents and all charitable institutions whatsoever within this Commonwealth maintained in whole or in part by the Commonwealth and whose boards of inspectors managers trustees or directors are respectively appointed by the Governor

Whoever wilfully trespasses upon the land or premises belonging to the Commonwealth and appurtenant to any state institution or whoever after notice from an officer of any state institution to leave said land refuses to do so shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than ten dollars ($10) and costs and in default of the payment of jail one (1) day for each dollar of fine and costs unpaid

Section 956 Malicious Mischief to Public Grounds Whoever wilfully and maliciously breaks down any tree or shrub growing on the State Capitol park or otherwise injures or destroys the same or maliciously and wilfully injures any part of the public grounds or the buildings belonging to the State or wilfully or maliciously injures or destroys any fruit or ornamental trees shrub plant or grape vines growing or cultivated in any orchard garden or close or upon any public street or square in this Commonwealth is guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding one hundred dollars ($100) or undergo an imprisonment not exceeding six (6) months or both

Section 957 Private Game Preserve Defined The term "Private Game Preserve" means a tract of land owned or controlled by any person or persons club association or corporation stocked with wild game or fish or both enclosed by a fence seven (7) feet or more high which fence shall be placarded with signs not less than six (6) inches by ten (10) inches in size placed not more than five hundred (500) feet apart upon which shall be lettered "private game preserve" Such signs shall also have thereon substantially a copy of this section

Whoever enters an enclosed private game preserve with the intent unlawfully and maliciously to injure break destroy or steal any animal or thing therein or unlawfully and maliciously breaks injures or destroys any fence or enclosure surrounding or along such private game preserve is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding three hundred dollars ($300) or to undergo imprisonment not exceeding six (6) months or both

Entry upon such private game preserve without permission of the owner or custodian shall be prima facie evidence that such entry was intentional unlawful and malicious

Ar injury done to the fence of any such private game preserve shall be prima facie evidence that the acts committed were done intentionally unlawfully and maliciously

Section 958 Injury to Sidewalks and Sidepaths Whoever wilfully and maliciously rides or drives any vehicle or animal upon or into any broadwalk or sidewalk or footway laid erected or being on and along the side of any road or highway or otherwise wilfully breaks injures or destroys the same or any sidepath shall upon conviction thereof in a summary proceeding be sentenced to pay in addition to costs a fine not exceeding twenty dollars ($20) nor less than five dollars ($5) and on failure to pay such fine and costs shall be imprisoned not exceeding thirty (30) days

Section 959 Destruction of Notices Posted by State Whoever removes defaces covers up or destroys or causes to be removed defaced covered up or destroyed any placard sign or poster of any administrative department board and commission of the State Government posted under authority of law shall upon conviction thereof in a summary proceding be sentenced to pay a fine of not less than ten dollars ($10) nor more than fifty dollars ($50) and in default of payment of such fine and costs be imprisoned in the county pail one (1) day for each dollar of fine and costs unpaid

Section 960 Destroying or Injuring Signs or Index Boards Whoever wilfully destroys removes injures or defaces any sign or index board erected upon or near any public street road or bridge in this Commonwealth by public authorities of any borough township city or county or with their consent for the direction guidance or safety of travellers is guilty of a misdemeanor and upon conviction thereof shall forfeit and pay a fine of not exceding twenty-five dollars ($25) with all costs of prosecution together with the value of such sign so destroyed removed or defaced and in default of payment of said fine costs and expenses shall undergo imprisonment for a period not exceeding sixty (60) days

Section 961 Imitation and Destruction of State Highway Signs Whoever erects on or along or nearby any highway of this Commonwealth any sign or index board which is a copy or imitation of a sign or index board in respect to shape color or general appearance or wilfully destroys removes injures or defaces any sign or index board erected upon or near any State highway in this Commonwealth by the State Department of Highways for the direction guidance or safety of travellers is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100) with all costs of prosecution together with the value of such sign so destroyed removed or defaced and in default of payment of said fine costs and the value of said sign shall undergo an imprisonment for a period of not exceeding sixty (60) days at the discretion of the court

ARTICLE X

Offenses Against the Coin and Forgery

Section 1001 Counterfeiting Coin Whoever falsely and fraudulently makes or counterfeits any coin resembling or apparently intended to resemble any gold or sliver coin which is or shall be passing or in circulation as money is guilty of felony and upon conviction thereof shall be sentenced to pay a fine not exceeding five thousand ($5,000) dollars or undergo imprisonment by separate or solitary confinement at labor not exceeding ten (10) years or both

Every such offense shall be deemed complete although the coin so made or counterfeited shall not be in a fit state to be uttered or the counterfeiting thereof shall not be finished or perfected

Section 1002 Impairing Coin Whoever impairs diminishes or lightens any gold or silver coin which is or shall be current in this Commonwealth with intent to make the coin so impaired diminished or lightened pass for gold or silver coin is guilty of felony and upon conviction thereof shall be sentenced to pay a fine not exceeding two thousand dollars ($2,000) or to undergo imprisonment by separate or solitary confinement at labor not exceeding five (5) years or both

Section 1003 Buying Selling or Importing Counterfeit Coin Whoever buys sells receives pays or puts off or offers so to do any false or counterfeit coin resembling or apparently intended to resemble or pass for any gold or silver coin which is current in this Commonwealth at or for a lower rate or value than the same by its denomination imports or was coined or counterfeited for or imports into this Commonwealth from any of the state of the union or from any foreign country any false or counterfeit gold or silver coin resembling or apparently intended to resemble or pass for any gold or silver coin which is current in this Commonwealth knowing the same to be false or counterfeit is guilty of felony and upon conviction thereof shall be sentenced to pay a fine not exceeding two thousand dollars ($2,000) or to undergo imprisonment by separate or solitary confinement at labor not exceeding five (5) years or both

Section 1004 Uttering Counterfeit Coin Whoever tenders utters passes or puts off any false or counterfeit coin resembling or apparently intended to resemble or pass for any gold or silver coin which is current in this Commonwealth knowing the same to be false or counterfeit is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding five thousand ($5,000) dollars or to undergo imprisonment by separate or solitary confinement at labor not exceeding ten (10) years or both

Section 1005 Counterfeiting Buying and Selling Minor Coin Whoever falsely makes or counterfeits any coin resembling or apparently intended to resemble or pass for any copper nickel or bronze coin which is current in this Commonwealth or buys sells receives pays or puts off or offers to buy sell receive pay or put off any false or counterfeit coin resembling or apparently intended to resemble or pass for any such coin at or for a lower rate of value than the same by its denomination imports or was coined or counterfeited for is guilty of misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo imprisonment by separate or solitary confinement at labor not exceeding three (3) years or both

Section 1006 Making and Possession of Coining Tools Whoever makes or mends or proceeds to make or mend buys or sells hides or conceals or knowingly has in his house custody or possessing any puncheon matrix die stamp mould edger or cutting engine used or designed for coining or counterfeiting gold silver or copper moneys or any part of such tool or engine with the knowledge that such tool and instrument is intended to be used in the false and fraudulent making forging and counterfeiting of any gold silver copper nickel or bronze coin which now is or shall be current in this state as money or with the intent to use such tool or instrument for the fraudulent purpose aforesaid or aids abets counsels or commands the perpetration of either of the said offenses is guilty of a felony and upon conviction thereof shall be sentenced to pay a ne not exceeding two thousand ($2,000) dollars or to undergo imprisonment by separate or solitary confinement at labor not more than five (5) years or both

Section 1007 Coloring Coin or Metal with Intent to Pass the Same Whoever gilds or silvers or with any wash or materials capable of producing the color of gold or silver washes colors or cases over any coin whatsoever resembling or apparently intended to resemble or pass for any gold or silver coin which is or shall be current in this Commonwealth or gilds or silvers or with any wash or materials capable of producing the color of gold or silver washes colors or cases over any piece of silver or copper or of coarse gold or coarse silver or of any metal or mixture of metals respectively being of a fit size and figure to be coined and with the intent that the same be coined into false and counterfeit coin resembling or apparently intended to resemble or pass for any coin which is or shall be current in this Commonwealth or gilds or with any wash or materials capable of producing the color of gold washes colors or cases over any silver coin which is or shall be current as aforesaid or file or in any manner alter such coin with intent to make the same resemble or pass for any current gold or silver coin or gilds or silvers or with any wash or materials capable of

producing the color of gold or silver washes colors or cases over any copper coin current in this Commonwealth or file or in any manner alter such coin with intent to make the same resemble or pass for any gold or silver coin current in this Commonwealth is guilty of felony and being thereof convicted shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo imprisonment by separate or solitary confinement at labor not exceeding five (5) years or bot

Section 1008 Proof of Counterfeiting Where upon the trial of any person charged with any offense enumerated in the preceding sections of this article it shall be necessary to prove any coin produced in evidence against such person to be false or counterfeit it shall not be necessary to prove the same to be false and counterfeit by the evidence of any officer of the United States mint but it shall be sufficient to prove the same false or counterfeit by the evidence of any other credible witness

Section 1009 Counterfeiting National Currency Whoever makes alters or counterfeits or assists or procures the same to be done or passes utters and publishes or attempts to pass utter or publish any false forged or counterfeit note bill or check or sells utters and delivers or procures the same to be done or makes engraves or prepares or has in his possession with intent to use any plate from which any counterfeit note may be printed or has in his possession any forged counterfeited or altered notes or paper adapted to the making of bank notes with intent to use or suffer to be used in forging or counterfeiting or fraudulently connecting different parts of any notes with intent to fraudulently pass the same or has in his possession ten or more similar false forged altered and counterfeit notes with intent to sell or pass the same of any notes issued by the United States or under the authority thereof or any postage currency issued by the same or under any law of Congress or the notes of any bank or association created chartered or incorporated under any law of Congress is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding seven thousand ($7,000) dollars undergo imprisonment by separate and solitary confinement at labor not exceeding fifteen (15) years or both

Section 1010 Counterfeiting Altering and Passing Bank Notes Checks Scrip or Drafts Whoever falsely and fraudulently makes forges alters or counterfeits or causes or procures to be falsely made forged altered or counterfeited or willingly aids or assists in the false making forging altering or counterfeiting any bill scrip note order check or draft or imitation of or purporting to be a bill scrip note order check or draft issued by order of or drawn on the president cashier directors and company of any bank incorporated by the laws of this Commonwealth or by the laws of any of the states or territories of the Union or of the District of Columbia or any clearing house association comprised of or maintained by any such banks or by the Commonwealth or any municipality therein or passes utters publishes or attempts to pass utter or publish as true any false forged altered or counterfeit bill scrip note order check or draft issued by any of the said banks or clearing houses or by order of or drawn on the president cashier and directors of any thereof of by the Commonwealth or any municipality therein knowing the same to be falsely forged or counterfeited with intent to defraud any of the said banks or any other politic or person or sells utters or delivers or causes to be sold uttered or delivered any forged altered or counterfeit note scrip or bill in imitation or purporting to be a bill scrip or note issued by any of the said banks or clearing houses or by order of the president and directors thereof or by the Commonwealth or any municipality therein knowing the same to be false forged altered and counterfeited is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding seven thousand ($7000) dollars or undergo imprisonment by separate or solitary confinement at labor not exceeding fifteen (11) years or both

Section 1011 Making Possession of Plates Bank Note Paper etc Whoever makes engraves or prepares or causes to be made engraved or prepared or has in his custody or possession any metallic or other plate or substance either made engraved or prepared after the similitude of any plate from which any notes scrip or bills issued by any banks or clearing houses incorporated by the laws of this Commonwealth or by the laws of any other state or territory or of the District of Columbia or by the Commonwealth or any municipality therein shall have been printed or taken or wherefrom and by means whereof notes scrip or bills may be made engraved or prepared after the similitude of notes scrip or bills issued by any such bank or clearing house or by the Commonwealth or any municipality therein with intent to use such plate or substance or to cause or suffer the same to be used in forging or counterfeiting any of the notes scrip or bills issued by any of the said banks or clearing houses or by the Commonwealth or any municipality therein or has in his custody or possession any note or notes or blank note scrip or bill made engraved printed or otherwise prepared after the similitude of any notes scrip or bills issued by either of the said banks with intent to pass utter and publish such simulated notes scrip or bills or to use such blanks or cause or suffer the same to be used in forging or counterfeiting any of the notes scrip or bills issued by the said banks or clearing houses or by the Commonwealth or any municipality therein or either or any of them or has in his custody or possession any paper adapted to the making of bank notes scrip or bills and similar to the paper upon which any of the notes scrip or bills of either of the said banks or clearing houses or of the Commonwealth or any municipality therein shall have been issued with intent to use such paper or cause or suffer the same to be used in forging or counterfeiting any of the notes scrip or bills issued by either of the said banks or clearing houses or by the Commonwealth or any municipality therein is guilty of felony and upon conviction thereof shall be sentenced to pay a fine not exceeding seven thousand ($7,000) dollars and undergo imprisonment by separate or solitary confinement at labor not exceeding fifteen (15) years or both

Section 1012 Counterfeiting United States State or Corporation Bonds and Coupons Whoever falsely and fraudulently makes forges or counterfeits or causes or procures or willingly aids or assists in making forging counterfeiting or altering any bond coupon or other instrument of writing for the payment of money purporting to be or to be attached to or form part of any bond or obligation issued by the United States by this or any other state or territory or any municipal or other corporation company or individual or sells passes utters publishers delivers or attempts to sell pass utter deliver or publish as true and genuine any false forged or counterfeited bond coupon or other instrument of the form and similitude thereof as aforesaid knowing the same to be false forged or counterfeit with intent to defraud any person or the United States or this or any other state or territory or has in his or her possession or under his or her control ten or more false forged counterfeited or altered bonds coupons or other instruments of writing purporting to be issued as aforesaid knowing the same to be false forged counterfeited or altered with intent to utter pass or sell the same and thereby to injure and defraud or cause to be injured and defrauded as aforesaid is guilty of felony and upon conviction thereof shall be sentenced to pay a fine not exceeding seven thousand ($7,000) dollars or undergo imprisonment by separate or solitary confinement at labor not exceeding fifteen (15) years or both

Section 1013 Making or possessing Plates or Paper for Counterfeit Bonds Whoever makes engraves or prepares or causes or procures to be made engraved or prepared or has in his custody or possession any plate or substance from which any bond note coupon or other instrument issued by the United States or this or any other state or territory or any corporation company or individual has been printed or taken or wherefrom or by means whereof bonds notes coupons or other instruments for the payment of money may be made printed or prepared after the similitude of such bonds notes coupons or other instruments issued as aforesaid with intent to use such plate or substance or cause or suffer the same to be used in forging or counterfeiting any of the instruments afore-

said or has in his or her possession or custody any paper adapted to the making of any such bonds notes coupons or other instruments similar to the paper on which said obligations or evidences of debt has been issued with intent to use such paper or suffer the same to be used in forging or counterfeiting such instruments is guilty of felony and upon conviction thereof shall be sentenced to pay a fine not exceeding seven thousand ($7,000) dollars or be imprisoned by separate or solitary confinement at labor not exceeding fifteen (15) years or both

Section 1014 Forgery and Uttering Forged Instruments Whoever fraudulently makes signs alters utters or publishes or is concerned in the fraudulently making signing altering uttering or publishing any written instrument to the prejudice of another's right with intent to defraud any person or body corporate or fraudulently causes or procures the same to be done is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding five thousand ($5,000) dollars or to undergo an imprisonment by separate or solitary confinement at labor not exceeding ten (10) years or both

Section 1015 Connecting Parts or Notes Whoever fraudulently connects different parts of several bank notes scrip or other instruments in such a manner as to produce one or more additional notes or instruments with intent to pass or utter all or any thereof as genuine or utters publishers or passes the same or either of them with the intent to defraud any person or body corporate is guilty of forgery or fraudulent uttering and publishing a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding two thousand ($2,000) dollars or to undergo imprisonment by separate and solitary confinement of labor not exceeding five (5) years or both

Section 1016 Uttering Notes of Fictitious Banks Whoever fraudulently utters or passes any note or bill purporting to be the note or bill of a bank company or association which never did in fact legally exist knowing that the bank company or association purporting to have issued the same never did legally exist is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding seven thousand ($7,000) dollars or undergo imprisonment by separate and solitary confinement at labor not exceeding fifteen (15) years or both

Section 1017 Advertising of Counterfeit Money Whoever prints writes utters publishes sells lends gives away circulates or distributes or has in his possession with intent to publish sell lend give away circulate or distribute any letter writing circular paper pamphlet hand bill or any other written or printed matter advertising offering or purporting to advertise or offer for sale loan exchange gift or distribution or to furnish procure or distribute any counterfeit coin paper money internal revenue stamp postage stamp or any other token of value or what purports to be counterfeit coin paper money internal revenue stamp postage stamp or any token of value or giving or purporting to give either directly or indirectly information where how of whom or by what means any counterfeit coin paper money internal revenue stamp or postage stamp or token of value can be procured or had or what purports to be counterfeit money paper money internal revenue stamp postage stamp or other token of value can be procured or had or whoever shall aid assist or abet in any manner any scheme or device whatsoever offering or purporting to offer for sale loan gift exchange or distribution any counterfeit coin paper money internal revenue stamp postage stamp or other token of value whether called "green articles" "queer coin" "paper goods" "bills" "spurious treasury notes" "United States goods" "green paper goods" "business that is not legitimate" "cigars" "green cigars" or by any other name or title or any other device is guilty of a felony and upon conviction thereof shall be sentenced to imprisonment for not more than five (5) years or to pay a fine of not more than two thousand ($2,000) dollars or both

Section 1018 Use of Fictitious Name in Advertising Counterfeit Money Whoever for executing operating promoting carrying on or in the aiding assisting or abetting in the promoting operating or carrying on or executing of any scheme or device whatsoever to defraud by use or means of any papers writings letters circulars or written or printed matters concerning the offering for sale loan gift distribution or exchange of counterfeit coin paper money internal revenue stamps postage stamps or other token of value uses any fictitious false or assumed name or address other than his own right proper and lawful name or whoever in the executing operating promoting carrying on aiding assisting or abetting in the execution promoting or carrying on of any scheme or device offering for sale loan gift or distribution or purporting to offer for sale loan gift or distribution or giving or purporting to give information directly or indirectly where how of whom or by what means any counterfeit coin paper money internal revenue stamp postage stamp or other token of value can be had or who knowingly receives or takes from the mails of the United State any letter or package addressed to any such fictitious false or assumed name or address or name other than his own right proper or lawful name is guilty of a felony and upon conviction thereof shall be sentenced to imprisonment for not more than five (5) years or to pay a fine of not more than two thousand ($2,000) dollars or both

Any letter circular writing or paper offering or purporting to offer for sale loan gift or distribution or giving or purporting to give information directly or indirectly where how of whom or by what means any counterfeit coin paper money internal revenue stamp postage stamp or token of value may be obtained or had or concerning any similar scheme or device to defraud the public whether such article matter or thing is called "green articles" "bills" "business that is not legitimate" "spurious treasury notes" "United States goods" "green paper goods" "cigars" "green cigars" or by any other name device or title of a similar character shall be deemed presumptive proof of the fraudulent character of such scheme

Section 1019 Forgery of Seals and Uttering Instruments Whoever falsely and fraudulently forget or counterfeits or falsely and fraudulently is concerned in forging and counterfeiting the great or less seal of the Commonwealth the public and common seal of any court office political subdivision or corporation or any other seal authorized by law or falsely and fraudulently utters and publishes any instrument or writing whatever impressed with such forged and counterfeit seal knowing the same to be forged and counterfeit is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding three thousand ($3,000) dollars or to undergo imprisonment by separate or solitary confinement at labor not exceeding seven (7) years or both

Section 1020 Forgery Defacing the Records etc. Whoever forges defaces embezzles alters corrupts withdraws falsifies or unlawfully avoids any record charter gift grant conveyance or contract or knowingly fraudulently or unlawfully spares takes off discharges or conceals any fine forfeited recognizance or other forfeiture or forges defaces or falsifies any registry acknowledgment or certificate or alters defaces or falsifies any minute document book or any proceeding whatever of or belonging to any public office or causes or procures any of said offenses to be committed or be in anywise concerned therein is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding three thousand ($3,000) dollars or to undergo imprisonment by separate or solitary confinement at labor not exceeding seven (7) years or both and if a public officer shall be removed from said office and the same be declared vacant by the court passing sentence

Section 1021 Forgery of Telegrams Whoever knowingly sends or causes to be sent by telegraph any false or forged message knowing the same to be false forged or counterfeited with intent to deceive injure or defraud any individual or body corporate is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or undergo imprisonment not exceeding one (1) year or both

Section 1022 Counterfeiting or Forgery of Public Brands Whoever counterfeits or fraudulently impresses the brand mark or any number or mark of any public inspector or mark or number in imitation thereof upon any article subject to inspection or upon any cask or vessel containing such article or counterfeits the stamp of any such

inspector upon any plug or fraudulently alters defaces conceals or erases any inspection mark duly made or counterfeits or fraudulently impresses upon any article liable to inspection or upon any cask or vessel containing such article the brand mark or other mark of any miller manufacturer packer or other person or fraudulently impresses the brand mark or other mark of any person upon such article or vessel is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or undergo imprisonment not exceeding one (1) year or both

Section 1023 Counterfeiting and Defacing Timber Brands Etc Whoever not being the lawful owner defaces obliterates or removes or procures another or others to deface obliterate or remove any mark letter or brand from any saw log board shingle bolt or lumber of any kind floating in or lodged upon the banks of any of the rivers or streams of this Commonwealth or destroys splits saws or in any way converts the same to his own use or knowingly sells any such logs boards shingles bolts or other lumber or knowingly buys the same from any person other than the owner or wilfully or with intent to defraud and injure another counterfeits or uses the mark letter or brand used by him on any such logs boards shingles bolts or lumber of any kind is guilty of a misdemeanor and upon conviction thereof shall be sentenced to undergo imprisonment for any period not exceeding one year or to pay a fine not exceeding five hundred dollars ($500) or both

Section 1024 Counterfeiting and Forging Trade Marks. Whoever knowingly and wilfully forges or counterfeits or causes or procures to be forged or counterfeited any representation likeness similitude copy or imitation of he private stamps wrappers or labels usually affixed by any mechanic or manufacturer to and used by such mechanic or manufacturer on or in the sale of any goods wares or merchandise with intent to deceive or defraud the purchaser or manufacturer of any goods wares or merchandise is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or undergo imprisonment not exceeding one (1) year or both.

Section 1025. Counterfeiting Tokens Tickets Etc. Whoever makes forges circulates publishes transfers delivers stamps prints signs alter engraves or prepares or causes or procures to be made forged circulated uttered published tansferred delivered stamped printed signed altered engraved or has in his custody or possession an imitation counterfeit or duplicate of any ticket having a money commercial or other value or ticket card token pass or other written printed engraved or stamped means of admission to or evidence of the right to secure passage on any electric railway car bus or commercial air vehicle or the right to enter any place where games contests theatrical performances or other places where public exhibitions are held or has any metalic type plate or other substance in his possession which may be used by any person in the violation of this section or aid or abet in the violation thereof is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or undergo imprisonment not exceeding two (2) years or both.

Section 1026. Possession of Forged Dies Stamps Etc. Whoever has in his possession any dies plates engravings or printed labels stamps or wrappers or any representations likenesses similitudes copies or imitations of the private stamps wrappers or labels usually affixed by any manufacturer or mechanic on or in the sale of any goods wares or merchandise with intent to use or sell the said dies plates engravings or printed stamps labels or wrappers for the purpose of aiding or assisting in any way whatever in vending any goods wares or merchandise in imitation of or intended to resemble and to be sold for the goods wares or merchandise of such mechanic or manufacturer is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both

Section 1027. Vending Goods Fraudulently Marked. Whoever vends any goods wares or merchandise having thereon any forged or counterfeited stamps or labels of any mechanic or manufacturer knowing the same to be forged or counterfeited and resembling or purporting to be imitations of the stamps or labels of such mechanic or manufacturer is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding three hundred dollars ($300) or undergo imprisonment not exceeding six (6) months or both.

ARTICLE XI

General Provisions

Section 1101. Common Law and Other Offenses Preserved Every offense now punishable either by the statute or common law of this Commonwealth and not specifically provided for by this act shall continue to be an offense punishable as heretofore

Section 1102 Civil Rights and Remedies Preserved The provisions of this act shall not affect any civil right or remedies now existing by virtue of the common or statute law

Section 1103 Civil Penalties not Affected The omission to specify or affirm in this act any liability to damages penalty forfeiture or other remedy imposed by law and allowed to be recovered or enforced in any civil action or proceeding for any act or omission declared punishable herein shall not affect any right to recover or enforce the same

Section 1104 Penal Acts Strictly Pursued In all cases where a remedy is provided or duty enjoined or any thing directed to be done by the penal provisions of any act of assembly the direction of said act shall be strictly pursued and no penalty shall be inflicted or anything done agreeably to the provisions of the common law in such cases further than shall be necessary for carrying such act into effect

Section 1105 Principals in the Degree and Accessories Aiders and Abettors Every principal in the second degree or accessory before the fact to any felony at the common law or under any act of assembly may be indicted tried convicted and if no punishment is provided may be punished in all respects as if he were the principal felon

Every accessory after the fact to any felony at the common law or under any act of assembly for whom no punishment is provided shall on conviction be sentenced to pay a fine not exceeding one thousand dollars ($1,000) to undergo imprisonment with or without labor not exceeding two (2) years or both

Every person who shall counsel aid or abet the commission of any misdemeanor punishable under any act of assembly for whom no punishment is provided shall be liable to be proceeded against and punished as the principal offender

Section 1106 Trial of Accessories After the Fact Every accessory after the fact to any felony at the common law or under any act of assembly may be indicted tried and convicted as an accessory after the fact to the principal felony together with the principal felon or after the covviction of the principl felon or may be indicted tried and convicted of substantive felony whether the principal felon shall or shall not have been previously convicted or shall or shall not be amenable to justice and may be punished as an accessory after the fact to the felon or for the substantive felony

The offense of such person howsoever indicted may be inquired of tried determined and punished by any court which shall have jurisdiction to try the principal felon in the same manner as if the act by reason of which such person shall have become accessory had been committed at the same place as the principal felony

Section 1107 Attempts to Commit Crime If on the trial of any person charged with felony or misdemeanor it shall appear to the jury upon the evidence that the defendant did not complete the offense charged but was guilty only of an attempt to commit the crime he shall not by reason thereof be entitled to be acquitted but the jury may return as their verdict that the defendant is not guilty of the felony or misdemeanor charged but is guilty of an attempt to commit the same

Thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an

indictment for attempting to commit the particular felony or misdemeanor charged in the indictment

No person so convicted shall be liable to be thereafter prosecuted or an attempt to commit the felony or misdemeanor for which he was so convicted

Section 1108 Second and Subsequent Offenses (a) Second and Subsequent Offenses Whoever after having been convicted within or without this Commonwealth of the crime or attempt to commit the crime of treason murder voluntary manslaughter sodomy buggery burglary entering with intent to steal robbery arson mayhem kidnapping sale of narcotics perjury abortion pandering incest or any offense committed or attempted to be committed through the instrumentality of or with the aid of a deadly weapon or gunpowder or other explosive substance or corrosive fluid may upon conviction of any of such crimes for a second offense committed within five (5) years after the first offense or subsequent offense committed within five (5) years after the prior offense be sentenced to imprisonment for a term the maximum of which shall not be more than twice the longest term prescribed upon a first conviction of the crime in question

(b) Fourth Offenders Whoever after having been three (3) times convicted within or without this Commonwealth of crimes of the character set forth in clause (a) of this section or of attempt to commit any such crimes shall upon conviction of any such crimes for a fourth or subsequent offense committed within five (5) years after the prior offense be sentenced in the discretion of the judge trying the case to imprisonment in a state penitentiary for the term of his natural life

(c) Computation of Period between Convictions In computing the period of time between convictions as provided in clauses (a) and (b) of this section any period of servitude by a person in a penal institution within or without this Commonwealth shall not be included in the computation of any of said five-year periods It is hereby declared that the intent of said clauses is that said five-year periods shall run only during the time any such person shall be at liberty

(d) Accusation of Previous Convictions Procedure If at any time within two (2) years either after conviction or sentence it shall appear that a person convicted of any of the crimes set forth in clause (a) of this section has previously been convicted of any such crimes three (3) or more times it shall be the duty of the district attorney of the county in which the last conviction was had to file a complaint accusing the said person of such previous convictions and to serve a copy of such information upon the defendant thirty (30) days before taking any further proceedings in court as hereinafter set forth Thereupon the court in which the last conviction was had shall cause the said person whether confined in prison penitentiary or otherwise to be brought before it and shall inform him of the allegations contained in such complaint and of his right to be tried as to the truth thereof according to law and shall require such offender to say whether he is the same person as charged in such complaint or not If he says he is not the same person or refuses to answer or remains silent his plea or the fact of his silence shall be entered on record and a jury shall be empanelled to inquire whether the offender is the same person mentioned in the several records as set forth in such complaint If the jury finds that he is the same person or if he acknowledges or confesses in open court after being duly cautioned as to his rights that he is the same person the court may sentence him to imprisonment for life as prescribed in clause (b) of this section and shall vacate any previous sentence notwithstanding that the term of court in which the last sentence was imposed may have expired Such sentence shall be reviewable on appeal by the Supreme or Superior Courts not only as to alleged legal errors but also as to the justice thereof Where any such defendant is indigent the costs of appeal together with reasonable counsel fee shall be paid by the Commonwealth Whenever it shall become known to any warden or prison probation parole or police officer or other peace officer that any person charged with or convicted of crime has been previously convicted within the meaning of this section it shall become his duty forthwith to report the facts to the district attorney of the county

(e) Formal Indictment and Conviction Unnecessary A person need not be formally indicted and convicted as a previous offender in order to be sentenced under this section

ARTICLE XII

Act of Assembly Repealed

Section 1201 Repeals The following acts and parts of acts and their amendments are hereby repealed absolutely except in so far as the same (a) relate to the jurisdiction to indict and try offenses or (b) fix the limitation of time within which persons charged with offenses may be indicted or (c) relate to evidence or the competency of witnesses or (d) relate to search and seizure or (e) relate to the return of transcripts of cases

Section seven of the act approved the twenty-eighth day of May one thousand seven hundred fifteen (1 Sm L 94) entitled "An act for acknowledging and recording of deeds"

The act approved the twenty-fourth day of December one thousand seven hundred seventy-four (1 Sm L 421) entitled "An act to suppress the disorderly practice of firing guns &c on the times therein mentioned"

Sections one and two of the act approved the twenty-second day of April one thousand seven hundred ninety-four (3 Sm L 177) entitled "An act for the prevention of vice and immorality and of lawful gaming and to restrain disorderly sports and dissipation"

The act approved the eighteenth day of March one thousand eight hundred sixteen (Pamphlet Laws 147) entitled "A supplement to the act for the relief of insolvent debtors"

The act approved the twenty-eighth day of March one thousand eight hundred twenty (Pamphlet Laws 156) entitled "A further supplement to an act entitled 'An act to amend and consolidate with its supplements the act entitled An act for the recovery of debts and demands not exceeding one hundred dollars before a justice of the peace and for the election of constables and for other purposes"

The act approved the twenty-seventh day of March one thousand eight hundred twenty-four (Pamphlet Laws 99) entitled "An act for the protection of Vineyards"

The act approved the twelfth day of March one thousand eight hundred thirty (Pamphlet Laws 80) entitled "A futher supplement to the act entitled 'An act for the prevention of vice and immorality and of unlawful gaming and restraining disorderly sports and dissipation' passed twenty-second April seventeen hundred and ninety-four"

The act approved the tenth day of April one thousand eight hundred forty-nine (Pamphlet Laws 602) entitled "An act more effectually to preserve the public grounds and public buildings of the Commonwealth"

Section nine of the act approved the twenty-second day of April one thousand eight hundred fifty (Pamphlet Laws 538) entitled "An act to secure the cities of Pittsburg and Allegheny and the neighborhood thereof from damage by gun-powder to incorporate an association for the establishment of a house of refuge for western Pennsylvania and relative to the Pennsylvania State Lunatic hospital"

Section six of the act approved the fifteenth day of May one thousand eight hundred fifty (Pamphlet Laws 772) entitled "A supplement to an act entitled 'An act to create a sinking funds and to provide for the gradual and certain extinguishment of the debt of the Commonwealth' and to authorize a loan"

Section seven of the act approved the fourteenth day of April one thousand eight hundred fifty-one (Pamphlet Laws 612) entitled "An act relating to the commencement of actions to judgments and decrees for the payment of money to the widows and children of decedents to partitions in the Common Pleas relative to penalties on telegraph operators to pleadings in certain actions of debt to actions of ejectments to the protection of fences to partnerships to limitations of writs of entry in manors lands and tenements to the exemption laws to reports of the Supreme Court to appeals relating to wards bor-

oughs and township officers to the acknowledgments of deeds and sequestration of life estates"

The act approved the fifteenth day of April one thousand eight hundred fifty-one (Pamphlet Laws 712) entitled "A supplement to an act entitled 'An act more effectually to preserve the public grounds and public buildings of the Commonwealth' passed April tenth A D one thousand eight hundred and forty-nine"

Section four of the act approved the eighth day of May one thousand eight hundred fifty-four (Pamphlet Laws 663) entitled "An act to protect certain domestic and private Rights and prevent abuses in the Sale and Use of Intoxicating Drinks"

The act approved the ninth day of April one thousand eight hundred fifty-six (Pamphlet Laws 293) entitled "Supplement to an act more effectually to preserve the Public Grounds and Public Buildings of the Commonwealth approved tenth day of April one thousand eight hundred and forty-nine"

The act approved the sixteenth day of May one thousand eight hundred fifty-seven (Pamphlet Laws 535) entitled "An act relating to City County and Township Treasurers"

The act approved the thirty-first day of March one thousand eight hundred sixty (Pamphlet Laws 382) entitled "An act to Consolidate Revise and Amend the Penal Laws of this Commonwealth"

Sections forty-four forty-nine and fifty of the act approved the thirty-first day of March one thousand eight hundred sixty (Pamphlet Laws 427) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings"

The act approved the eighth day of April one thousand eight hundred sixty-one (Pamphlet Laws 270) entitled "An act for the Suppression of Fortune Telling and similar purposes"

Sections one and two of the act approved the eighteenth day of April one thousand eight hundred sixty-one (Pamphlet Laws 408) entitled "An act supplementary to an act entitled 'An act to consolidate revise and amend the Penal Laws of this Commonwealth' approved March thirty-first one thousand eight hundred and sixty"

The act approved the first day of May one thousand eight hundred sixty-one (Pamphlet Laws 465) entitled "An act supplementary to an act to consolidate revise and amend the Penal Laws of this Commonwealth passed the thirty-first day of March Anno Domini one thousand eight hundred and sixty"

Section four of the act approved the fourteenth day of May one thousand eight hundred sixty-one (Pamphlet Laws 745) entitled "A further supplement to an act to establish a Board of Wardens for the Port of Philadelphia and for the Regulation of Pilots and Pilotages and for other purposes therein mentioned passed twenty-ninth of March Anno Domini one thousand eight hundred and three"

The act approved the twenty-second day of April one thousand eight hundred sixty-three (Pamphlet Laws 531) entitled "A supplement to the act to consolidate revise and amend the penal laws of this Commonwealth approved the thirty-first day of March one thousand eight hundred and sixty

The act approved the twenty-second day of April one thousand eight hundred sixty-three (Pamphlet Laws 562) entitled "An act to punish the fraudulent receiving of money on deposit"

The act approved the eleventh day of March one thousand eight hundred sixty-four (Pamphlet Laws six) entitled "An act to punish the recruiting of men for the Volunteer Service of other States"

The act approved the twenty-second day of March one thousand eight hundred sixty-five (Pamphlet Laws thirty) entitled "An act to promote the safety of travelers on railroads and to punish negligent and careless employees thereof"

The act approved the twenty-third day of March one thousand eight hundred sixty-five (Pamphlet Laws forty-two) entitled "A supplement to an act relating to fences approved April fourteenth one thousand eight hundred and fifty-one"

Section two of the act approved the twenty-second day of March one thousand eight hundred sixty-seven (Pamphlet Laws thirty-eight) entitled "An act making it an offense for railroad corporations within this Commonwealth to make any distinction with their passengers on account of race or color and punishing said corporations and their agents and employees for the commission of such offense"

The act approved the twenty-second day of March one thousand eight hundred sixty-seven (Pamphlet Laws thirty-nine) entitled "An act to prevent and punish prize fighting"

The act approved the thirteenth day of April one thousand eight hundred sixty-seven (Pamphlet Laws seventy-eight) entitled "An act for the relief of wives and children deserted by their husbands and fathers within this Commonwealth"

Section one two and three of the act approved the seventh day of January one thousand eight hundred sixty-seven (Pamphlet Laws 1369) entitled "A supplement to an act to revise consolidate and amend the penal laws of this Commonwealth so as to punish frauds upon the National currency as well as that of the State and forging or uttering forged instruments"

The act approved the twenty-ninth day of March one thousand eight hundred sixty-nine (Pamphlet Laws twenty-two) entitled "An act for the punishment of cruelty to animals in this Commonwealth"

The act approved the fifteenth day of April one thousand eight hundred sixty-nine (Pamphlet Laws seventy-five) entitled "A supplement to the act for the relief of wives deserted by their husbands in the county of Lancaster and other counties approved twenty-seventh day of February one thousand eight hundred and sixty-seven"

The act approved the twelfth day of February one thousand eight hundred seventy (Pamphlet Laws fifteen) entitled "An act to prevent the injury or destruction of baggage within the limits of the State of Pennsylvania"

The act approved the twenty-fourth day of February one thousand eight hundred seventy (Pamphlet Laws thirty-four) entitled "A further supplement to the act entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth' approved March thirty-first one thousand eight hundred and sixty"

The act approved the sixteenth day of March one thousand eight hundred seventy (Pamphlet Laws thirty-nine) entitled "An act to prevent and punish the publication of obscene advertisements and the sale of noxious medicines"

The act approved the nineteenth day of May one thousand eight hundred seventy-one (Pamphlet Laws 271) entitled "An act to prohibit the sale of academic degrees"

The act approved the second day of June one thousand eight hundred seventy-one (Pamphlet Laws 290) entitled "An act amendatory to an act entitled 'An act for the punishment of cruelty to animals in this Commonwealth' approved March twenty-ninth one thousand eight hundred and sixty-nine"

The act approved the fourteenth day of March one thousand eight hundred seventy-two (Pamphlet Laws twenty-five) entitled "An act to punish witnesses who refuse or neglect to appear and testify before legislative committees"

The act approved the third day of April one thousand eight hundred seventy-two (Pamphlet Laws thirty-eight) entitled "A further supplement to an act entitled 'An act for the punishment of cruelty to animals in this Commonwealth' approved March twenty-ninth one thousand eight hundred and sixty-nine"

The act approved the twenty-ninth day of April one thousand eight hundred seventy-four (Pamphlet Laws 115) entitled "An act defining the offense of corrupt solicitation of members of assembly state county election municipal or other public officers and prescribing the punishment therefor"

The act approved the sixth day of May one thousand eight hundred seventy-four (Pamphlet Laws 121) entitled "An act relating to the transportation of explosive or dangerous material"

The act approved the twenty-fifth day of February one thousand eight hundred seventy-five (Pamphlet Laws four) entitled "A supplement to the act approved March thirty-first one thousand eight hundred and sixty entitled 'An act to consolidate revise and amend the penal laws of'

this Commonwealth' further defining the offense of kidnapping and affixing additional penalties thereto"

The act approved the eighteenth day of March one thousand eight hundred seventy-five (Pamphlet Laws thirty-three) entitled "An act to punish persons for carrying concealed weapons within this Commonwealth"

The act approved the twenty-eighth day of April one thousand eight hundred seventy-six (Pamphlet Laws fifty-two) entitled "An act to protect the children of this Commonwealth in their right to acquire useful trades"

The act approved the eighth day of May one thousand eight hundred seventy-six (Pamphlet Laws 137) entitled "An act to prevent the defiling of ice upon ponds streams rivers creeks and canals owned or leased for the production of ice for sale"

The act approved the eighth day of May one thousand eight hundred seventy-six (Pamphlet Laws 139) entitled "A further supplement to an act to consolidate revise and amend the penal laws of this Commonwealth approved March thirty-first eighteen hundred and sixty defining and providing for the punishment of the offense of unlawfully obtaining the key or means used to open any bank vault safe or other depository"

The act approved the eighth day of May one thousand eight hundred seventy-six (Pamphlet Laws 141) entitled "An act relative to persons writing threatening letters"

The act approved the eighth day of May one thousand eight hundred seventy-six (Pamphlet Laws 142) entitled "An act to provide additional remedies for the unlawful mining of coal iron and other minerals in this Commonwealth"

The act approved the eighth day of May one thousand eight hundred seventy-six (Pamphlet Laws 146) entitled "An act to punish persons for pointing or discharging firearms at other persons within this Commonwealth"

The act approved the twenty-second day of March one thousand eight hundred seventy-seven (Pamphlet Laws fourteen) entitled "An act to provide for the better protection of passengers upon railroads and to insure the prompt transportation and delivery of freights"

The act approved the twenty-third day of May one thousand eight hundred seventy-eight (Pamphlet Laws 102) entitled "An act to provide for the arrest and punishment of persons carrying dangerous substances upon public conveyances"

The act approved the twenty-third day of May one thousand eight hundred seventy-eight (Pamphlet Laws 117) entitled "An act to prevent the wanton use of poisons"

The act approved the twenty-fifth day of May one thousand eight hundred seventy-eight (Pamphlet Laws 155) entitled "An act to prevent and punish the re-hypothecation of stocks bonds or other securites pledged for money lent or borrowed"

Section one two three four and five of the act approved the twelfth day of June one thousand eight hundred seventy-eight (Pamphlet Laws 196) entitled "An act supplementary to an act entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth' approved the thirty-first day of March Anno Domini one thousand eight hundred and sixty"

The act approved the seventeenth day of June one thousand eight hundred seventy-eight (Pamphlet Laws 212) entitled "An act extending protection to foreign and domestic insurance companies from fraudulent agents"

The act approved the thirtieth day of April one thousand eight hundred seventy-nine (Pamphlet Laws thirty-three) entitled "An act to define and punish tramps"

The act approved the nineteenth day of May one thousand eight hundred seventy-nine (Pamphlet Laws sixty-four) entitled "A supplement to section sixty-eight of an act entitled 'An act to consolidate revise and amend the penal laws of the Commonwealth of Pennsylvania' passed March Anno Domini eighteen hundred and sixty in relation to the violation of sepulchres in this Commonwealth"

The act approved the nineteenth day of May one thousand eight hundred seventy-nine (Pamphlet Laws sixty-five) entitled "An act to provide additional remedies for the unlawful removing or injuring of any breakwater or embankment along property fronting or abutting on any river or stream within this Comonwealth"

Section one two three four five and eleven of the act approved the eleventh day of June one thousand eight hundred seventy-nine (Pamphlet Laws 142) entitled "An act to protect children from neglect and cruelty and relating to their employment protection and adoption"

The act approved the tenth day of May one thousand eight hundred eighty-one (Pamphlet Laws twelve) entitled "An act making it a misdemeanor for any minor to knowingly and falsely represent himself to be of full age for the purpose of obtaining intoxicating liquors"

The act approved the first day of June one thousand eight hundred eighty-one (Pamphlet Laws thirty-seven) entitled "An act to prevent the keeping maintaining or permitting the game or amusement of pool played with balls or any other game of chance for drinks or vinous and other liquors and defining the punishment therefor"

Section one of the act approved the eighth day of June one thousand eight hundred eighty-one (Pamphlet Laws eighty-two) entitled "An act to protect fruit gardens growing crops grass et cetera and punish trespass"

The act approved the tenth day of June one thousand eight hundred eighty-one (Pamphlet Laws 107) entitled "A supplement to an act entitled 'An act to prevent and punish the re-hypothecation of stocks bonds or other securities pledged for money lent or borrowed' approved the twenty-fifth day of May Anno Domini one thousand eight hundred and seventy-eight"

The act approved the tenth day of June one thousand eight hundred eighty-one (Pamphlet Laws 111) entitled "An act to prohibit the sale to any person under sixteen years of age of deadly weapons gunpowder and explosive substances in the Commonwealth of Pennsylvania"

The act approved the tenth day of June one thousand eight hundred eighty-one (Pamphlet Laws 117) entitled "An act declaring that the possession of defendant as tenant or otherwise at the time of the commission of the offense shall not exempt him from conviction and punishment for arson"

Section two of the act approved the twenty-sixth day of April one thousand eight hundred eighty-three (Pamphlet Laws fourteen) entitled "An act for the protection of agricultural and horticultural societies"

The act approved the first day of June one thousand eight hundred eighty-three (Pamphlet Laws fifty-seven) entitled "An act to prevent the placing in peril the life and limbs of performers or exhibitors in places of public amusement"

Section three of the act approved the fourth day of June one thousand eight hundred eighty-three (Pamphlet Laws seventy-two) entitled "An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals"

The act approved the fifth day of June one thousand eight hundred eighty-three (Pamphlet Laws seventy-eight) entitled "An act declaring it to be a misdemeanor to use and sell by false beams scales weights and measures and providing punishment therefor"

The act approved the thirteenth day of June one thousand eight hundred eighty-three (Pamphlet Laws ninety) entitled "A further supplement to an act to consolidate revise and amend the penal laws of this Commonwealth approved the thirty-first day of March one thousand eight hundred and sixty amending the fifty-fourth section of said act relating to lotteries"

Section two of the act approved the thirteenth day of June one thousand eight hundred eighty-three (Pamphlet Laws ninety-five) entitled "An act to prevent the obstruction of the navigable streams of this Commonwealth"

The act approved the thirteenth day of June one thousand eight hundred eighty-three (Pamphlet Laws ninety-six) entitled "An act to prevent the seling and vending of theatre tickets on the public streets and highways"

The act approved the thirtieth day of April one thousand eight hundred eighty-five (Pamphlet Laws thirteen) entitled "An act to enable officers soldiers sailors and marines of the United States army or navy to recover possession of their commissions or discharges and providing

a fine and punishment for withholding the same from the owners thereof"

Section one of the act approved the twenty-eighth day of May one thousand eight hundred eighty-five (Pamphlet Laws twenty-seven) entitled "An act supplementary to an act entitled 'An act to protect children from neglect and cruelty and relating to their employment protection and adoption' approved the eleventh day of June one thousand eight hundred and seventy-nine providing for the further protection of minors and regulating the boarding and maintaining of infants children for hire"

The act approved the third day of June one thousand eight hundred eighty-five (Pamphlet Laws fifty-five) entitled "An act for the suppression of lottery gifts by storekeepers and others to secure patronage"

The act approved the third day of June one thousand eight hundred eighty-five (Pamphlet Laws sixty) entitled "An act to punish co-partners for fraudulently appropriating the property of or using the name of the co-partnership corporation or association"

The act approved the third day of June one thousand eight hundred eighty-five (Pamphlet Laws seventy-two) entitled "An act to punish defaulting tax collectors"

The act approved the fourth day of June one thousand eight hundred eighty-five (Pamphlet Laws seventy-four) entitled "An act to make it a misdemeanor for any member of a co-partnership firm or association to keep fraudulent accounts or destroy or mutilate the books of the co-partnership firm or association"

The act approved the tenth day of June one thousand eight hundred eighty-five (Pamphlet Laws seventy-nine) entitled "An act enabling the judges of the courts of quarter sessions oyer and terminer and general jail delivery of this Commonwealth to sentence prisoners convicted for jail breaking or attempting to break jail to the penitentiary and to add to said sentence for jail breaking or attempting to break jail the remainder of the term which the said prisoners was serving at the time of his or her sentence"

The act approved the tenth day of June one thousand eight hundred eighty-five (Pamphlet Laws eighty-one) entitled "An act to prevent the establishment of joints booths or other places for the smoking or other use of opium"

The act approved the eleventh day of June one thousand eight hundred eighty-five (Pamphlet Laws 111) entitled "An act to prohibit the manufacture and sale of toy deadly weapons in the Commonwealth of Pennsylvania"

The act approved the twenty-third day of June one thousand eight hundred eighty-five (Pamphlet Laws 136) entitled "A supplement to an act to consolidate revise and amend the penal laws of this Commonwealth approved the thirty-first day of March Anno Domini one thousand eight hundred and sixty"

The act approved the twenty-third day of June one thousand eight hundred eighty-five (Pamphlet Laws 138) entitled "An act to prevent the wilfully cutting mutilating or otherwise injuring any book volume map chart magazine newspaper painting engraving or statuary in public libraries museums or galleries"

The act approved the twenty-second day of March one thousand eight hundred eighty-seven (Pamphlet Laws eight) entitled "An act for the protection of livery stable keepers"

The act approved the sixth day of May one thousand eight hundred eighty-seven (Pamphlet Laws eighty-four) entitled "An act to prevent and punish the making and dissemination of obscene literature and other immoral and indecent matter"

The act approved the sixth day of May one thousand eight hundred eighty-seven (Pamphlet Laws eighty-seven) entitled "An nct to prevent the mutilation destruction tearing down or removing of any show bills placard programme poster or other advertisement"

The act approved the nineteenth day of May one thousand eight hundred eighty-seven (Pamphlet Laws 128) entitled "A supplement to an act entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth' approved the thirty-first day of March one thousand eight hundred and sixty amending the ninety-first section thereof defining rape and carnal knowledge of female children and prescribing the penaltv therefor"

The act approved the nineteenth day of May one thousand eight hundred eighty-seven (Pamphlet Laws 130) entitled "An act to punish false pretenses in obtaining registration of cattle and other animals and to punish giving false pedigrees"

The act approved the nineteenth day of May one thousand eight hundred eighty-seven (Pamphlet Laws 130) entitled "An act to provide civil rights for all people regardless of race or color"

The act approved the nineteenth day of May one thousand eight hundred eighty-seven (Pamphlet Laws 140) entitled "An act to amend an act entitled 'An act to prevent the wilfully cutting marking mutilating or otherwise injuring any book volume map chart magazine newspaper painting engraving or statuary in public libraries museums or galleries' approved June twenty-third one thousand eight hundred and eighty-five extending the provisions thereof to libraries museums or galleries attached to or controlled by institutions incorporated under the laws of this Commonwealth"

The act approved the twenty-third day of May one thousand eight hundred eighty-seven (Pamphlet Laws 166) entitled "An act relating to sawlogs and lumber floating in or lodged upon the banks of the rivers and streams of this Commonwealth"

The act approved the twenty-thrid day of May one thousand eight hundred eighty-seven (Pamphlet Laws 177 entitled "A supplement to an act entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth" approved the thirty-first day of March one thousand eight hundred and sixty relating to breaking or entering cars or locomotives and provding penalties therefor"

Section three of the act approved the first day of June one thousand eight hundred eighty-seven (Pamphlet Laws 287) entitled "An act for the encouragement of forest culture and providing penalties for the injury and destruction of forests"

The act approved the eighth day of March one thousand eight hundred eighty-nine (Pamphlet Laws ten) entitled "An act to prevent persons from unlawfully using or wearing the insigna or rosette of the military order of the Loyal Legion of the United States or the badge or button of the Grand Army of the Republic or the badge or shield of the Union Veteran Legion"

Sections one three four five and six of the act approved the fourth day of May one thousand eight hundred eighty-nine (Pamphlet Laws eighty-four) entitled "An act to prevent and punish the wrongful use or detention or misappropriation of milk cans butter tubs and market boxes from the owners thereof and the mutilation or obliteration of the name or residence of the owner on such cans tubs or boxes"

Section three of the act approved the seventh day of May one thousand eight hundred eighty-nine (Pamphlet Laws 110) entitled "An act to permit persons to build sidewalks along public highways and to prohibit riding and driving on the same and providing penalties for the violation thereof"

The act approved the eighth day of May one thousand eight hundred eighty-nine (Pamphlet Laws 127) entitled "An act prohibiting the printing or circulating of publications offering for sale et cetera counterfeit coin paper money et cetera"

Section three of the act approved the eighth day of May one thousand eight hundred eighty-nine (Pamphlet Laws 131) entitled "An act forbidding the refilling of or dealing or trafficking in registered bottles by persons other than the owners thereof without the written permission of the owner declaring it to be a misdemeanor so to do imposing a penalty therefor and providing what shall be prima facie proof thereof"

The act approved the ninth day of May one thousand eight hundred eighty-nine (Pamphlet Laws 145) entitled "An act relating to the receiving of deposits by insolvent bankers brokers or an officer of a bank national state or

private defining the offense and providing a punishment therefor"

The act approved the ninth day of May one thousand eight hundred eighty-nine (Pamphlet Laws 167) entitled "An act to provide for the punishment of persons injuring or defacing statues and monuments erected by authority of or within the Commonwealth altering defacing or adding to the inscriptions thereon"

The act approved the fourteenth day of May one thousand eight hundred ninety-one (Pamphlet Laws 60) entitled "An act to amend an act entitled 'An act for the encouragement of forest culture and providing penalties for the injury and destruction of forests' approved June first Anno Domini one thousand eight hundred and eighty-seven changing the penalties therein provided"

The act approved the sixteenth day of May one thousand eight hundred ninety-one (Pamphlet Laws eighty-nine) entitled "An act providing for the protection of Antwerp or homing pigeons"

The act approved the first day of June one thousand eight hundred ninety-one (Pamphlet Laws 141) entitled "An act to amend section one of the act approved the eighth day of March one thousand eight hundred and eighty-nine entitled 'An act to prevent persons from unlawfully using or wearing the insignia or rosette of the military order of the Loyal Legion of the United States or badge or the button of the Grand Army of the Republic or the badge or shield of the Union Veteran Legion' to extend its provisions and include the badge or shield of the Order Sons of Veterans United States of America"

The act approved the ninth day of June one thousand eight hundred ninety-one (Pamphlet Laws 260) entitled "An act to amend an act entitled 'An act for the punishment of cruelty to animals in this Commonwealth' approved March twenty-ninth one thousand eight hundred and sixty-nine authorizing the payment of all fines and penalties imposed by any alderman or magistrate to any regularly incorporated society for the prevention of cruelty to animals bringing suit or prosecuting the charge"

The act approved the twentieth day of June one thousand eight hundred ninety-one (Pamphlet Laws 378) entitled "A supplement to 'An act amendatory of an act for the punishment of cruelty to animals' approved March twenty-ninth one thousand eight hundred and sixty-nine"

The act approved the fourteenth day of April one thousand eight hundred ninety-three (Pamphlet Laws seventeen) entitled "An act amending section sventy-six of an act to consolidate revise and amend the penal laws of this Commonwealth approved March thirty-one one thousand eight hundred and sixty increasing the maximum punishment for the first conviction of murder in the second degree to twenty years"

The act approved the twenty-ninth day of May one thousand eight hundred ninety-three (Pamphlet Laws 174) entitled "An act relative to the appointing of special deputies marshals or policemen by sheriffs mayors or other persons authorized by law to make such appointments and by individuals associations or corporations incorporated under the laws of this State or any other State of the United States and making it a misdemeanor for persons to exercise the functions of such officers without authority"

The act approved the third day of June one thousand eight hundred ninety-three (Pamphlet Laws 273) entitled "An act to provide for the punishment of persons wilfully procuring the publication of false statements"

The act approved the third day of June one thousand eight hundred ninety-three (Pamphlet Laws 286) entitled "An act to amend the one hundred and eightieth section of an act entitled 'An act to consolidate revise and amend the penal laws of the Commonwealth' approved the thiry-first day of March eighteen hundred and sixty so as to make the said section applicable to all penal laws of this Commonwealth"

The act approved the sixth day of June one thousand eight hundred ninety-three (Pamphlet Laws 344) entitled "An act to prevent entering of trotting or pacing horses out of their classes"

The act approved the twenty-second day of May one thousand eight hundred ninety-five (Pamphlet Laws ninety-nine) entitled "An act to punish pool-selling receiving and transmitting bets or aiding in pool-selling or betting"

The act approved the twenty-second day of May one thousand eight hundred ninety-five (Pamphlet Laws 112) entitled "An act to prohibit the giving and raising a false alarm of fire in the Commonwealth of Pennsylvania"

The act approved the eighteenth day of June one thousand eight hundred ninety-five (Pamphlet Laws 196) entitled "An act to amend an act entitled 'An act to protect fruit gardens growing crops grass et cetera and punish trespass" approved the eighth day of June Anno Domini one thousand eight hundred and eighty-one so as to protect berries and nuts by punishing trespass"

The act approved the twenty-fourth day of June one thousand eight hundred ninety-five (Pamphlet Laws 231) entitled "An act declaring it to be a misdemeanor to trespass on certain enclosed land of a water company and providing that any watchman of a water company or any constable or policeman duly authorized to make arrests may arrest without warrant"

The act approved the twenty-fourth day of June one thousand eight hundred ninety-five (Pamphlet Laws 265) entitled "An act to prohibit the illicit conveyance of articles into and from the Pennsylvania Industrial Reformatory"

The act approved the twenty-fifth day of June one thousand eight hundred ninety-five (Pamphlet Laws 271) entitled "An act creating and defining the offense of disorderly conduct by persons on the public highways roads streets lanes alleys parks squares or commons of the Commonwealth or near thereto and fixing penalties for committing such offense"

Section two and three of the act approved the twenty-fifth day of June one thousand eight hundred ninety-five (Pamphlet Laws 287) entitled "An act to honor the United States flag as the national emblem of a free people and to protect it from domestic and foreign insult"

The act approved the twenty-fifth day of June one thousand eight hundred ninety-five (Pamphlet Laws 289) entitled "An act to amend an act entitled 'An act to prevent persons from unlawfully using or wearing the insignia or rosette of the military order of the Loyal Legion of the United States or the badge or button of the Grand Army of the Republic or the badge or shield of the Union Veteran Legion and providing for the summary conviction of offenders under the same"

The act approved the twenty-fifth day of June one thousand eight hundred ninety-five (Pamphlet Laws 290) entitled "An act for the protection of railroad travelers defining the crime of train robbery and punishing the same"

The act approved the twenty-fifth day of June one thousand eight hundred ninety-five (Pamphlet Laws 291) entitled "An act to prohibit exhibitions of physical or mental deformities in certain public places"

The act approved the twenty-fifth day of June one thousand eight hundred ninety-five (Pamphlet Laws 302) entitled "An act to prevent the interference of unauthorized persons with the electrical conductors and electrical appliances and machinery of companies using generating or supplying electricity for light heat or power"

The act approved the twenty-sixth day of June one thousand eight hundred ninety-five (Pamphlet Laws 319) entitled "An act to protect the property of natural gas companies and other furnishers of gas and the interest of consumers of gas"

The act approved the twenty-sixth day of June one thousand eight hundred ninety-five (Pamphlet Laws 389) entitled "An act punishing the printing posting and distributing of any libelous circular or poster or other written or printed papers"

The act approved the twenty-ninth day of April one thousand eight hundred ninety-seven (Pamphlet Laws thirty-four) entitled "An act to protect the American flag from insult and degradation"

The act approved the fifth day of May one thousand eight hundred ninety-seven (Pamphlet Laws thirty-nine) entitled "An act to prohibit any person from falsely rep-

resenting himself to be or falsely assuming to act as a detective or any elective or appointive officer within the Commonwealth of Pennsylvania and prescribing the penalty therefor"

The act approved the twelfth day of May one thousand eight hundred ninety-seven (Pamphlet Laws sixty-three) entitled "An act to prevent and punish the loan gift sale or distribution of indecent and immoral writings printings pictures photographs or representatives of all matters of an indecent or immoral character and of all articles drugs recipes et cetera to prevent conception or to produce unlawful abortion or intended or purporting to be used for such purposes or either of them and also to prevent the advertisement exhibition or publication of the same and to authorize the seizure and destruction of all such matter"

The act approved the twenty-fifth day of May one thousand eight hundred ninety-seven (Pamphlet Laws 85) entitled "An act punishing the sending of anonymous communications of a libelous defamatory scurrilous or opprobious nature"

The act approved the twenty-seventh day of May one thousand eight hundred ninety-seven (Pamphlet Laws 111) entitled "An act to amend an act making it a misdemeanor to levy blackmail or extort money or other valuable thing by threats charges or accusations and fixing the penalty therefor"

The act approved the fourth day of June one thousand eight hundred ninety-seven (Pamphlet Laws 116) entitled "An act to protect employes of corporations in their right to form join or belong to labor rganizations by prescribing penalties for any interference therewith"

The act approved the tenth day of June one thousand eight hundred ninety-seven (Pamphlet Laws 139) entitled "An act to prevent the wearing of the badge or button of any labor or fraternal organization by others than members and fixing a penalty for the same"

The act approved the fifteenth day of June one thousand eighth undred ninety-seven (Pamphlet Laws 157) entitled "An act for the better protection of employes in and about the coal mines by preventing mine superintendents mine foremen and assistants from receiving or soliciting any sums of money or other valuable consideration from men while in their employ and providing a penalty for violation of the same"

The act approved the fifteenth day of June one thousand eight hundred ninety-seven (Pamphlet Laws 163) entitled "An act to regulate the sale of goods marked 'gold' or 'solid gold' "

The act approved the twenty-second day of June one thousand eight hundred ninety-seven (Pamphlet Laws 184) entitled "An act making it a misdemeanor for persons to obtain or attempt to obtain positions of trust or solicit alms by fraud or misrepresentation and providing a penalty for the same"

The act approved the twenty-second day of June one thousand eight hundred ninety-seven (Pamphlet Laws 186) entitled "An act to regulate the sale of goods marked 'sterling' or 'sterling silver' or 'coin' or 'coin silver' "

The act approved the twenty-third day of June one thousand eight hundred ninety-seven (Pamphlet Laws 193) entitled "An act to prevent fraudulent preferences by insolvent debtors and oroviding a punishment therefor'

The act approved the twenty-third day of June one thousand eight hundred ninety-seven (Pamphlet Laws 201 entitled "An act in relation to aiding an inmate of any of the State institutions of this Commonwealth to escape"

The act approved the twenty-eighth day of April one thousand eight hundred ninety-nine (Pamphlet Laws 78) entitled "An act making unlawful the wilful injury to or destruction of sidepaths in this Commonwealth declaring such injury to be a misdemeanor and providing for the punishment thereof"

The act approved the fifth day of May one thousand eight hundred ninety-nine (Pamphlet Laws 247) entitled "An act to punish the buying or receiving of junk rope scrap iron brass or other metals from minors unknown or irresponsible parties"

The act approved the thirteenth day of March one thousand nine hundred one (Pamphlet Laws 49) entitled "An act amending the second section of an act etitled 'A supplement to the act to consolidate revise and amend the penal laws of this Commonwealth approved the thirty-first day of March one thousand eight hundred and sixty' approved the twenty-second day of April one thousand eight hundred and sixty-three increasing the penalty thereof"

The act approved the fourth day of April one thousand nine hundred one (Pamphlet Laws 65) entitled "An act to punish kidnappers their aiders assistors and abettors"

Section four of the act approved the eleventh day of April one thousand nine hundred one (Pamphlet Laws 74) entitled "An act relating to criminal prosecutions and civil suits for libel and repealing the act entitled 'an act relating to libel and its punishment' approved July first one thousand eight hundred and ninety-seven"

The act approved the twenty-fourth day of April one thousand nine hundred one (Pamphlet Laws 102) entitled "An act to define and punish the crime of giving or administering drugs narcotics or anaesthetic agents to persons by mixing the same with any food or drink with felonious intent"

The act approved the second day of May one thousand nine hundred one (Pamphlet Laws 111) entitled "An act to protect children and making it a misdemeanor to place free or trial samples of medicines dyes ink coloring or polishing compounds in any form where children can secure the same"

The act approved the second day of May one thousand nine hundred one (Pamphlet Laws 132) entitled "An act to amend an act approved the twenty-fifth of June Anno Domini one thousand eight hundred and ninety-five 'creating and defining the offense of disorderly conduct by persons on the public highways roads streets lanes alleys parks squares or commons of the Commonwealth or near thereto and fixing penalties for committing such offense' so as to provide for the right of appeal"

The act approved the sixteenth day of May one thousand nine hundred one (Pamphlet Laws 220) entitled "An act regulating the employment of minor children for theatrical or athletic performances singing exhibitions or for playing upon musical instruments"

The act approved the twenty-first day of May one thousand nine hundred one (Pamphlet Laws 286) entitled "An act creating and defining the offense of disorderly conduct by persons on railroad and railway cars public or private parks and picnic grounds kept for the amusement of the public in this Commonwealth and fixing the penalties for the commission of such offense"

The act approved the twenty-ninth day of May one thousand nine hundred one (Pamphlet Laws 335) entitled "An act prohibiting the public presentation for profit of unpublished dramatic plays and musical compositions without consent of the authors thereof and providing punishment for violation of the provisions of this act"

The act approved the seventh day of June one thousand nine hundred and one (Pamphlet Laws 492) entitled "An act relating to the arrest and punishment of proessional thieves burglars and pickpockets"

The act approved the tenth day of June one thousand nine hundred one (Pamphlet Laws 555) entitled "An act making the wilful and malicious taking or removal of the waste or packing from out any journal-box or boxes of any locomotive engine tender carriage coach car caboose or truck used or operated upon any railroad whether the same be operated by steam or electricity a felony and providing penalties therefor"

The act approved the nineteenth day of June one thousand nine hundred one (Pamphlet Laws 577) entitled "An act to prohibit the manufacture and sale of firecrackers containing dynamite"

The act approved the twentieth day of June one thousand nine hundred one (Pamphlet Laws 585) entitled "An act to prevent the importation and sale in the Commonwealth of Pennsylvania of dressed carcasses of lamb and sheep with the hoofs on"

Sections one two and three of the act approved the

tenth day of July one thousand nine hundred one (Pamphlet Laws 639) entitled "An act to regulate and define the legal relations of an illegitimate child or children its or their heirs with each other and the mother and her heirs"

The act approved the tenth day of July one thousand nine hundred one (Pamphlet Laws 651) entitled "An act making it a misdemeanor for any person connected with any line of telegraph or telephone within this state to use or cause to be used or make known or cause to be made known or in any maner divulge the contents of any telegraphic or telephonic dispatch and prescribing the punishment therefor"

The act approved the fifth day of March one thousand nine hundred three (Pamphlet Laws fourteen) entitled "An act making it a misdemeanor for persons to unlawfully use or wear the insignia or button of the Spanish-American War Veterans or the official decorations of Spanish-American or Philippine war societies"

The act approved the tenth day of March one thousand nine hundred three (Pamphlet Laws twenty) entitled "An act to prevent the pasting painting branding stamping or placing of advertisements notices signs cards or posters in certain places and providing penalties for the violation thereof"

The act approved the thirteenth day of March one thousand nine hundred three (Pamphlet Laws twenty-six) entitled "An act making it a misdemeanor for a husband or father to desert and neglect to support his wife or children prescribing a penalty therefor and making the wife a competent witness in such cases"

Sections two and three of the act approved the twenty-seventh day of March one thousand nine hundred three (Pamphlet Laws 102) entitled "An act to prevent bigamous marriages defining same and declaring same misdemeanors fixing the punishment declaring certain marriages void exempting certain persons from the penalties marking out limits of time within which the prosecution must be brought and repealing inconsistent acts"

The act approved the twenty-seventh day of March one thousand nine hundred three (Pamphlet Laws 106) entitled "An act making it a misdemeanor for persons to unlawfully use or wear any insignia or button of any association society or trade's union"

The act approved the eleventh day of April one thousand nine hundred three (Pamphlet Laws 166) entitled "An act prohibiting athletic exhibitions of longer duration than twelve hours in each calendar day"

The act approved the fifteenth day of April one thousand nine hundred three (Pamphlet Laws 198) entitled "An act to prohibit the discharge of flobert rifles air guns spring guns in cities and boroughs of this Commonwealth"

The act approved the twenty-second day of April one thousand nine hundred three (Pamphlet Laws 242) entitled "An act to amend an act approved the twenty-third day of June one thousand eight hundred and eighty-five entitled 'A supplement to an act to consolidate revise and amend the penal laws of this Commonwealth' approved the thirty-first day of March one thousand eight hundred and sixty prohibiting the disposing of property to defraud creditors and prohibiting the removing of any property out of any county to prevent the same from being levied upon or sold on execution"

The act approved the twenty-third day of April one thousand nine hundred three (Pamphlet Laws 285) entitled "An act to prevent officers or members of boards of managers of institutions receiving appropriations of State money from selling supplies to such institutions or acting as agent for the sale of the same"

The act approved the twenty-fourth day of April one thousand nine hundred three (Pamphlet Laws 296) entitled "An act to amend section one hundred and fifty-four of the act of March twenty-one one thousand eight hundred and sixty entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth' "

The act approved the eighth day of March one thousand nine hundred five (Pamphlet Laws thirty-three) entitled "An act to prevent and punish the stealing of wire forming part of a line for the transmission of electricity"

The act approved the fourteenth day of March one thousand nine hundred five (Pamphlet Laws thirty-eight) entitled "An act making it a misdemeanor for persons to have in their possession certain mechanical devices or tools commonly called burglars' tools and prescribing the punishment therefor"

The act approved the twenty-fourth day of March one thousand nine hundred five (Pamphlet Laws forty-nine) entitled "An act to prohibit the sale or use of certain fireworks fire-crackers pistols explosive canes and ammunition and providing penalties for violations thereof"

The act approved the fourteenth day of April one thousand nine hundred five (Pamphlet Laws 169) entitled "An act making it unlawful to trespass upon land posted as private property and providing the penalty therefor"

The act approved the eighteenth day of April one thousand nine hundred five (Pamphlet Laws 202) entitled "An act providing for the punishment of male persons frequenting bawdy-houses or taking money or other valuable things from the proprietress or inmate thereof"

The act approved the eighteenth day of April one thousand nine hundred five (Pamphlet Laws 212) entitled "An act for the better regulation of public pool rooms billiard rooms bowling saloons and tenpin alleys in the Commonwealth of Pennsylvania"

The act approved the eighteenth day of April one thousand nine hundred five (Pamphlet Laws 213) entitled "An act to prevent the buying and selling of infant children and providing for the punishment therefor"

The act approved the twentieth day of April one thousand nine hundred five (Pamphlet Laws 227) entitled "An act to prohibit the throwing of waste paper sweepings ashes household waste nails or rubbish of any kind into any street in any city borough or township in this Commonwealth or to disturb the contents of any receptacle placed upon the street or sidewalk for collection"

The act approved the twenty-second day of April one thousand nine hundred five (Pamphlet Laws 279) entitled "An act to amend an act entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth' approved the thirty-first day of March one thousand eight hundred and sixty and supplements thereto providing for the punishment of persons committing or attempting to commit a felony with explosives"

The act approved the fifth day of March one thousand nine hundred seven (Pamphlet Laws six) entitled "An act amending section two of the act entitled 'An act for the relief of wives and children deserted by their husbands and fathers within this Commonwealth' approved the thirteenth day of April Anno Domini one thousand eight hundred and sixty-seven by authorizing and empowering courts to fix the allowance for the support of wives and children without limitation as to the amount thereof"

The act approved the twenty-eighth day of March one thousand nine hundred seven (Pamphlet Laws thirty-five entitled "An act to prohibit the fraudulent use of the name or title of secret fraternities associations societies orders or organizations also prohibiting the fraudulent wearing or use of any emblem badge button or insignia of such secret fraternal organization and fixing the penalty for violation of this act"

The act approved the eighth day of May one thousand nine hundred seven (Pamphlet Laws 180) entitled "An act making false statements reports entries in books and exhibiting false papers in any bank trust company or building and loan association a misdemeanor"

The act approved the eighth day of May one thousand nine hundred seven (Pamphlet Laws 181) entitled "An act to prohibit the depositing casting throwing or placing of packages parcels or samples of medicines or candies in the houses buildings porches verandas or on the lawns lands streets or public highways within this Commonwealth and prescribing penalties for the violation thereof"

The act approved the twenty-third day of May one thousand nine hundred seven (Pamphlet Laws 225) entitled "An act to prevent and punish the desecration of the flag of the United States and of this State"

The act approved the twenty-ninth day of May one thousand nine hundred seven (Pamphlet Laws 318) entitled "An act to provide for the better protection of children under the age of sixteen years and providing punishment for the violation thereof"

The act approved the first day of June one thousand nine hundred seven (Pamphlet Laws 359) entitled "An act defining bucket-shops prohibiting the maintenance and operation of the same within the Commonwealth and imposing penalties therefor invalidating all contracts made therein and imposing penalties upon corporations associations partnerships and individuals furnishing market quotations thereto or knowingly permitting bucket-shops to be maintained and operated in or on any property owned leased controlled or operated by them"

The act approved the eighteenth day of March one thousand nine hundred nine (Pamphlet Laws thirty-nine) entitled "An act to amend section seventy of an act entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth' approved the thirty-first day of March Anno Domini one thousand eight hundred and sixty providing how when and under what conditions carbolic acid shall be sold and disposed of by retail and providing the punishment for the violation of such provisions"

The act approved the twenty-fourth day of March one thousand nine hundred nine (Pamphlet Laws fifty-nine) entitled "An act providing for the protection of minor children and providing penalties for the violation thereof"

The act approved the twenty-third day of April one thousand nine hundred nine (Pamphlet Laws 159) entitled "An act prohibiting the buying having or receiving of stolen property in the Commonwealth of Pennsylvania and providing for the punishment thereof"

The act approved the twenty-third day of April one thousand nine hundred nine (Pamphlet Laws 169) entitled "An act making it a misdemeanor for any president vice-president cashier treasurer secretary teller bookkeeper clerk employe or agent of any mutual savings bank savings bank bank of discount and deposit trust company title insurance company surety company or safe deposit company incorporated under the laws of this Commonwealth or of any private bank or unincorporated association receiving deposits of money or of any building and loan association incorporated under the laws of this Commonwealth or authorized to do business therein his or their aiders and abettors to embezzle abstract or wilfully misapply any of the moneys funds or credits of such institution or to issue certificates of deposit draw any order or bill of exchange make any acceptance assign any note bond draft bill of exchange mortgage judgment or other instrument in writing without authority from the directors of such institution with intent to deceive or defraud or to make a false entry in the books reports or statements thereof with like intent prescribing penalties and authorizing the Banking Commissioner to institute prosecutions"

The act approved the twenty-third day of April one thousand nine hundred nine (Pamphlet Laws 171) entitled "An act making it a misdemeanor to destroy remove or deface any sign erected on or near-by a highway for the guidance of the public and providing for the punishment of violations of this act"

The act approved the twenty-seventh day of April one thousand nine hundred nine (Pamphlet Laws 248) entitled "An act for the protection of livery-stable keepers and fixing a penalty for any violation thereof"

The act approved the first day of May one thousand nine hundred nine (Pamphlet Laws 306) entitled "An act to prevent the inducing enticing or procuring or attempting to induce entice or procure into the Commonwealth of Pennsylvania any woman or girl for immoral purposes and providing a punishment for the violation thereof"

Section three and four of the act approved the sixth day of May one thousand nine hundred nine (Pamphlet Laws 443) entitled "An act prohibiting any owner offering for sale or selling any horse which could not be worked in this Commonwealth without violating the laws against cruelty to animals by reason of lameness debility disease or other cause and preventing any person from leading riding or driving on any public way for any purpose except to a proper place for humane keeping or killing or for medical or surgical treatment any horse which by reason of debility disease or lameness or for other cause could not be worked without violating the laws against cruelty to animals providing a penalty for the violation of this act and authorizing policemen constables or agents of any society for the prevention of cruelty to animals in this Commonwealth to make arrests on view or by warrant of offenders of this act"

The act approved the eleventh day of May one thousand nine hundred nine (Pamphlet Laws 516) entitled "An act for the further protection of the public health by prohibiting spitting in public places providing penalties for violation thereof"

The act approved the eleventh day of May one thousand nine hundred nine (Pamphlet Laws 519) entitled "An act making it a misdemeanor for any officer of this Commonwealth to authorize to be paid or for the State Treasurer to pay any money out of the State Treasury except in accordance with the provisions of an act of Assembly specifying the arount and purpose of the expenditure or for any officer of this Commonwealth to authorize to be paid or for the State Treasurer to pay any money out of the State Treasury in excess of the amount of such specific appropriation and providing penalties for the violation thereof"

The act approved the thirteenth day of April one thousand nine hundred eleven (Pamphlet Laws sixty-four) entitled "An act to regulate the amusement and places of public amusement in this Commonwealth by prohibiting any dramatic theatrical operatic or vaudeville exhibition or the exhibition of any fixed or moving pictures of a lascivious sacrilegious obscene indecent or immoral nature or character and providing penalties for the violation thereof"

The act approved the fifth day of May one thousand nine hundred eleven (Pamphlet Laws 125) entitled "An act to protect the dignity and honor of the uniform of the United States in the State of Pennsylvania and providing a penalty for any violation thereof"

Sections two three four and five of the act approved the fifth day of May one thousand nine hundred eleven (Pamphlet Laws 163) entitled "An act to protect the State Forest Reserves and providing punishment for the violation thereof"

The act approved the fifth day of May one thousand nine hundred eleven (Pamphlet Laws 176) entitled "An act making it a felony to open any tomb vault or grave and remove clandestinely any body or remains therefrom and fixing the penalty for violation thereof"

The act approved the fifth day of May one thousand nine hundred eleven (Pamphlet Laws 178) entitled "An act prohibiting certain cruelty to cows and providing penalties for violation thereof"

Sections one two and five of the act approved the eleventh day of May one thousand nine hundred eleven (Pamphlet Laws 274) entitled "An act to prohibit the bringing into prisons of all weapons or other implements which may be used to injure any convict or person or in assisting any convict to escape punishment or the selling or furnishing of same to convicts to prohibit the bringing into prisons of all spirituous or fermented liquors drugs medicines poisons opium morphine or any other kind of character of narcotics or the giving selling or furnishing of spirituous or fermented liquor drugs medicine poison opium morphine or any other kind or character of narcotics or bringing into or taking out letters notes money or contraband goods of any kind whatsoever and providing a penalty for the violation thereof"

The act approved the first day of June one thousand nine hundred eleven (Pamphlet Laws 542) entitled "An act to regulate the use of firecrackers fireworks blank cartridges pellets tablets et cetera in any county in this Commonwealth and providing penalties for the violations thereof"

The act approved the first day of June one thousand nine hundred eleven (Pamphlet Laws 553) entitled "An act defining what shall constitute the offense of malicious injury to railroads providing a punishment therefor fixing the punishment in case of loss of life as a result of such offense and repealing sections one hundred forty-two and one hundred forty-three of an act approved the thirty-first day of March Anno Domini one thousand eight hundred and sixty entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth' and an act approved the twenty-sixth day of May Anno Domini one thousand eight hundred and ninety-one entitled 'An act defining the offense of the taking of human life

through the wilful and malicious wrecking of cars and locomotives upon railroads in this Commonwealth' "

The act approved the first day of June one thousand nine hundred eleven (Pamphlet Laws 554) entitled "An act to restrain and regulate the sale and manufacture of certain fire-crackers fireworks and certain explosive materials used in canes cannons pistols or any toy and providing penalties for the violation thereof"

The act approved the first day of June one thousand nine hundred eleven (Pamphlet Laws 557) entitled "An act to amend an act entitled 'An act making the wilful and malicious taking or removal of the waste or packing from out any journal-box or boxes of any locomotive engine tender carriage coach car caboose or truck used or operated upon any railroad whether the same be operated by steam or electricity a felony and providing penalties therefor' approved the tenth day of June Anno Domini one thousand nine hundred and one so as to include brasses or the air-appliances"

The act approved the seventh day of June one thousand nine hundred eleven (Pamphlet Laws 671) entitled "An act prohibiting pawnbrokers or any employee from making loans to or receiving pledges from minors under the age of sixteen years"

The act approved the seventh day of June one thousand nine hundred eleven (Pamphlet Laws 679) entitled "An act for the protection of shade and fruit-trees growing on or along any highway street or road"

The act approved the seventh day of June one thousand nine hundred eleven (Pamphlet Laws 701) entitled "An act to prevent the issuing or transfer by any person other than a warehouseman or person controlling a place for storing of goods of any paper in similitude of a warehouse receipt and prescribing punishment therefor"

The act approved the eighth day of June one thousand nine hundred eleven (Pamphlet Laws 716) entitled "An act to punish the interference or the permitting of interference of unauthorized persons with the electrical conductors electrical appliances and machinery electric meters and other apparatus of companies using generating or supplying electricity for light heat or power and to punish any consumer of electricity for knowingly having in his possession or under his control any electric meter that has been tampered with or prevented from duly registering and providing penalties therefor"

The act approved the ninth day of June one thousand nine hundred eleven (Pamphlet Laws 746) entitled "An act making it a misdemeanor for an officer or employe of any employer of labor in Pennsylvania to solicit demand or receive directly or indirectly from any person any moneys or other valuable thing for the purpose actual or alleged of either obtaining for the latter employment in the service of said employer or continued in said employment and providing for the punishment thereof on conviction"

The act approved the ninth day of June one thousand nine hundred eleven (Pamphlet Laws 833) entitled "An act making it a misdemeanor to intimidate levy blackmail or extort money or other valuable thing or to attempt so to do from any person and providing punishment therefor"

Section two four five and seven of the act approved the ninth day of June one thousand nine hundred eleven (Pamphlet Laws 861) entitled "An act to protect trees and woodlands and providing punishment for the violation thereof"

The act approved the twentieth day of March one thousand nine hundred thirteen (Pamphlet Laws six) entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities of services and providing for the violation thereof"

Section two of the act approved the twenty-seventh day of March one thousand nine hundred thirteen (Pamphlet Laws twelve) entitled "An act to amend an act approved the twenty-fifth day of June one thousand eight hundred and ninety-five entitled 'An act to honor the United States flag as the national emblem of a free people and to protect it from domestic and foreign insult' "

The act approved the fifteenth day of April one thousand nine hundred thirteen (Pamphlet Laws seventy-two) entitled "An act to amend the second section of an act approved the fifth day of March Anno Domini one thousand nine hundred and seven entitled 'An act amending section two of the act entitled "An act for the relief of wives and children deserted by their husbands and fathers within this Commonwealth" approved the thirteenth day of April Anno Domini one thousand eight hundred and sixty-seven by authorizing and empowering courts to fix the allowance for the support of wives and children without limitation as to the amount thereof' by empowering courts to issue writs of attachment against the money or property belonging to or which the husbands and fathers may be entitled to whether under what is known as spendthrift trusts or otherwise"

The act approved the fifteenth day of April one thousand nine hundred thirteen (Pamphlet Laws seventy-four) entitled "An act making it unlawful for any person firm or corporation to use the word 'Consul' or 'Consulate' or the coat of arms of a foreign country for exhibition display or advertising purposes and providing a penalty therefor"

The act approved the first day of May one thousand nine hundred thirteen (Pamphlet Laws 153) entitled "An act to prohibit the depositing of glass or metal or refuse on certain highways and providing a penalty"

The act approved the eighth day of May one thousand nine hundred thirteen (Pamphlet Laws 161) entitled "An act making it a misdemenor to make or use a false statement or statements in writing for the purpose of obtaining property money credit or the extension of credit and providing penalties for the violation thereof"

The act approved the ninth day of May one thousand nine hundred thirteen (Pamphlet Laws 186) entitled "An act to amend an act approved the first day of June one thousand nine hundred and eleven entitled 'An act defining what shall constitute the offense of malicious injury to railroads providing a punishment therefor fixing the punishment in case of loss of life as a result of such offense and repealing sections one hundred forty-two and one hundred forty-three of an act approved the thirty-first day of March Anno Domini one thousand eight hundred and sixty entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" and an act approved the twenty-sixth day of May Anno Domini one thousand eight hundred and ninety-one entitled "An act defining the offense of the taking of human life through the wilful and malicious wrecking of cars and locomotives upon railroads in this Commonwealth" ' "

The act approved the ninth day of May one thousand nine hundred thirteen (Pamphlet Laws 198) entitled "An act prohibiting the furnishing by gift sale or otherwise of cigarettes or cigarette paper to minors requiring minors to divulge where and from whom cigarettes or cigarette paper have been obtained and providing penalties for violation of this act"

The act approved the nineteenth day of May one thousand nine hundred thirteen (Pamphlet Laws 222) entitled "An act relating to extortion and attempted extortion by threats and fixing a penalty therefor"

The act approved the twentieth day of May one thousand nine hundred thirteen (Pamphlet Laws 246) entitled "An act making it a misdemeanor for the keeper owner proprietor or any person in charge of any storage or warehouse pawn-shop second-hand store or junk-shop to conceal from any constable or sheriff entrusted with the execution of any writ the whereabouts of goods and chattels in their possession belonging to another defining what shall be evidence of such concealment and providing a penalty therefor"

The act approved the fifth day of June one thousand nine hundred thirteen (Pamphlet Laws 419) entitled "An act for the protection of keepers of garages or automobile shops and providing a penalty for the removal of automobiles from the said garage or shop with intent to defraud the keepers or owners"

The act approved the sixth day of June one thousand nine hundred thirteen (Pamphlet Laws 454) entitled "An act to prohibit the use of firearms of any description upon lands set apart to hospital or sanatorium or park or resort uses whereon human beings congregate in the open in quest of health recreation or pleasure in this Common-

wealth and providing penalties for violation of its several provisions"

The act approved the tenth day of June one thousand nine hundred thirteen (Pmphlet Laws 467) entitled "An act prohibiting the placing fixing or inserting of certain things in or on or to newspapers magazines periodicals or books without the consent of the owner or publisher and providing a penalty"

The act approved the twenty-second day of July one thousand nine hundred thirteen (Pamphlet Laws 913) entitled "An act prohibiting any person to lead drive ride or work or cause or permit any other person to lead drive ride or work any horse mare mule ox or any other animal whether belonging to himself or in his posession or control for more than fifteen hours in any twenty-four hour period nor more than ninety hours in any one week in any city of the first or second class Provided That nothing in this act contained shall be construed to warrant any person leading driving riding or working any animal a less period than fifteen hours when so doing shall in any way violate the laws against cruelty to animals providing a penalty for the violation of this act and authorizing policemen constables or agents of duly incorporated societies or associations for the prevention of cruelty to animals in this Commonwealth to make arrests on view or by warrants of offenders of this act"

The act approved the sixth day of May one thousand nine hundred fifteen (Pamphlet Laws 260) entitled "An act relating to balloons and imposing a penalty"

The act approved the seventeenth day of May one thousand nine hundred seventeen (Pamphlet Laws 221) entitled "An act to prohibit the unauthorized use of certain containers in the sale exchange or delivery of milk or cream or their products or any other products and prescribing penalties"

The act approved the eighteenth day of May one thousand nine hundred seventeen (Pamphlet Laws 241) entitled "An act making the fraudulent conversion of property or the proceeds of property a misdemeanor prescribing the penalties therefor and regulating the procedure therein"

The act approved the twenty-fourth day of May one thousand nine hundred seventeen (Pamphlet Laws 295) entitled "An act prohibiting the handling or driving of horses or other animals or teams or vehicles on the public highways of the Commonwealth by an intoxicated person and providing penalties therefor"

The act approved the fifteenth day of June one thousand nine hundred seventeen (Pamphlet Laws 614) entitled "An act to amend the second section of an act approved the fifteenth day of April one thousand nine hundred thirteen entitled 'An act to amend the second section of an act approved the fifth day of March Anno Domini one thousand nine hundred and seven entitled "An act amending section two of the act entitled 'An act for the relief of wives and children deserted by their husbands and fathers within this Commonwealth' approved the thirteenth day of April Anno Domini one thousand eight hundred and sixty-seven by authorizing and empowering courts to fix the allowances for the support of wives and children without limitation as to the amount thereof" by empowering courts to issue writs of attachment against the money or property belonging to or which the husbands and fathers may be entitled to whether under what is known as spendthrifts trusts or otherwise by empowering courts to issue writs of execution against any property real or personal belonging to the defendant and writs of attachment execution against the money or property to which defendant may be entitled whether under what is known as a spendthrift trust or otherwise no matter when said trust was created and making same a continuing lien and levy for fifty per centum thereof until the order and costs are paid and abolishing the benefit of the exemption law in such case"

The act approved the twenty-eighth day of June one thousand nine hundred seventeen (Pamphlet Laws 657) entitled "An act making it a misdemenaor to take remove steal or destroy any seed or plants after the same have been sown or planted

The act approved the eleventh day of July one thousand nine hundred seventeen (Pamphlet Laws 773) entitled "An act making it a misdemeanor for a parent wilfully to neglect to support a child born out of lawful wedlock whether such child shall have been begotten or shall have been born within or without this Commonwealth providing punishment therefor and empowering the court to make an order for support and to enforce the same And declaring persons making false statements in certain cases guilty of perjury"

The act approved the eleventh day of July one thousand nine hundred seventeen (Pamphlet Laws 817) entitled "An act to prohibit the use of cannon guns revolvers or other explosive devices at wedding serenades and providing a penalty"

The act approved the sixteenth day of July one thousand nine hundred seventeen (Pamphlet Laws 1000) entitled "An act defining sodomy and prescribing penalties for the commission of sodomy assault with intent to commit sodomy and solicitation to commit sodomy"

The act approved the seventeenth day of July one thousand nine hundred seventeen (Pamphlet Laws 1037) entitled "An act to amend the first section of an act approved the eighteenth day of April Anno Domini one thousand nine hundred and five entitled 'An act for the better regulation of public pool-rooms billiard-rooms bowling and tenpin alleys in the Commonwealth of Pennsylvania and to regulate the time for closing the same"

Section one and five of the act approved the eighteenth day of July one thousand nine hundred seventeen (Pamphlet Laws 1068) entitled "An act to prevent the publication and distribution of discriminating matter against any religious sect creed class denomination or nationality and to punish the same"

The act approved the eighteenth day of April one thousand nine hundred nineteen (Pamphlet Laws sixty-one) entitled "An act to amend section one hundred of an act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth' "

The act approved the eighteenth day of April one thousand nine hundred nineteen (Pamphlet Laws seventy) entitled "An act declaring it a misdemeanor for any maker or drawer with intent to defraud to make or draw or utter or deliver any checks draft or order when such person has not sufficient funds in or credit with the depository upon which the same is drawn"

The act approved the first day of May one thousand nine hundred nineteen (Pamphlet Laws ninety-nine) entitled "An act to prevent the felonious taking and stealing of motor vehicles and the receiving and purchasing of stolen motor vehicles"

The act approved the thirty-first day of May one thousand nine hundred nineteen (Pamphlet Laws 354) entitled "An act making unlawful the operation in certain cases of steam traction and steam portable engines unless equipped with spark arresters and providing penalties for violation of its provisions"

The act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws 542) entitled "An act making it a felony to receive or bring or assist in receiving or bringing into the Commonwealth of Pennsylvania any stolen property and fixing a penalty"

The act approved the twenty-sixth day of June one thousand nine hundred nineteen (Pamphlet Laws 639) entitled "An act defining sedition and prescribing the punishment therefor"

The act approved the eighth day of July one thousand nine hundred nineteen (Pamphlet Laws 777) entitled "An act prohibiting children between eight and fourteen years of age unaccompanied by their parents or other responsible adult from attending without permits moving picture theatres during certain hours and providing penalties"

The act approved the twelfth day of July one thousand nine hundred nineteen (Pamphlet Laws 939) entitled "An act making it a misdemeanor for a husband or father to desert or neglect to support his wife or children prescrib-

ing a penalty therefor and making the wife or any person having the care custody or control of minor children a competent witness"

The act approved the seventeenth day of July one thousand nine hundred nineteen (Pamphlet Laws 1031) entitled "An act prohibiting the sale distribution and use of foods drugs and certain mixtures and preparations containing methyl or wood alcohol and fixing penalties"

The act approved the twenty-first day of July one thousand nine hundred nineteen (Pamphlet Laws 1075) entitled "An act to amend an act approved the eleventh day of July one thousand nine hundred and seventeen entitled 'An act making it a misdemeanor for a parent wilfully to neglect to support a child born out of lawful wedlock whether such child shall have been begotten or shall have been born within or without this Commonwealth providing punishment therefor and empowering the court to make an order for support and to enforce the same And declaring persons making false statements in certain cases guilty of perjury"

The act approved the twenty-first day of July one thousand nine hundred nineteen (Pamphlet Laws 1084) entitled "An act prohibiting advertisements relating to the treatment of diseases of the generative organs and prescribing penalties"

The act approved the thirty-first day of March one thousand nine hundred twenty-one (Pamphlet Laws 89) entitled "An act making it a misdemeanor for persons to unlawfully use or wear the insignia or button of the American Legion or the official decorations of said organization"

The act approved the thirteenth day of April one thousand nine hundred twenty-one (Pamphlet Laws 140) entitled "An act making it unlawful to accept or offer inducements to procure a defeat in any athletic contest"

The act approved the fourteenth day of April one thousand nine hundred twenty-one (Pamphlet Laws 145) entitled "An act making it a misdemeanor to imitate destroy remove injure or deface any sign or index board erected by the State Highway Department of the Commonwealth on or near-by a State highway for the guidance of the public and providing for the punishment of violations of this act"

The act approved the twenty-first day of April one thousand nine hundred twenty-one (Pamphlet Laws 242) entitled "An act prohibiting advertisements of cures or medicines relating to venereal diseases and certain sexual disorders and prescribing the penalties"

The act approved the twenty-sixth day of April one thousand nine hundred twenty-one (Pamphlet Laws 306) entitled "An act requiring the display of the flag of the United States at entertainments public gatherings and public meeting"

The act approved the fifth day of May one thousand nine hundred twenty-one (Pamphlet Laws 382) entitled "An act making unlawful the use of any statement of fact in any advertisement which statement is untrue deceptive or misleading and providing a penalty for any violation of the same"

The act approved the tenth day of May one thousand nine hundred twenty-one (Pamphlet Laws 430) entitled 'An act defining a private game preserve and making it a misdemeanor to enter such preserve for certain purposes or to break injure or destroy the enclosure of the same and fixing penalties"

The act approved the tenth day of May one thousand nine hundred twenty-one (Pamphlet Laws 435) entitled "An act to amend section one of the act approved the twenty-sixth day of June one thousand nine hundred and nineteen (Pamphlet Laws six hundred and thirty-nine) entitled 'An act defining sedition and prescribing the punishment therefor"

The act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws 911) entitled "An act to amend an act approved the ninth day of May one thousand nine hundred and thirteen (Pamphlet Laws one hundred and ninety-eight) entitled 'An act prohibiting the furnishing by gift sale or otherwise of cigaretts or cigarette paper to minors requiring minors to divulge where and from whom cigarettes or cigarette paper have been obtained and providing penalties for violation of this act' providing for the punishment of first and second offenses by summary conviction and fine"

The act approved the twenty-sixth day of March one thousand nine hundred twenty-three (Pamphlet Laws thirty-two entitled "An act to amend section fifty-five of an act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred and eighty-two) entitled 'An act to Consolidate Revise and Amend the Penal Laws of this Commonwealth' "

The act approved the ninth day of May one thousand nine hundred twenty-three (Pamphlet Laws 175) entitled "An act making unlawful the wearing of the discharge button issued by the United States Government by any person not entitled to wear the same"

The act approved the sixteenth day of May one thousand nine hundred twenty-three (Pamphlet Laws 245) entitled "An act making it a misdemeanor to make or manufacture any object with intent or representing or of permitting the same to be represented as on archaeological specimen or to sell or exchange or to posses for the purpose of selling or exchanging as such any object so unlawfully made or manufactured and providing penalties"

The act approved the nineteenth day of May one thousand nine hundred twenty-three (Pamphlet Laws 283) entitled "An act to assure to persons within the jurisdiction of every county the equal protection of the laws by providing for their removal from the county and their trial in certain criminal cases by a court of quarter sessions of the peace or oyer and terminer of another county imposing penalties upon the counties and officers thereof for failure to provide proper protection and upon individuals for interfering with or obstructing the carrying out of the provisions of this act and imposing certain duties upon the Superior Court"

The act approved the twenty-second day of May one thousand nine hundred twenty-three (Pamphlet Laws 306) entitled "An act to amend section seventy-four of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred and eighty-two) entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth' "

The act approved the thirty-first day of May one thousand nine hundred twenty-three (Pamphlet Laws 476) entitled "An act prohibiting persons from concealing changing or destroying manufacturers' serial numbers or identification marks upon machines or apparatus or from taking possession of any such machine with the knowledge of such concealment change or destruction and prescribing penalties for violation thereof"

The act approved the eighteenth day of June one thousand nine hundred twenty-three (Pamphlet Laws 842) entitled "An act for the protection of owners of electric storage batteries upon which the word 'rental' or any other word mark or character is printed painted stamped or attached to identify the same and providing penalties"

The act approved the twenty-eighth day of June one thousand nine hundred twenty-three (Pamphlet Laws 885) entitled "An act prohibiting the purchase sale accepting as a pledge or pawn offering for sale stealing or conversion of medals buttons insignias or decorations granted by the Government of the United States for service in the army navy marine or nurses corps"

The act approved the twenty-ninth day of June one thousand nine hundred twenty-three (Pamphlet Laws 977) entitled "An act to prohibit the bribery of agents employes or servants and the giving or use of false documents with intent to deceive a principal employer or master to regulate evidence in such proceedings and to provide penalties for violation of this act"

The act approved the thirtieth day of June one thousand nine hundred twenty-three (Pamphlet Laws 982) entitled "An act for the repression of prostitution and assignation making it unlawful to solicit aid or permit prostitution or to use or permit the use of any place for the purpose of prostitution or assignation making certain evidence admissible in proceedings under this act authoriz-

ing the commitment of prostitutes to private institutions providing for their parole and prescribing penalties'

The act approved the second day of April one thousand nine hundred twenty-five (Pamphlet Laws 122) entitled "An act to prevent fraudulent procedure in obtaining credentials from the Department of Public Instruction or any of the professional examining boards within such Department and providing penalties"

The act approved the seventh day of April one thousand nine hundred twenty-five (Pamphlet Laws 185) entitled "An act to amend section fifty-five of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred and eighty-two) entitled 'An act to Consolidate Revise and Amend the Penal Laws of this Commonwealth' as amended"

The act approved the twenty-seventh day of April one thousand nine hundred twenty-five (Pamphlet Laws 321) entitled "An act to amend section two of an act approved the fifth day of May one thousand nine hundred and eleven entitled 'An act to protect the State Forest Reserves and providing punishment for the violation thereof' "

The act approved the twenty-seventh day of April one thousand nine hundred twenty-five (Pamphlet Laws 322) entitled "An act to amend sections two and three of an act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws eight hundred sixty-one) entitled 'An act to protect trees and woodlands and providing punishment for the violation thereof' "

The act approved the twenty-ninth day of April one thousand nine hundred twenty-five (Pamphlet Laws 357) entitled "An act prohibiting the manufacture of gambling machines and providing penalties"

The act approved the thirtieth day of April one thousand nine hundred twenty-five (Pamphlet Laws 386) entitled "An act to amend section one hundred and eleven of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth' "

The act approved the first day of May one thousand nine hundred twenty-five (Pamphlet Laws 440) entitled "An act declaring it to be larceny for any person to steal take or carry away or to be engaged in stealing taking or carrying away any property growing or being on the land of another"

The act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws 501) entitled "An act to amend section one of the act approved the thirty-first day of March one thousand nine hundred and twenty-one (Pamphlet Laws eighty-nine) entitled 'An act making it a misdemeanor for persons to unlawfully use or wear the insignia or button of the American Legion or the official decorations of said organization' by extending the provisions of said act to the Veterans of Foreign Wars"

The act approved the seventh day of May one thousand nine hundred twenty-five (Pamphlet Laws 552) entitled "An act making it unlawful to bribe or attempt to bribe any professional baseball player professional football player boxer or wrestler and for such player boxer or wrestler to accept agree to accept or solicit bribes"

The act approved the fourteenth day of May one thousand nine hundred twenty-five (Pamphlet Laws 713) entitled "An act to amend an act approved the twenty-seventh day of March one thousand nine hundred and three (Pamphlet Laws one hundred six) entitled 'An act making it a misdemeanor for persons to unlawfully use or wear any insignia or button of any association society or trade's union' "

The act approved the fourteenth day of May one thousand nine hundred twenty-five (Pamphlet Laws 759) entitled "An act to amend section seventy-five of an act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred and eighty-two entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth' by providing that the penalty for murder of the first degree shall be either death or life imprisonment at the discretion of the jury or of the court as the case may be"

The act approved the thirtieth day of March one thousand nine hundred twenty-seven (Pamphlet Laws 78) entitled "An act to prohibit the sale of liquid fuels lubricating oils and similar products under false or fictitious names the use of containers tanks pumps or other distributing equipment for the storage or sale of fuels oils or similar products other than those indicated by the name device sign or distinguishing marks upon such containers pumps or distributing equipment to prohibit adulteration and fixing penalties"

The act approved the seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws 131) entitled "An act declaring it a misdemeanor for any person with intent to defraud to obtain a motor vehicle from the owner or person lawfully in possession thereof by agreeing to pay a rental for the use thereof based in whole or part upon the distance the motor vehicle shall travel"

The act approved the twentieth day of April one thousand nine hundred twenty-seven (Pamphlet Laws 326) entitled "An act to amend section one hundred forty-one of an act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred and eighty-two) entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth' "

The act approved the twentieth day of April one thousand nine hundred twenty-seven (Pamphlet Laws 350) entitled "An act making it unlawful for any architect or engineer in the employ of the Commonwealth or of any county municipality borough township or other subdivision of the Commonwealth and engaged in the preparation of plans specifications or estimates to bid on any public work or to be interested in contracts for public work making it unlawful for the officers of the Commonwealth of any county municipality borough township or other subdivision of the Commonwealth to award the contract to any such architect or engineer in the employ of the Commonwealth and fixing penalties"

The act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws 430) entitled "An act providing penalties for trespassing on grounds of State institutions and for refusing to leave such grounds after notice"

The act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws 706) entitled "An act to amend section two of an act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws eight hundred sixty-one) entitled 'An act to protect trees and woodlands and providing punishment for the violation thereof' as amended"

The act approved the fifth day of May one thousand nine hundred twenty-seven (Pamphlet Laws 776) entitled "An act to amend section one hundred and eight of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred and eighty-two) entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth' by providing that any bailee shall be guilty of larceny if he wilfully fails to return the bailed property to the owner in accordance with his agreement with the owner thereof or destroys the same or permits it to be destroyed"

The act approved the twenty-first day of March one thousand nine hundred twenty-nine (Pamphlet Laws 52) entitled "An act providing a penalty for the removal defacing covering up destruction of notices posted by administrative departments boards and commissions of the State Government"

The act approved the twenty-eighth day of March one thousand nine hundred twenty-nine (Pamphlet Laws 102) entitled "An act to further amend section one of the act approved the thirty-first day of March one thousand nine hundred and twenty-one (Pamphlet Laws eighty-nine) entitled 'An act making it a misdemeanor for persons to unlawfully use or wear the insignia or button of the American Legion or the official decorations of said organization' as amended by extending the provisions of said act to the Disabled American Veterans of the World War"

The act approved the twenty-eighth day of March one

thousand nine hundred twenty-nine (Pamphlet Laws 105) entitled "An act to prohibit false labels and misrepresentation in the sale of certain food products and providing penalties for the violation thereof"

The act approved the fourth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 142) entitled "An act regulating the certification of checks by officers directors agents and employes of banking institutions trust companies and savings banks and imposing penalties'

The act approved the eleventh day of April one thousand nine hundred twenty-nine (Pamphlet Laws 513) entitled "An act to amend section seventy-nine of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth' increasing the penalty for involuntary manslaughter"

The act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 767) entitled "An act to define the crime of arson and attempted arson prescribing penalties therefor and to punish the wilful and malicious burning of or attempt to burn property of various kinds and the defrauding of or attempt to defraud insurers thereby and repealing certain acts and parts of acts relating thereto"

The act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 777) entitled "An act prohibiting the sale giving away transfer purchasing owning possession and use of machine guns providing penalties and providing for certain exemptions and the granting of permits by sheriffs to own and possess machine guns as relics"

The act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 778) entitled "An act to prohibit the possession or carrying of bombs bombshells explosive substances or noxious liquid gases or substances and providing penalties"

The act approved the twenty-sixth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 811) entitled "An act making it a misdemeanor to wear the uniform of the United States Army Navy Marine Corps Revenue Cutter Service or Coast Guard or of the National Guard while soliciting alms or while doing certain other things for personal profit and fixing penalties"

The act approved the twenty-ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 854) entitled "An act authorizing the sentencing of persons convicted for a second and subsequent offense of certain crimes to additional prison terms and to imprisonment for life"

The act approved the twelfth day of March one thousand nine hundred thirty-one (Pamphlet Laws three) entitled "An act making it unlawful to counterfeit electric railway car tokens bus tickets commercial air vehicle tickets tickets having a money commercial or other value those evidencing the right to admission to games contests public exhibitions theatrical or other places of amusement and also making it unlawful to alter possess utter publish or circulate the same and providing penalties therefor"

The act approved the twenty-fourth day of April one thousand nine hundred thirty-one (Pamphlet Laws fifty-two) entitled "An act relating to prostitution defining and prohibiting pandering prohibiting the leaving of a wife in a house of prostitution the receipt or appropriation of money from earnings of a prostitute the detention of a female in a house of prostitution and the transportation of a female for purposes of prostitution fixing the jurisdiction of the courts in cases involving transportation providing penalties and regulating the competency of certain evidence at the trial of persons indicted for violations hereof"

The act approved the eleventh day of June one thousand nine hundred thirty-one (Pamphlet Laws 497) entitled "An act regulating and licensing the sale transfer and possession of certain firearms prescribing penalties procedure and rules of evidence conferring powers and imposing duties on courts of quarter sessions sheriffs and heads of police departments and to make uniform the law with reference thereto"

The act approved the twelfth day of June one thousand nine hundred thirty-one (Pamphlet Laws 541) entitled "An act to amend section two of the act approved the twenty-fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws seven hundred sixty-seven) entitled 'An act to define the crime of arson and attempted arson prescribing penalties therefor and to punish the wilful and malicious burning of or attempt to burn property of various kinds and the defrauding of or attempt to defraud insurers thereby and repealing certain acts and parts of acts relating thereto' by extending provisions of act to include other buildings and structures"

The act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws 621) entitled "An act to amend sections one two and three of the act approved the eighth day of May Anno Domini one thousand nine hundred thirteen (Pamphlet Laws one hundred sixty-one) entitled 'An act making it a misdemeanor to make or use a false statement or statements in writing for the purpose of obtaining property money credit or the extension of credit and providing penalties for the violation thereof' by extending the provisions of the act to include the procuring of contracts of surety bond therein"

The act approved the twenty-third day of June one thousand nine hundred thirty-one (Pamphlet Laws 922) entitled "An act restricting the sale of goods wares and merchandise prepared and manufactured without this Commonwealth by convicts and prisoners and providing penalties"

The act approved the twenty-fifth day of June one thousand nine hundred thirty-one (Pamphlet Laws 364) entitled "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines and providing a penalty"

Section one of the act approved the thirteenth day of April one thousand nine hundred thirty-three (Pamphlet Laws 39) entitled "An act to amend section one of and to add section two to the act approved the twenty-fifth day of June one thousand nine hundred and thirty-one (Pamphlet Laws thirteen hundred sixty-four) entitled 'An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines and providing a penalty' by including devices or substances other than metal and by providing penalties for the manufacture for sale or sale or gift of counterfeit or spurious coins for the fraudulent operation of automatic instruments or machines"

The act approved the twenty-sixth day of April one thousand nine hundred thirty-three (Pamphlet Laws 84) entitled "An act to amend sections one hundred and sixty-four one hundred and sixty-five and one hundred and sixty-six of the act aproved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth' by making unlawful the counterfeiting altering and uttering of scrip and possession of materials for falsely making the same"

The act approved the third day of May one thousand nine hundred thirty-three (Pamphlet Laws 250) entitled "An act imposing penalties for improper use of food orders issued by or under the authority of the State Emergency Relief Board or any poor board or other relief agency and improper furnishing of money food and other merchandise thereon"

The act approved the twenty-second day of May one thousand nine hundred thirty-three (Pamphlet Laws 831) entitled "An act relating to libraries making it unlawful to retain any book pamphlet magazine newspaper manuscript map or other property belonging to a library after notice to return the same providing penalty to be imposed in summary proceedings providing for payment of any fine imposed to the library instituting the prosecution"

The act approved the twenty-second day of May one thousand nine hundred thirty-three (Pamphlet Laws 906) entitled "An act making it unlawful to unnecessarily crop or cut off the ear or ears of dogs or to show or exhibit such dogs and providing for the registration of dogs so

cut or cropped before this act becomes effective with the county treasurer"

The act approved the twenty-fourth of May one thousand nine hundred thirty-three (Pamphlet Laws 981) entitled "An act prohibiting the publication printing or radio broadcasting of advertisements or notices of insurance companies associations exchanges of persons not authorized to do business in this Commonwealth requiring certificates from the Insurance Department before accepting insurance advertisements or broadcasting the same by radio and fixing penalties"

The act approved the thirty-first day of May one thousand nine hundred thirty-three (Pamphlet Laws 1116) entitled "An act declaring it to be a misdemeanor for accountants or auditors to issue or permit to be issued false financial statements"

The act approved the first day of May one thousand nine hundred thirty-five (Pamphlet Laws 125) entitled "An act prohibiting the sale and distribution of medicines drugs poisons and articles intended for use in the cure mitigation treatment or prevention of disease in man or animal by means of vending machines"

The act approved the first day of May one thousand nine hundred thirty-five (Pamphlet Laws 128) entitled "An act prohibiting the future erection and maintenance of obstructions dangerous to ariel transport adjacent to or near an airport landing field or intermediate landing field"

The act approved the twenty-ninth day of May one thousand nine hundred thirty-five (Pamphlet Laws 249) entitled "An act to amend section thirty-seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth' providing for the sentence of one convicted of fornication and bastardy to pay funeral expenses of infant"

The act approved the twenty-ninth day of May one thousand nine hundred thirty-five (Pamphlet Laws 251) entitled "An act prohibiting collection agencies as herein defined from representing creditors or taking an assignment for the purpose of representing creditors in any action or proceeding or in settlement or adjustment of the affairs of a debtor from soliciting business for attorneys at law and from threatening the debtor with legal proceedings and providing penalties"

The act approved the eleventh day of June one thousand nine hundred thirty-five (Pamphlet Laws 297) entitled "An act to amend section one of the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (Pamphlet Laws one hundred thirty) entitled 'An act to provide civil rights for all people regardless of race or color' amplifying and extending the provisions of said act and increasing the penalties for violation thereof"

The act approved the twenty-first day of June one thousand nine hundred thirty-five (Pamphlet Laws 387) entitled "An act to amend section one hundred and forty eight of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth' extending the provisions of said act to fixtures hunting lodges cabins cottages and barns"

The act approved the twenty-first day of June one thousand nine hundred thirty-five (Pamphlet Laws 397) entitled "An act making it unlawful to tattoo a minor without the consent of the parents or guardian"

The act approved the twelfth day of July one thousand nine hundred thirty-five (Pamphlet Laws 660) entitled "An act making it unlawful under certain conditions for any water company to discontinue to any municipality the supply of water for fire protection purposes providing for the collection of water rates from cities boroughs towns and townships and prescribing penalties"

The act approved the first day of June one thousand nine hundred thirty-seven (Pamphlet Laws 1124) entitled "An act for the protection of employes by prohibiting those in authority over such employes to threaten or intimidate employes failing or refusing to sign petitions"

The act approved the second day of June one thousand nine hundred thirty-seven (Pamphlet Laws 1193) entitled "An act to prohibit the sale and offer for sale of the labeled artificial flowers of certain veterans' organizations except on the days appointed for such purpose"

The act approved the fifth day of June one thousand nine hundred thirty-seven (Pamphlet Laws 1661) entitled "An act prohibiting persons and officers from hiring requesting and inducing minors to purchase spirituous vinous or brewed and malt liquors"

The act approved the twenty-fifth day of June one thousand nine hundred thirty-seven (Pamphlet Laws 2085) entitled "An act to amend section one hundred fifty-five of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth' extending the provisions to memorials tablets and works of art erected within buildings or on grounds"

The act approved the first day of July one thousand nine hundred thirty-seven (Pamphlet Laws 2670) entitled "An act to prohibit the wilful and malicious breaking or destruction of certain milk bottles or other dairy product containers and prescribing fines or penalties therefor"

The act approved the first day of July one thousand nine hundred thirty-seven (Pamphlet Laws 2675) entitled "An act to amend the act approved the twentieth day of March one thousand nine hundred and thirteen (Pamphlet Laws six) entitled 'An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and providing penalties for the violation thereof' by including display or placard advertising and changing the penalties prescribed and the manner of providing violations"

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 964, as follows:

An Act to amend further section fourteen of an act approved the seventh day of August one thousand nine hundred thirty-six (Pamphlet Laws one hundred six) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and co-operation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" as reenacted and amended by conferring additional powers on the Department of Highways

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section fourteen of the act approved the seventh day of August one thousand nine hundred thirty-six (Pamphlet Laws one hundred six) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and co-operation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent

domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" as re-enacted and amended by the act approved the tenth day of March one thousand nine hundred thirty-seven (Pamphlet Laws forty-three) is hereby furhter amended to read as follows

Section 14 Relocation of Roads Streets and Bridges The Department of Highways and municipalities may enter into agreements with the board or Federal agencies to relocate roads streets bridges and viaducts necessitated by the construction of any State or Federal flood control works and improvements and may agree therein to construct new roads streets bridges and viaducts and pay the cost of the same or any part thereof from the Motor License Fund or municipal moneys without any charge or only part of the cost charged against the moneys in the fund The board may consent in any such agreement to pay the whole or any part of the cost of constructing such relocated roads streets bridges and viaducts from the moneys in the fund Such relocated roads streets bridges and viaducts may be constructed by the Department of Highways or by contract let by said department or the municipality or by the board or by a Federal agency as may be agreed upon Relocation of state highways shall be made by plans properly approved as is required by law for the relocation of state highway routes and may be made without regard to terminal or intermediate points mentioned in the law establishing such routes The portions of state highway routes supplied by such relocations may be abandoned by the Secretary of Highways in the manner provided by law whereupon said abandoned portions of state highway routes shall revert to the authorities responsible for the maintenance of the public road or highway prior to its having been established as a state highway

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1054, as follows:

An Act providing a method of annexation of parts of townships of the first class not in excess of twenty per centum of the assessed value of any such township to contiguous cities of the second class boroughs or other contiguous townships of the first class and regulating the proceedings pertaining thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The court of quarter sessions of the proper county shall have power to change the limits of any first class township within this Commonwealth by detaching therefrom any portion of the territory embraced within said limits and by annexing the same to any contiguous first class township or contiguous borough or city of the second class in accordance with the provisions of this act Provided however That the provisions of this act shall not apply when the portion of any first class township to be annexed represents twenty per centum or more of the assessed value of such township

Section 2 The application to the said court for the purpose of diminishing the territory of a first class township and annexing the same to any contiguous first class township or contiguous borough or second class city shall be in writing shall contain a description of the part of the township sought to be annexed and shall be signed by eighty per centum of the qualified electors resident only in the territory desired to be detached and annexed and shall be signed by the owners of at least eighty per centum of the assessed valuation of the real estate situate in the territory desired to be so detached and annexed as shown by the last preceding assessed valuation of the taxable property therein

Section 3 The application when signed as aforesaid shall be laid before the annexing city of the second class council borough council or annexing township commissioners of such contiguous second class city borough or contiguous first class township to which said applicants desire to become a part or annexed. If such contiguous second class city borough council or contiguous first class township commissioners approve the prayer of the petitioners the application and approval thereof as aforesaid shall be presented to the court of quarter sessions filed of record in the office of the clerk of courts and written notice thereof served upon the secretary of the township commissioners of the first class township whose residents desire to withdraw which said township may file an answer within ten days from the date of service of the aforesaid notice At the expiration of said ten day period the court shall upon motion of counsel for petitioners fix a date for hearing which date shall be not less than twenty days nor more than thirty days thereafter notice of which shall be served upon all counsel appearing of record for parties in interest If the court is satisfied that the requirements of the law have been complied with it shall make an order altering the boundary lines of such first class township by taking from such first class township the lands described in the petition and adding same to such contiguous city of the second class borough or other contiguous first class township

Section 4 Where a part of any township of the first class is annexed by a city of the second class borough or other township of the first class the township officers and the council of the annexing city of the second class borough or annexing township shall make a just and proper adjustment and apportionment of the assets and liabilities of said township from which a part is being annexed When making such adjustment and apportionment the annexing city of the second class borough or other township of the first class shall share in a division of the assets and indebtedness of the township from which a part is being annexed in the same proportion that the last preceding assessed valuation of the territory annexed bears to the total last preceding valuation of the entire township from which a part is being annexed The adjustment and apportionment as made shall be reduced to writing in proper form to be duly executed and acknowledged by the proper officers of said township from which a part is being annexed and annexing city of the second class borough or other township of the first class and be filed in the office of the clerk of the court of quarter sessions of the county in which said city of the second class borough or other township of the first class is located

Section 5 In the event the council of the annexing city of the second class borough or other township of the first class and said township authorities cannot make such amicable adjustment of the assets and liabilities of the township from which a part is being annexed in compliance with this act within sixty days after such annexation then the council of said city of the second class borough or the proper officers of the annexing township of the first class or a proper officer of the township may present a petition to the court of quarter sessions of the county in which the annexing city of the second class borough or other township of the first class is located whereupon the court shall appoint disinterested commissioners residents and taxpayers of the county in which the city of the second class borough or other township of the first class is situate not residing in the city of the second class borough or other township of the first class nor in the township from which a part is being annexed who after hearing notice of which shall be given to the city of the second class borough or other township of the first class and township from which a part is being annexed interested as the court shall direct shall make report to the court making an apportionment and adjustment between the township from which a part is being annexed and the city of the second class borough or other township of the first class of all assets and liabilities of the township from which a part is being annexed said report to state the amount if any that shall be due and payable by the city of the second class borough or other township of the first class to the township from which

a part is being annexed or by the township to the city of the second class borough or other township of the first class as well as the amount of indebtedness if any that shall be assumed by the city of the second class borough or other township of the first class or by the township from which a part is being annexed or by both or any of them

Section 6 The commissioners will give the city of the second class borough or other township of the first class and the township from which a part is being annexed at least five days' notice of the filing of their report and unless exceptions are filed thereto by the city of the second class borough or other township of the first class or by the township from which a part is being annexed within thirty days after filing thereof the same shall be confirmed by the court absolutely and any sum awarded by said report to the city of the second class borough or other township of the first class or township from which a part is being annexed charged therewith and the amount of debt if any apportioned to any city of the second class borough or other township of the first class or township from which a part is being annexed shall be a legal and valid claim against such city of the second class borough or other township of the first class or township from which a part is being annexed charged therewith any property real or personal given and adjudged to the city of the second class borough or other township of the first class or the township from which a part is being annexed shall become and be the porperty of the city of the second class borough or other township of the first class or the township from which a part is being annexed to whichever one the same is given and adjudged and upon such report being confirmed such claim or indebtedness charged against any city of the second class borough or other township of the first class or against any township from which a part is being annexed may be collected in the same manner as a judgment is collected against any city of the second class borough or township Such commissioners shall be allowed five dollars per day for each day actually spent by them in the performance of their duties together with their actual necessary expenses All costs and expenses of such proceedings shall be apportioned by the court to and between the city of the second class borough or other township of the first class and the township from which a part is being annexed as it shall deem proper

In case exceptions are filed to the report of such commissioners the court shall dispose of the same taking testimony therein if deemed advisable and the decision of the court thereon shall be final and binding on the city of the second class borough or other township of the first class and township from which a part is being annexed unless an appeal is taken within thirty days to the Superior or Supreme Court as in other cases

Section 7 The act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2803) entitled "An act providing a method of annexation of townships of the first class and parts thereof to cities and boroughs and regulating the proceedings pertaining thereto" is hereby repealed in so far as the provisions thereof are inconsistent herewith and all acts and parts of acts inconsistent herewith are hereby repealed

Section 8 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190.

Achterman,	Donahue,	Lichtenwalter,	Scanlon,
Ackermann,	Donohoe,	Long,	Schrock,
Allen,	Downey,	Lovett,	Schrope,
Allmond,	Eckels,	Lyons,	Schwab,
Alspach,	Ely,	Madden,	Seif,
Andrews,	Ewing,	Marr,	Serrill,
Atkins,	Falkenstein,	Matthews,	Shaw,
Auker,	Fauset,	McClester,	Shearer,
Baker,	Finnerty,	McGarrity,	Simon,
Balliet,	Fisher,	McKinney,	Sloan,
Balthaser,	Fiss,	McLane,	Snyder,
Bardes,	Flanagan,	McNally,	Sollenberger,
Bennett,	Fleming,	McVay,	Stambaugh,
Bohn,	Foor,	Melchiorre,	Stank,
Boles,	Freed,	Mihm,	Stewart,
Boney,	Fullerton,	Montgomery,	Stockham,
Boorse,	Furman,	Mooney,	Sweeney,
Boose,	Gillan,	Moran,	Tahl,
Bower,	Gillette,	Moser, F. S.,	Tarr,
Boyd,	Goll,	Moser, J. L.,	Taylor,
Bretherick,	Gorski,	Muir,	Terry,
Broad,	Habbyshaw	Munley,	Thistle,
Bronson,	Haines,	O'Connor,	Thompson, E. F.,
Brown, H. S.,	Hall,	O'Dare,	Thompson, G. R.,
Brown, S. W.,	Hamilton,	O'Keefe,	Tiemann,
Brunner,	Harbeson,	O'Neill,	Trout,
Burns,	Harkins,	Peacock,	VanAllsburg,
Burris,	Henry,	Peale,	Van Belle,
Cadwalader,	Hess,	Powers,	Voorhees,
Calvin,	Hewitt,	Preston,	Wagner,
Carpenter,	Hindman,	Readinger,	Watkins,
Check,	Hoffman, J. N.,	Reagan,	Webster,
Chervenak,	Hoffman, S. K.,	Reese, D. P.,	Weiss,
Christler,	Holland,	Reese, R. E.	Welsh, E. B.,
Clearwater,	Hoyt,	Regan,	Welsh, M. J.,
Cohen, H. B.	Huntley,	Reynolds,	Westrick,
Cohen, R. E.	Imbrie,	Rhodes,	Wilkinson,
Cook,	James,	Rider,	Williams,
Cooper,	Jirolanio,	Riley,	Wilson,
Cordier,	Jones,	Robertson,	Winner,
Corrigan,	Kenehan,	Rooney,	Wood, H. M.,
Cortese,	Kline,	Rose,	Wood, L. H.,
Curran,	Kowalski,	Roseberry,	Wood, N.,
Dalrymple,	Krise,	Rosenfeld,	Woodside,
Denman,	Lee,	Rothenberger,	Yeakel,
DeNote,	Leisey,	Royer,	Turner,
Dick,	Levy,	Sarge,	Speaker.
Dix,	Leydic,		

NAYS—2.

Hocke,	Johnston,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1361, as follows:

An Act to amend clause (10) of section 3 sections 5 and 6 paragraphs (2) (3) (4) (6) and (11) of section 8 sections 9 and 11 paragraph C of section 12 and section 15 of the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2724) entitled "An act relating to soil conservation and soil erosion and regulating land use practices contributing to soil wastage and soil erosion providing for the organization of soil conservation districts as governmental subdivisions of the Commonwealth with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources prescribing the officers and employes thereof and defining their powers and duties creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act providing financial assistance to such soil conservation districts prescribing penalties and making an appropriation" by changing the vote necessary for the establishment of districts the making of regulations and the dissolution of districts and requiring voters to be land owners

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (10) of section 3 sections 5 and 6 paragraph (2) (3) (4) (6) and (11) of section 8 sections 9 and 11 paragraph C of section 12 and section 15 of the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2724) entitled "An act relating to soil conservation and soil erosion and regulating land use practices contributing to soil wastage and soil erosion providing for the organization of soil conservation districts as governmental subdivisions of the

Commonwealth with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources prescribing the officers and employes thereof and defining their powers and duties creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act providing financial assistance to such soil conservation districts prescribing penalties and making an appropriation" are hereby amended to read as follows

Section 3 Definitions

(10) "Land [occupier] owner" or [occupier] "owner of land" includes any person firm or corporation who shall hold title to [or shall be in possession of] any lands lying within a district organized under the provisions of this act [whether as owner lessee renter tenant or otherwise]

* * * * *

Section 5 Creation of Soil Conservation Districts Any twenty-five (25) [occupiers] owners of land lying within the limits of the territory proposed to be organized into a district may file a petition with the State Soil Conservation Board asking that a soil conservation district be organized to function in the territory described in the petition Such petition shall set forth

(1) The proposed name of said district

(2) That there is need in the interest of the public health safety and welfare for a soil conservation district to function in the territory described in the petition

(3) A description of the territory proposed to be organized as a district which description shall not be required to be given by metes and bounds or by legal subdivisions but shall be deemed sufficient if generally accurate

(4) A request that the State Soil Conservation Board duly define the boundaries for such district that a referendum be held within the territory so defined on the question of the creation of a soil conservation district in such territory and that the board determine that such a district be created

Where more than one petition is filed covering parts of the same territory the State Soil Conservation Board may consolidate all or any such petitions

B Within thirty (30) days after such a petition has been filed with the State Soil Conservation Board it shall cause due notice to be given of a proposed hearing upon the question of the desirability and necessity in the interest of the public health safety and welfare of the creation of such district upon the question of the appropriate boundaries to be assigned to such district upon the propriety of the petition and other proceedings taken under this act and upon all questions relevant to such inquiries All [occupiers] owners of land within the limits of the territory described in the petition and of lands within any territory considered for addition to such described territory and all other interested parties shall have the right to attend such hearings and to be heard If it shall appear upon the hearing that it may be desirable to include within the proposed district territory outside of the area within which due notice of the hearing has been given the hearing shall be adjourned and due notice of further hearing shall be given throughout the entire area considered for inclusion in the district and such further hearing held After such hearing if the board shall determine upon the facts presented at such hearing and upon such other relevant facts and information as may be available that there is need in the interest of the public health safety and welfare for a soil conservation district to function in the teritory considered at the hearing it shall make and record such determination and shall define by metes and bounds or by legal subdivisions the boundaries of such district In making such determination and in defining such boundaries the board shall give due weight and consideration to the topography of the area considered and of the Commonwealth the composition of soils therein the distribution of erosion the prevailing land-use practices the desirability and necessity of including within the boundaries the particular lands under consideration and the benefits such lands may receive from being included within such boundaries the relation of the proposed area to existing watersheds and agricultural regions and to other soil conservation districts already organized or proposed for organization under the provisions of this act and such other physical geographical and economic factors as are relevant having due regard to the legislative determinations set forth in section 2 of this act The territory to be included within such boundaries need not be contiguous If the board shall determine after such hearing after due consideration of the said relevant facts that there is no need for a soil conservation district to function in the territory considered at the hearing it shall make and record such determination and shall deny the petition After six months shall have expired from the date of the denial of any such petition subsequent petitions covering the same or substantially the same territory may be filed as aforesaid and new hearings held and determinations made thereon

C After the board has made and recorded a determinnation that there is need in the interest of the public health safety and welfare for the organization of a district in a particular territory and has defined the boundaries thereof it shall consider the question whether the operation of a district within such boundaries with the powers conferred upon soil conservation districts in this act is administratively practicable and feasible To assist the board in the determination of such administrative practicability and feasibility it shall be the duty of the board within a reasonable time after entry of the finding that there is need for the organization of the proposed district and the determination of the boundaries thereof to hold a referendum within the proposed district upon the proposition of the creation of the district and to cause due notice of such referendum to be given The question shall be submitted by ballots upon which the words "For creation of a soil conservation district of the lands below described and lying in the county (ies) of ..... and....." and "against creation of a soil conservation district of the lands below described and lying in the county (ies) of..... .....and ....." shall be printed with a square before each proposition and a direction to insert an X mark in the square before one or the other of said propositions as the voter may favor or oppose creation of such district The ballot shall set forth the boundaries of such proposed district as determined by the board All [occupiers] owners of lands lying within the boundaries of the territory as determined by the State Soil Conservation Board shall be eligible to vote in such referendum Only such land [occupiers] owners shall be eligible to vote

D The board shall pay all expenses for the issuance of such notices and the conduct of such hearings and referenda and shall supervise the conduct of such hearings and referenda It shall issue appropriate regulations governing the conduct of such hearings and referenda and providing for the registration prior to the date of the referenudm of all eligible voters or prescribing some other appropriate procedure for the determination of those eligible as voters in such referendum No informalities in the conduct of such referendum or in any matters relating thereto shall invalidate said referendum or the result thereof if notice thereof shall have been given substantially as herein provided and said referendum shall have been fairly conducted

E The board shall publish the result of such referendum and shall thereafter consider and determine whether the operation of the district within the defined boundaries is administratively practicable and feasible If the board shall determine that the operation of such district is not administratively practicable and feasible it shall record such determination and deny the petition If the board shall determine that the operation of such district is administratively practicable and feasible it shall record such deteremination and shall proceed with the organization of the district in the manner hereinafter provided In making such determination the board shall give due regard and weight to the attitudes of the [occupiers] owners of lands lying within the defined boundaries the number of land [occupiers] owners eligible to vote in such referendum who shall have voted the proportion of the votes

cast in such referendum in favor of the creation of the district to the total number of votes cast the approximate wealth and income of the land [occupiers] owners of the proposed district the probable expense of carrying on erosion-control operations within such district and such other economic and social factors as may be relevant to such determination having due regard to the legislative determinations set forth in section 2 of this act Provided however That the board shall not have authority to determine that the operation of the proposed district within the defined boundaries is administratively practicable and feasible unless at least [a majority] sixty-five per centum of the votes cast in the referendum upon the proposition of creation of the district shall have been cast in favor of the creation of such district

F If the board shall determine that the operation of the proposed district within the defined boundaries is administratively practicable and feasible it shall appoint two (2) supervisors to act with the three (3) supervisors elected as provided hereinafter as the governing body of the district such district shall be a governmental subdivision of this Commonwealth and a public body corporate and politic upon the taking of the following proceedings

The two appointed supervisors shall present to the Secretary of the Commonwealth an application signed by them which shall set forth (and such application need contain no detail other than the mere recitals) (1) that a petition for the creation of the district was filed with the State Soil Conservation Board pursuant to the provisions of this act and that the proceedings specified in this act were taken pursuant to such petition that the application is being filed in order to complete the organization of the district as a governmental subdivision and a public body corporate and politic under this act and that the board has appointed them as supervisors (2) the name and official residence of each of the supervisors together with a certified copy of the appointments evidencing their right to office (3) the term of office of each of the supervisors (4) the name which is proposed for the district and (5) the location of the principal office of the supervisors of the district The application shall be subscribed and sworn to by each of the said supervisors before an officer authorized by the laws of this State to take and certify oaths who shall certify upon the application that he personally knows the supervisors and knows them to be the officers as affirmed in the application and that each has subscribed thereto in the officer's presence The application shall be accompanied by a statement by the State Soil Conservation Board which shall certify (and such statement need contain no detail other than the mere recitals) that a petition was filed notice issued and hearing held as aforesaid that the board did duly determine that there is need in the interest of the public health safety and welfare for a soil conservation district to function in the proposed territory and did define the boundaries thereof that notice was given and a referendum held on the question of the creation of such district and that the result of such referendum showed [a majority] sixty-five per centum of the votes cast in such referendum to be in favor of the creation of the district that thereafter the board did duly determine that the operation of the proposed district is administratively practicable and feasible The said statement shall set forth the boundaries of the district as they have been defined by the board

The Secretary of the Commonwealth shall examine the application and statement and if he finds that the name proposed for the district is not identical with that of any other soil conservation district of this Commonwealth or so nearly similar as to lead to confusion or uncertainity he shall receive and file them and shall record them in an appropriate book of record in his office If the Secretary shall find that the name proposed for the district is identical with that of any other soil conservation district of this Commonwealth or so nearly similar as to lead to confusion and uncertainty he shall certify such fact to the Soil Conservation Board which shall thereupon submit to the Secretary of the Commonwealth a new name for the said district which shall not be subject to such defects Upon receipt of such new name free of such defects the Secretary of the Commonwealth shall record the application and statement with the name so modified in an appropriate book of record in his office When the application and statement have been made filed and recorded as herein provided the district shall constitute a governmental subdivision of this Commonwealth and a public body corporate and politic The Secretary of the Commonwealth shall make and issue to the said supervisors a certificate under the seal of the Commonwealth of the due organization of the said district and shall record such certificate with the application and statement The boundaries of such district shall include the territory as determined by the State Soil Conservation Board as aforesaid but in no event shall they include an area included within the boundaries of another soil conservation district organized under the provisions of this act

G After six (6) months shall have expired from the date of entry of a determination by the State Soil Conservation Board that operation of a proposed district is not administratively practicable and feasible and denial of a petition pursuant to such determination subsequent petitions may be filed as aforesaid and action taken thereon in accordance with the provisions of this act

H Petitions for including additional territory within an existing district may be filed with the State Soil Conservation Board and the proceedings herein provided for in the case of petitions to organize a district shall be observed in the case of petitions for such inclusion The board shall prescribe the form for such petitions which shall be as nearly as may be in the form prescribed in this act for petitions to organize a district Where the total number of land [occupiers] owners in the area proposed for inclusion shall be less than twenty-five the petition may be filed when signed by [a majority] sixty-five per centum of the [occupiers] owners of such area and in such case no referendum need be held In referenda upon petitions for such inclusion all [occupiers] owners of land lying within the proposed additional area shall be eligible to vote

I In any suit action or proceeding involving the validity or enforcement of or relating to any contract proceeding or action of the district the district shall be deemed to have been established in accordance with the provisions of this act upon proof of the issuance of the aforesaid certificate by the Secretary of the Commonwealth A copy of such certificate duly certified by the Secretary shall be admissible in evidence in any such suit action or proceeding and shall be proof of the filing and contents thereof

Section 6 Election of Three Supervisors for Each District Within thirty (30) days after date of issuance by the Secretary of the Commonwealth of a certificate of organization of a soil conservation district nominating petitions may be filed with the State Soil Conservation Board to nominate candidates for supervisors of such district The board shall have authority to extend the time within which nominating petitions may be filed No such nominating petition shall be accepted by the board unless it shall be subscribed by twenty-five (25) or more [occupiers] owners of land lying within the boundaries of such district Land [occupiers] owners may sign more than one such nominating petition to nominate more than one candidate for supervisor The board shall give due notice of an election to be held for the election of three supervisors for the district The names of all nominees on behalf of whom such nominating petitions have been filed within the time herein designated shall be printed arranged in the alphabetical order of the surnames upon ballots with a square before each name and a direction to insert an X mark in the square before any three names to indicate the voter's preference All [occupiers] owners of lands lying within the district shall be eligible to vote in such election Only such land [occupiers] owners shall be eligible to vote The three candidates who shall receive the largest number respectively of the votes cast in such election shall be the elected supervisor for such district The board shall pay all the expenses of such election shall supervise the conduct thereof shall prescribe regulations governing the conduct of such election and the determination of the

eligibility of voters therein and shall publish the results thereof

Section 8 Powers of Districts and Supervvisors * * * *

(2) To conduct demonstrational projects within the district on lands owned or controlled by this Commonwealth or any of its agencies with the cooporation of the agency administering and having jurisdiction thereof and on any other lands within the district upon obtaining the consent of the [occupier] owner of such lands or the necessary rights or interests in such lands in order to demonstrate by example the means methods and measures by which soil and soil resources may be conserved and soil erosion in the form of soil blowing and soil washing may be prevented and controlled

(3) To carry out preventive and control measures within the district including but not limited to engineering operations methods of cultivation the growing of vegetation changes in use of land and the measures listed in subsection C of section 2 of this act on lands owned or controlled by this Commonwealth or any of its agencies with the cooperation of the agency administering and having jurisdiction thereof and on any other lands within the district upon obtaining the consent of the [occupier] owner of such lands or the necessary rights or interests in such lands

(4) To cooperate or enter into agreements with and within the limits of appropriations duly made available to it by law to furnish financial or other aid to any agency governmental or otherwise or any [occupier] owner of lands within the district in the carrying on of erosion-control and prevention operations within the district subject to such conditions as the supervisors may deem necessary to advance the purposes of this act

* * * *

(6) To make available on such terms as it shall prescribe to land [occupiers] owners within the district agricultural and engineering machinery and equipment fertilizer seeds and seedlings and such other material or equipment as will assist such land [occupiers] owners to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion

* * * *

(11) As a condition to the extending of any benefits under this act to or the performance of work upon any lands not owned or controlled by this Commonwealth or any of its agencies the supervisors may require contributions in money services materials or otherwise to any operations conferring such benefits and may require land [occupiers] owners to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon

Section 9 Adoption of Land-use Regulations The supervisors of any district shall have authority to formulate regulations governing the use of lands within the district in the interest of conserving soil and soil resources and preventing and controlling soil erosion The supervisors may conduct such public meetings and public hearings upon tentative regulations as may be necessary to assist them in this work The supervisors shall not have authority to enact such land-use regulations into law until after they shall have caused due notice to be given of their intention to conduct a referendum for submission of such regulations to the [occupiers] owners of lands lying within the boundaries of the district for their indication of approval or disapproval of such proposed regulations and until after the supervisors have considered the result of such referendum The proposed regulations shall be embodied in a proposed ordinance Copies of such proposed ordinance shall be available for the inspection of all eligible voters during the period between publication of such notice and the date of the referendum The notices of the referendum shall recite the contents of such proposed ordinance or shall state where copies of such proposed ordinance may be examined The question shall be submitted by ballots upon which the words "For approval of proposed ordinance Number ..... prescribing land-use regulations for conservation of soil and prevention of erosion" and "Against approval of proposed ordinance Number ..... prescribing land-use regulations for conservation of soil and prevention of erosion" shall be printed with a square before each proposition and a direction to insert an X mark in the square before one or the other of said propositions as the voter may favor or oppose approval of such proposed ordinance The supervisors shall supervise such referendum shall prescribe appropriate regulations governing the conduct thereof and shall publish the result thereof All [occupiers] owners of lands within the district shall be eligible to vote in such referendum Only such land [occupiers] owners shall be eligible to vote No informalities in the conduct of such referendum or in any matters relating thereto shall invalidate said referendum or the result thereof if notice thereof shall have been given substantially as herein provided and said referendum shall have been fairly conducted

The supervisors shall not have authority to enact such proposed ordinance into law unless at least [a majority] sixty-five per centum of the votes cast in such referendum shall have been cast for approval of the said proposed ordinance The approval of the proposed ordinance by a majority of the votes cast in such referendum shall not be deemed to require the supervisors to enact such proposed ordinance into law Land-use regulations prescribed in ordinances adopted pursuant to the provisions of this section by the supervisors of any district shall have the force and effect of law in the said district and shall be binding and obligatory upon all [occupiers] owners of lands within such district

Any [occupier] owner of land within such district may at any time file a petition with the supervisors asking that any or all of the land-use regulations prescribed in any ordinance adopted by the supervisors under this section shall not be amended supplemented or repealed Land-use regulations prescribed in any ordinance adopted pursuant to the provisions of this section shall not be amended supplemented or repealed except in accordance with the procedure prescribed in this section for adoption of land-use regulations Referenda on adoption amendment supplementation or repeal of land-use regulations shall not be held more often than once in six (6) months

The regulations to be adopted by the supervisors under the provisions of this section may include

1 Provisions requiring the carrying out of necessary engineering operations including the construction of terraces terrace outlets check dams dikes ponds ditches and other necessary structures

2 Provisions requiring observance of particular methods of cultivation including contour cultivating contour furrowing lister furrowing sowing planting strip cropping seeding and planting of lands to water-conserving and erosion-preventing plants trees and grasses forestation and reforestation

3 Specifictions of cropping programs and tillage practices to be observed

4 Provisions requiring the retirement from cultivation of highly erosive areas or of areas on which erosion may not be adequately controlled if cultivation is carried on

5 Provisions for such other means measures operations and programs as may assist conservation of soil resources and prevent or control soil erosion in the district having due regard to the legislative finding set forth in section 2 of this act

The regulations shall be uniform throughout the territory comprised within the district except that the supervisors may classify the lands within the district with reference to such factors as soil type degree of slope degree of erosion threatened or existing cropping and tillage practices in use and other relevant factors and may provide regulations varying with the type or class of land affected but uniform as to all lands within each class or type Copies of land-use regulations adopted under the provisions of this section shall be printed and made available to all [occupiers] owners of land lying within the district

Section 11 Performance of Work under the Regulations by the Supervisors Where the supervisors of any district shall find that any of the provisions of land-use regulations prescribed in an ordinance adopted in accordance with the provisions of section 9 hereof are not being b-

served on particular lands and that such nonobservance tends to increase erosion on such lands and is interfering with the prevention or control or erosion on other lands within the district the supervisors may present to the court of common pleas of the county wherein such particular land is located a petition duly verified setting forth the adoption of the ordinance prescribing land-use regulations the failure of the defendant land [occupier] owner to observe such regulations and to perform particular work operations or avoidances as required thereby and that such nonobservance tends to increse erosion on such lands and is interfering with the prevention or control of erosion on other lands within the district and praying the court to require the defendant to perform the work operations or avoidance within a reasonable time and to order that if the defendant shall fail to perform the supervisors may go on the land perform the work or other operations or otherwise bring the condition of such lands into conformity with the requirements of such regulations and recover the costs and expenses thereof with interest from the [occupier] owner of such land Upon the presentation of such petition the court shall cause process to be issued against the defendant and shall hear the case If it shall appear to the court that testimony is necessary for the proper disposition of the matter it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of facts and conclusions of law which shall constitute a part of the proceedings upon which the determination of the court shall be made The court may dismiss the petition or it may require the defendant to perform the work operations or avoidances and may provide that upon the failure of the defendant to initiate such performance within the time specified in the order of the court and to prosecute the same to completion with reasonable diligence the supervisors may enter upon the lands involved and perform the work or operations or otherwise bring the conditions of such lands into conformity with the requirements of the regulations and recover the costs and expenses thereof with interest at the rate of five per centum per annum from the [occupier] owner of such lands [In all cases where the person in possession of lands who shall fail to perform such work operations or avoidance shall not be the owner the owner of such lands shall be joined as party defendant]

The court shall retain jurisdiction of the case until after the work has been completed Upon completion of such work pursuant to such order of the court the supervisors may file a petition with the court a copy of which shall be served upon the defendant in the case stating the costs and expenses sustained by them in the performance of the work and praying judgment therefor with interest The court shall have jurisdiction to enter judgment for the amount of such costs and expenses with interest at the rate of five per centum per annum until paid together with the costs of suit including a reasonable attorney's fee to be fixed by the court The amount of such judgment shall be a lien upon such lands until fully paid and satisfied and shall be collected by the supervisors of the district in the same manner and under the same procedure as is provided by law for the collection of municipal claims after they have been reduced to judgment When such judgment shall be paid or collected the proceeds shall be paid over to the district within the boundaries of which the lands shall lie

Section 12 Board of Adjustment

* * * *

C Any land [occupier] owner may file a petition with the board of adjustment alleging that there are great practical difficulties or unnecessary hardships in the way of his carrying out upon his lands the strict letter of the land-use regulations prescribed by ordinance approved by the supervisors and praying the board to authorize a variance from the terms of the land-use regulations in the application of such regulations to the lands occupied by the petitioner Copies of such petition shall be served by the petitioner upon the chairman of the supervisors of the district within which his lands are located and upon the chairman of the State Soil Conservation Board The board of adjustment shall fix a time for the hearing of the petition and cause due notice to such hearing to be given The supervisors of the district and the State Soil Conservation Board shall have the right to appear and be heard at such hearing Any [occupier] owner of lands lying within the district who shall object to the authorizing of the variance prayed for may intervene and become a party to the proceedings Any party to the hearing before the board may appear in person by agent or by attorney If upon the facts presented at such hearing the board shall determine that there are great practical difficulties or unnecessary hardship in the way of applying the strict letter of any of the land-use regulations upon the lands of the petitioner it shall make and record such determination and shall make and record findings of fact as to the specific conditions which establish such great practical difficulties or unnecessary hardship Upon the basis of such findings and determination the board shall have power by order to authorize such variance from the terms of the land-use regulations in their application to the lands of the petitioner as will relieve such great practical difficulties or unnecessary hardship and will not be contrary to the public interest and such that the spirit of the land-use regulations shall be observed the public health safety and welfare secured and substantial justice done

Section 15 Discontinuance of Districts At any time after five (5) years after the organization of a district under the provisions of this act any twenty-five (25) [occupiers] owners of land lying within the boundaries of such district may file a petition with the State Soil Conservation Board praying that the operations of the district be terminated and the existence of the district discontinued The board may conduct such public meetings and public hearings upon such petition as may be necessary to assist it in the consideration thereof Within sixty (60) days after such a petition has been received by the board it shall give due notice of the holding of a referendum and shall supervise such referendum and issue appropriate regulations governing the conduct thereof the question to be submitted by ballots upon which the words "For terminating the existence of the ..... (name of the soil conservation district to be here inserted)" and "Against terminating the existence of the ..... (name of the soil conservation district to be here inserted)" shall be printed with a square before each proposition and a direction to insert an X mark in the square before one or the other of said propositions as the voter may favor or oppose discontinuance of such district All [occupiers] owners of lands lying within the boundaries of the district shall be eligible to vote in such referendum Only such land [occupiers] owners shall be eligible to vote No informalities in the conduct of such referendum or in any matters relating thereto shall invalidate said referendum or the result thereof if notice thereof shall have been given substantially as herein provided and said referendum shall have been fairly conducted

The State Soil Conservation Board shall publish the result of such referendum and shall thereafter consider and determine whether the continued operation of the district within the defined boundaries is administratively practicable and feasible If the board shall determine that the continued operation of such district is administratively practicable and feasible it shall record such determination and deny the petition If the board shall determine that the continued operation of such district is not administratively practicable and feasible it shall record such determiniation and shall certify such determination to the supervisors of the district In making such determination the board shall give due regard and weight to the attitudes of the [occupiers] owners of lands lying within the district the number of land [occupiers] owners eligible to vote in such referendum who shall have voted the proposition of the votes cast in such referendum in favor of the discontinuance of the district to the total number of votes cast the approximate wealth and income of the land [occupiers] owners of the district the probable expense of carrying on erosion control operations within such district and such other economic and social factors as may be relevant to such determination having due regard to the legislative findings set forth in section 2 of this act Provided however That the board shall not have authority to determine that the continued operation of

the district is administratively practicable and feasible unless at least [a majority] sixty-five per centum of the votes cast in the referendum shall have been cast in favor of the continuance of such district

Upon receipt from the State Soil Conservation Board of a certification that the board has determined that the continued operation of the district is not administratively practicable and feasible pursuant to the provisions of this section the supervisors shall forthwith proceed to terminate the affairs of the district The supervisors shall dispose of all property belonging to the district at public auction and shall pay over the proceeds of such sale into the State Treasury through the Department of Revenue The supervisors shall thereupon file an application duly verified with the Secretary of the Commonwealth for the discontinuance of such district and shall transmit with such application the certificate of the State Soil Conservation Board setting forth the determination of the board that the continued operation of such district is not administratively practicable and feasible The application shall recite that the property of the district has been disposed of and the proceeds paid over as in this section provided and shall set forth a full accounting of such properties and proceeds of the sale The Secretary of the Commonwealth shall issue to the supervisors a certificate of dissolution and shall record such certificate in an appropriate book of record in his office

Upon issuance of a certificate of dissolution under the provisions of this section all ordinances and regulations theretofore adopted and in force within such districts shall be of no further force and effect All contracts theretofore entered into to which the district or supervisors are parties shall remain in force and effect for the period provided in such contracts The State Soil Conservation Board shall be substituted for the district or supervisors as party to such contracts The committee shall be entitled to all benefits and subject to all liabilities under such contracts and shall have the same right and liability to perform to require performance to sue and be sued thereon and to modify or terminate such contracts by mutual consent or otherwise as the supervisors of the district would have had Such dissolution shall not affect the lien of any judgment entered under the provisions of section 11 of this act nor the pendency of any action instituted under the provisions of such section and the board shall succeed to all the rights and obligations of the district or supervisors as to such liens and actions

The State Soil Conservation Board shall not entertain petitions for the discontinuance of any certain district nor conduct referenda upon such petitions nor make determinations pursuant to such petitions in accordance with the provisions of this act more often than once in five (5) years

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Donohoe,	Lee,	Royer,
Ackermann,	Downey,	Leisey,	Sarge,
Allen,	Eckels,	Levy,	Scanlon,
Allmond,	Ely,	Leydic,	Schrock,
Alspach,	Ewing,	Lichtenwalter,	Schrope,
Andrews,	Falkenstein,	Long,	Schwab,
Atkins,	Fauset,	Lovett,	Seif,
Auker,	Finnerty,	Lyons,	Serrill,
Baker,	Fisher,	Madden,	Shaw,
Balliet,	Fiss,	Marr,	Shearer,
Balthaser,	Flanagan,	Matthews,	Simons,
Bardes,	Fleming,	McClester,	Sloan,
Bennett,	Foor,	McGarrity,	Snyder,
Bohn,	Freed,	McKinney,	Sollenberger,
Boles,	Fullerton,	McLane,	Stambaugh,
Boney,	Furman,	McNally,	Stank,
Boorse,	Gates,	McVay,	Stewart,
Boose,	Gillan,	Melchiorre,	Stockham,
Bower,	Gillette,	Mihm,	Sweeney,
Boyd,	Goll,	Montgomery,	Tahl,
Bretherick,	Gorski,	Mooney,	Tarr,
Broad,	Habbyshaw,	Moran,	Taylor,
Bronson,	Haines,	Moser, F. S.,	Terry,
Brown, H. S.,	Hall,	Moser, J. L.,	Thistle,
Brown, S. W.,	Hamilton,	Muir,	Thompson, E. F.,
Brunner,	Harbeson,	Munley,	Thompson, G. R.,
Burns,	Harkins,	O'Connor,	Tiemann,
Burris,	Haudenshield,	O'Dare,	Trout,
Cadwalader,	Henry,	O'Keefe,	Van Allsburg,
Carpenter,	Hess,	O'Neill,	Van Belle,
Check,	Hewitt,	Peale,	Voorhees,
Chervenak,	Hindman,	Powers,	Wagner,
Christler,	Hocke,	Preston,	Watkins,
Clearwater,	Hoffman, J. N.,	Readinger,	Webster,
Cohen, H. B.,	Hoffman, S. K.,	Reagan,	Weiss,
Cohen, R. E.,	Holland,	Reese, D. P.,	Welsh, E. B.,
Cook,	Hoyt,	Reese, R. E.,	Welsh, M. J.,
Cooper,	Huntley,	Regan,	Westrick,
Cordier,	Imbrie,	Reynolds,	Wilkinson,
Corrigan,	James,	Rhodes,	Williams,
Cortese,	Jirolanio,	Rider,	Wilson,
Curran,	Johnston,	Riley,	Winner,
Dalrymple	Jones,	Robertson,	Wood, H. M.,
Denman,	Kenehan	Rooney,	Wood, L. H.,
DeNote,	Kline,	Rose,	Wood, N.,
Dick,	Knoble,	Rosebery,	Woodside,
Dix,	Kowalski,	Rosenfeld,	Yeakel,
Donahue,	Krise,	Rothenberger,	Turner,

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 732, entitled:

An Act to repeal the act approved the seventh day of June one thousand nine hundred and one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended and extended to certain boroughs incorporated towns and townships of the first class by the act approved the thirty-first day of March one thousand nine hundred thirty-seven (Pamphlet Laws 168) in so far as the same relates and applies to boroughs incorporated towns and townships of the first class

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ACHTERMAN. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. ACHTERMAN. Mr. Speaker, is it correct that there has been an understanding that this bill would be recommitted to the Committee from whence it originated for the purpose of further study and possible amendment?

Mr. WOODSIDE. Mr. Speaker, I personally have no knowledge of any agreement or understanding. Yesterday I asked Mr. Fisher to hold up the bill and not call it up. He did not call it up. That is the only thing I know about it. I told him I had no interest in the bill as the majority leader, and I know of no agreement. I think the gentleman should interrogate Mr. Fisher as to whether or not

there was a definite agreement. If there was such an agreement I was not a party to it and have no knowledge of it.

Mr. ACHTERMAN. Mr. Speaker, does the majority leader know whether or not there happens to be an agreement that the bill will be held up awaiting a public hearing?

Mr. WOODSIDE. Mr. Speaker, I did not know that that was the purpose for which it was being held up. I did not hold it up with the idea of having a public hearing. I did not know there was to be a public hearing.

Mr. ACHTERMAN. Mr. Speaker, was there an agreement that there should be a public hearing by those who might be affected by the bill?

Mr. WOODSIDE. Mr. Speaker, I have no knowledge of any agreement that there should be such a hearing. The sponsor has suggested that the bill go over in order, and I am satisfied with whatever action the House desires to take on it. As a majority leader I have no interest one way or the other in the action on the bill. If there was any definite agreement between the Committee or between the sponsor and some person, I think that definite agreement should be carried out, but I was not a party to any definite agreement concerning the bill. The only thing I requested was to have the bill go over in its order yesterday. I did that, Mr. Speaker. Mr. Fisher spoke to me about it and I said he could do with the bill whatever he desired.

MOTION TO POSTPONE

Mr. ACHTERMAN. Mr. Speaker, it is my understanding, at least I have been so advised by certain individuals that were interested, who would be affected by the bill, that there would be a public hearing, or at least one was desired, and I understand there has been some such arrangement.

For the purpose of permitting me to find out if that is true, Mr. Speaker, I move that the bill be placed on the postponed calendar.

On the question,

Will the House agree to the motion?

Mr. WOODSIDE. Mr. Speaker, speaking on the motion, I personally have no objection to the motion.

Mr. FISHER. I object to this bill going over or being held up. I had no agreement with anyone.

This bill repeals the Plumbing Code as to boroughs and townships. The Act was tried for two years with disastrous results. Its supporters are the purveyors of plumbing supplies and the Master Plumbers' Associations. It was not advocated by the Department of Health. In its administration borough councils were abused and individual plumbers were threatened. In a majority of cases it is physically impossible to enforce the Act. In other cases it is a financial hardship upon the municipality and the home owner. Individual contractors have estimated the increased cost to a respectable home would be at least two hundred dollars.

We have two towns in Huntingdon County that come under this Act and it would increase our taxes almost half a mill. We have been getting along in the country without plumbing inspectors four years and I cannot see why we should be compelled to raise taxes on the property owners.

I therefore ask the members of the House to vote down the motion.

Mr. WOODSIDE. Mr. Speaker, I would like to say for the benefit of the gentleman that he can call this bill off the third reading postponed calendar at any time. I would suggest that he permit the bill to go on the postponed calendar and if later on in the afternoon he desires to call is up he may do so.

The SPEAKER. The Chair suggests to the gentleman, to pass the bill over with the consent of the House for the present.

Mr. ACHTERMAN. Mr. Speaker, several members of the Committee have contacted me and they have told me that the Committee had agreed that there was going to be a public hearing, that they had actually fixed the date of the hearing as next Tuesday. I may be greatly misinformed but if that is correct, Mr. Speaker, I feel that this House should pass the bill over until the desires of the committee are carried out. Certainly my request to postpone it temporarily is not going to damage anyone.

BILL PASSED OVER

There being no objection the bill was passed over.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1156, entitled:

An Act relating to the grading and sale of certain farm products providing penalties for violations and imposing duties upon the Department of Agriculture

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. GILLAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture, for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 685, entitled:

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 289) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by providing for and regulating the incorporation of nonprofit medical service corporations organized to provide medical services for subscribers of low income and their dependents conferring powers on the Department of Health and the Insurance Department with respect thereto further prescribing the conditions on which such corporations may exercise their powers providing for the dissolution of nonprofit medical service corporations by and under the supervision of the Insurance Commissioner and further defining the scope of the Act

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TRONZO. Mr. Speaker and members of the House, I would like to take up this bill along with the other medical bill on the calendar today.

Yesterday we, thru necessary and vital amendments attempted to cure some of the defects in these two medical bills—we failed; and I venture to say that in the immediate future some of us will deeply regret that we didn't do a better job when we had the chance. For many many years there has been an urgent and apparent need in this country of a real health program—and I am sorry to state, medical opinion to the contrary notwithstanding, that for the state of Pennsylvania a health program is not yet in sight. I'm going to digress for the purpose of depicting a few vivid facts concerning public health in these United states; a system which leaves the victims of a stupid, niggling public health program to perish by the wayside while we proceed along our own selfish and callous way. For every 10,000 children born in America, 57 mothers die—one quarter of a million women in this great land of ours will bear their children this year without a physician in attendance, and according to the report of the President's Interdepartmental Committee on Medical Care, and I quote "the deaths from causes associated with delivery have shown scarcely any decrease in 22 years." A childhood disease is diphtheria—it can be absolutely prevented—it has no reason to exist at all. It should be wiped out, and would be, if our medical care were placed on a proper basis. But is it wiped out? In 77 typical cities and counties which conduct diphtheria immunization, less than half of the children of pre-school age had been immunized. Dental care for children is sadly neglected. For every 1000 children entering school, there are 1300 dental defects, more than one to a child, which cry for attention.

The great plague of early manhood and womanhood, and incidentally, of the James Administration, is Tuberculosis. Each year more than 40,000 young adults between the ages of 15 and 45 die from the ravages of T. B. These deaths can be reduced by 50 per cent. thru early detection and adequate care.

I could go on describing the ills which a decent public health program would remedy; I could talk of Malaria and pellagra in the South; of Typhoid in the rural communities everywhere; of syphilis and gonorrhea, which were neglected by laymen and doctors alike, until the United States Government—not the American Medical Association—aroused public interest in this problem.

These truths are self-evident; our public health program is woefully inadequate. Thousands of our people die annually of disease they should never have been allowed to contract; and thousands more die annually of diseases which simple treatment could correct. That the forces of organized medicine, the spokesmen for the physicians in this country have been derelict, and selfishly derelict, in their neglect of these conditions.

Improvements we have made in recent years in the public health field come from government and from public-spirited, individual members of the medical profession. They have not come from any efforts put forth by the professional spokesmen of the American Medical Society. Some of you members will say: Tronzo, you're wrong about the Medical Association. They do have a health program, and its on the third reading calendar today; but I assure you that the only health this program insures is the financial health of its panel doctors. Recently when one of our medicos was approached on the question of including other branches of the healing arts, he said: "We got ours, let them go out and get a bill of their own." This attitude sums up rather well the social attitude of the Medical Association. However, even though there are two bills before us today they do not constitute a real health program, they do serve a very definite purpose—they are at long last an admission of guilt on the part of the Medical Association, and serve as acknowledgment that a health program has existed and continues to exist in this Commonwealth of ours and in the entire United States; and since this admission of guilt may eventually lead to a real health insurance program, similar to the one now gathering dust in the House Committee on Health and Sanitation, and known as House Bill 622 (still in the pink), Mr. Speaker, I wish to be recorded as voting a soft "aye."

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—138.

Achterman,	Ewing,	Lyons,	Schrope,
Ackermann,	Falkenstein,	Madden,	Schwab,
Allen,	Fauset,	Malloy,	Seif,
Allmond,	Finnerty,	Marr,	Serrill,
Andrews,	Fisher,	Matthews,	Shaw,
Atkins,	Fiss,	McClester,	Shearer,
Auker,	Flanagan,	McGarrity,	Simons,
Baker,	Fleming,	McKinney,	Sloan,
Balliet,	Foor,	McLane,	Snyder,
Balthaser,	Freed,	McNally,	Sollenberger,
Bardes,	Fullerton,	McVay,	Stambaugh,
Bennett,	Furman,	Melchiorre,	Stank,
Bohn,	Gillan,	Mihm,	Stewart,
Boles,	Gillette,	Montgomery,	Stockham,
Boney,	Goll,	Mooney,	Sweeney,
Boorse,	Gorski,	Moran,	Tahl,
Boose,	Habbyshaw,	Moser, F. S.,	Tarr,
Bower,	Haines,	Moser, J. L.,	Taylor,
Boyd,	Hall,	Muir,	Terry,
Bretherick	Hamilton,	Munley,	Thistle,
Broad,	Harbeson,	O'Dare,	Thompson, E. F.,
Bronson,	Harkins,	O'Keefe,	Thompson, G. R.,
Brown, H. S.,	Haudenshield,	O'Neill,	Tiemann,
Brown, S. W.,	Henry,	Peacock,	Tronzo,
Burns,	Hess,	Peale,	Trout,
Burris,	Hewitt,	Powers,	Van Allsburg,
Cadwalader,	Hindman,	Preston,	Van Belle,
Carpenter,	Hocke,	Readinger,	Voorhees,
Check,	Hoffman, J. N.,	Reagan,	Wagner,
Chervenak,	Hoffman, S. K.,	Reese, D. P.,	Watkins,
Christler,	Holland,	Reese, R. E.,	Webster,
Clearwater,	Hoyt,	Regan,	Weiss,
Cohen, H. B.,	Huntley,	Reynolds,	Welsh, E. B.,
Cooper,	Imbrie,	Rider,	Welsh, M. J.,
Cordier,	James,	Riley,	Westrick,
Corrigan,	Jirolanio,	Robertson,	Wilkinson,
Cortese,	Johnston,	Rooney,	Williams,
Curran,	Jones,	Rose,	Wilson,
Dalrymple,	Kline,	Roseberry,	Winner,
Denman,	Kowalski,	Rosenfeld,	Wood, H. M.,
Dick,	Krise,	Rothenberger	Wood, L. H.,
Dix,	Lee,	Royer,	Wood, N.,
Donahue,	Leisey,	Sarge,	Woodside,
Donohoe,	Levy,	Sarraf,	Yeakel,
Downey,	Leydic,	Scanlon,	Turner,
Eckels,	Lichtenwalter,	Schrock,	Speaker.
Ely,	Long,		

NAYS—6.

Alspach,	Cohen, R. E.,	Lovett,	O'Connor,
Brunner,	Cook,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. REUBEN E. COHEN filed the following reasons for his vote:

My filing of reasons for voting against House Bills Nos. 685 and 686 is in no regard to be construed as an apology for my voting against both bills. I am convinced that the bills are a step in the right direction as to their purpose, but that they are not comprehensive enough in scope to meet the needs of the general public.

Mr. HESS filed the following reasons for his vote:

Mr. Speaker, I voted in favor of House Bill No. 685 because I believe in the purpose sought to be accomplished. I believe that the bill would have been more desirable had it included the other professions included in the "healing arts," but since those amendments were defeated, I am of the opinion, nevertheless, that the bill should be enacted into law.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 686, entitled:

An Act providing for the regulation and supervision of nonprofit medical service corporations organized to provide medical services to subscribers of low income by the Department of Health and the Insurance Department and defining the functions of such departments with respect thereto authorizing certain departments commissions officers and other agencies of the State and its political subdivisions to subscribe under certain circumstances to the medical service plan of such corporations on behalf of persons of low income prescribing legal investments for the funds of such corporations and the rights of doctors of medicine to register with such corporations conferring authority on the Department of Health and on the Insurance Commissioner each within its own sphere of lawful activity to regulate and supervise such corporations conferring certain rights powers duties and immunities upon such corporations and their officers and members prescribing the conditions on which such corporations may exercise their powers exempting such corporations from taxation prohibiting any person copartnership association Common Law Trust or corporation except a nonprofit medical service corporation from providing medical services on a nonprofit plan in return for prepayment periodical or lump sum payments providing penalties for the violation of and mandatory and injunctive relief for the enforcement of the provisions of this act

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ALSPACH. Mr. Speaker, I desire to raise a constitutional question on this bill.

The SPEAKER. The Chair desires to inquire of the gentleman from Lancaster, Mr. Alspach, whether he desires to raise a constitutional point of order or whether he desires to debate the constitutionality of the bill.

Mr. ALSPACH. Mr. Speaker, I will just debate the constitutionality of this bill. I will not raise a constitutional point of order, if it is agreeable to the Chair.

I desire to call to the attention of the members of the House this bill, Printer's No. 229, page 11, Section 11 and I wish to read the section which is as follows:

> "Every department commission officer and other agency of the State or of any political sub-division thereof who is charged by law with the duty of providing medical services within the meaning of this act for persons unable to provide it at their own expense or to procure it through persons to whose support and assistance they are by law entitled is hereby empowered in the exercise of his authority to provide such service if in his judgment it is in the public interest so to do through a subscription or subscriptions paid for from any lawfully available public funds with any nonprofit medical service corporation on behalf of any person or persons entitled to such relief."

Now, Mr. Speaker, I would like to refer to the constitution of Pennsylvania. My point here, Mr. Speaker, and members of the House, is this, that this Section 11 is unconstitutional because it allows those persons in charge of the administration of relief and relief funds to purchase subscriptions for membership in this non-profit plan in the name of relief recipients and to do so directly from public funds. The implications of the bill are that the only persons who can treat these subscribers are, first, members of the medical profession, doctors of medicine, and secondly, only those particular members of the medical profession who have seen fit to subscribe to this plan.

Mr. Speaker, I would like to call to the attention of the members of the House, the Constitution of Pennsylvania, Article III, Section 18, which limits appropriations and the purpose for which appropriations may be made by the state of Pennsylvania.

> Section 18 says: "No appropriations shall be made for charitable, educational or benevolent purposes to any person or community nor to any denominational or sectarian institution, corporation or association: Provided, That appropriations may be made for pensions or gratuities for military services, and to blind persons twenty-one years of age and upwards, and for assistance to mothers having dependent children, and to aged persons without adequate means of support."

More particularly I refer to Section 17 of this Article III which says:

> "No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the state, except by a vote of two-thirds of all the members elected to each House."

It seems to me that this section 11 of Bill No. 686, which is under consideration at the present time is unconstitutional because it provides specifically that persons in charge of the administration of relief may in the exercise of their discretion purchase shares in this non-profit corporation, the shares to be purchased in the name of and for such persons who are on relief, and these shares are to be paid for from public funds.

Casting this aside, the practical effect of course is obvious. What would happen would be that the persons in charge of relief would be spending public funds. In other words, funds which the Legislature appropriated for relief, public funds which are appropriated for relief, instead of being paid to relief recipients, who in turn will pay it out of their own pockets and say, "Here is to the

doctor, and here is to someone else", are spent directly by the relief agency or those entitled under the law to administer relief. They in turn purchase memberships for relief recipients in this non-profit corporation, which results in doctors of medicine receiving the benefits from public funds, and only those doctors of medicine who have decided to register and become part of this non-profit corporation participate.

Mr. Speaker and members of the House, those are the reasons why I claim this section 11 of House Bill 686 is unconstitutional.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, in reply to the gentleman from Lancaster I wish to point out to the House that it has already been decided, and the Commonwealth is now expending money for medical treatment of relief recipients. Those moneys are being constitutionally applied for the health of relief recipients under the Constitution under the decision reported in 308 Pa. when that question was raised in the Liveright case. The interpretation of the Supreme Court on that phase of the Constitution is already a matter of judicial law.

The second problem which the gentleman raises is the fact that those in charge of relief may enter subscriptions for relief recipients whereby they would be guaranteed medical treatment. Now, it is only logical that if perchance, and this is purely a "may" enactment, this type of medication might for a large group of relief recipients be made available to them at a small cost to the Commonwealth of Pennsylvania. For instance, the relief director in Lancaster might come to the conclusion that by subscribing for the relief recipients, in a group that would be formed in Lancaster, that the relief recipients would be able to receive complete medication, say, for five thousand dollars, whereas under the present system of taking care of the average of these relief recipients it would be costing the relief administrator in Lancaster ten thousand dollars. Undoubtedly, if that saving can be effected through the utilization of this particular enactment, this particular clause, that should be done. It is not an unconstitutional appropriation because as I have stated in 308 Pa. in the recent act of the session of 1937, the obligation for taking care of medication for relief recipients was definitely placed upon our own Department of Assistance, and if they can find a method of doing that cheaper we should allow them so to do.

If the question set forth by the gentleman from Lancaster does raise the problem of unconstitutionality, that in no manner would affect the bill, because on page 16 section 19, a severability clause is placed in the act, which provides as the members of the House well know, that if one section is declared unconstitutional, the bill operates as though that particular section had not been passed. I have no fear of the constitutionality of the particular section to which the gentleman from Lancaster refers, for the simple reason that the problem has already been decided in the case I have mentioned and the constitutionality of such enactment has been judicially determined.

Mr. ALSPACH. Mr. Speaker, I desire to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. ALSPACH. Mr. Speaker, the gentleman from York has just mentioned the fact that this bill includes a severability clause, is that correct?

Mr. HERBERT B. COHEN. That is correct, Mr. Speaker.

Mr. ALSPACH. Mr. Speaker, would the gentleman from York in the interest of good draftsmanship include a section which may or may not be constitutional, or does he think upon that viewpoint, that it would be good draftsmanship to include a section which is unconstitutional, just because there is a severability clause to save the whole thing from falling?

Mr. HERBERT B. COHEN. Mr. Speaker, I do not feel that there is any doubt about the constitutionality of that particular clause.

Since the gentleman has referred to it, I would say that good draftsmanship in this particular bill is to provide, if possible, a means whereby those on relief can receive medication at a small cost to our State Treasury. That is good draftsmanship and good legislation.

Mr. ALSPACH. Mr. Speaker, did I understand the gentleman to say that the problem would be cheaper for the Commonwealth to furnish medication for relief recipients through this plan than through direct grant?

Mr. HERBERT B. COHEN. Mr. Speaker, I understand that is the reason that particular clause was placed in there. If it is not cheaper then undoubtedly the Department of Assistance is not going to expend their money. If it is cheaper, on the other hand, undoubtedly the Department of Assistance should have available legislation that will enable them to take advantage of the lower cost of medication.

Mr. ALSPACH. Mr. Speaker, would the gentleman from York advocate the placing of doctors on the public payroll to administer medication or medical service?

Mr. HERBERT B. COHEN. Mr. Speaker, I am not advocating that. I am advocating that the doctors be compensated upon what they have done for the relief recipients. They are now being compensated by funds emanating from the Department of Assistance to the doctors.

Mr. ALSPACH. Mr. Speaker, does that include only doctors of medicine, those who receive a degree as doctors of medicine, or does it allow any person who is a graduate of any particular school of thought, so far as medicine is concerned?

Mr. HERBERT B. COHEN. Mr. Speaker, I don't know. I imagine that the Department of Assistance will supervise and see to it that the recipients are treated under some particular school of thought which is approved by the Department of Public Assistance. However, if there is any other group that feels that they should have this made available to them, as was suggested yesterday, the Legislature is still open and doing business at the old stand and will pass such legislation for them.

Mr. ALSPACH. Mr. Speaker, then the Department of Public Assistance, according to the gentleman from York, is the organization which determines which school of thought should receive this business.

Mr. HERBERT B. COHEN. Mr. Speaker, I understand that the Department of Public Assistance will not okay a bill for medication unless it is presented by one of the recognized schools of medication.

Mr. ALSPACH. Mr. Speaker, does not the gentleman mean medical service instead of medication?

Mr. HERBERT B. COHEN. Mr. Speaker, medical service or health service. They won't allow a patient to go to a lawyer to be treated for a foot ailment, nor would they allow that patient to be treated by a hex doctor or a pow-wow doctor, either from Lancaster or York.

Mr. ELLWOOD B. WELSH. Mr. Speaker, may I ask one of the sponsors of this bill to explain to the House how these relief recipients are to be chosen. Are they to serve a period of probation the same as those who are obligated to pay for medical services?

The SPEAKER. Will either the gentleman from Allegheny, Mr. Sarraf, or Mr. Hindman from Washington, answer the question of the gentleman from Philadelphia, Mr. Ellwood B. Welsh?

Mr. SARRAF. Mr. Speaker, I will be glad to be interrogated.

Mr. ELLWOOD B. WELSH. Mr. Speaker, the question I would like to have answered is, how will these persons be chosen to receive these benefits by the relief administration?

Mr. SARRAF. Mr. Speaker, I do not know where the confusing thought arose, or where the relief angle comes into this bill. This is a nonprofit insurance bill and the participants are those that have the insurance.

Mr. ELLWOOD B. WELSH. Mr. Speaker, will it be necessary for these relief recipients to have a medical examination before being enrolled?

Mr. SARRAF. Mr. Speaker, under this bill I do not think relief recipients are enrolled.

Mr. ELLWOOD B. WELSH. Mr. Speaker, does it provide for the blanketing of relief recipients?

Mr. SARRAF. No, Mr. Speaker.

Mr. ELLWOOD B. WELSH. Mr. Speaker, how are they to determine then what persons on relief are to receive this medical attention?

Mr. SARRAF. Mr. Speaker, as I said before, the relief recipients are not included in this bill, to my knowledge, but only those who subscribe are recipients of any medical care.

Mr. ELLWOOD B. WELSH. Mr. Speaker, it seems to me that the Constitutional clause quoted by the gentleman from Lancaster has a preceding item which covers the point which I am endeavoring to get a clear understanding on, and that is the point as to whether or not these recipients may be chosen by the Department of Public Assistance whether they will be chosen by any particular method or whether they will wait for them to get sick before they give them service. That provision is not in there, but it seems to me that is unfair to those who would be obliged to pay for the service, having to undergo an examination, and wait for one year before they would be entitled to any service whatsoever.

Mr. SARRAF. Mr. Speaker, the bill says that they "may."

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—189

Achterman,	Downey,	Leydic,	Scanlon,
Ackermann,	Eckels,	Lichtenwalter,	Schrock,
Allen,	Ely,	Long,	Schrope,
Allmond,	Ewing,	Lovett,	Schwab,
Andrews,	Falkenstein,	Lyons,	Self,
Atkins,	Fauset,	Madden,	Serrill,
Auker,	Finnerty,	Malloy,	Shaw,
Baker,	Fisher,	Marr,	Shearer,
Balliet,	Fiss,	Matthews,	Simons,
Balthaser	Flanagan,	McClester,	Sloan,
Bardes,	Fleming,	McGarrity,	Snyder,
Bennett,	Foor,	McKinney,	Sollenberger,
Bohn,	Freed,	McLane,	Stambaugh,
Boles,	Fullerton,	McNally,	Stank,
Boney,	Furman,	McVay,	Stewart,
Boorse,	Gillan,	Melchiorre,	Stockham,
Boose,	Gillette,	Mihm,	Sweeney,
Bower,	Goll,	Montgomery,	Tahl,
Boyd,	Gorski,	Mooney,	Tarr,
Bretherick	Habbyshaw,	Moran,	Taylor,
Broad,	Haines,	Moser, F. S.,	Terry,
Bronson,	Hall,	Moser, J. L.,	Thistle,
Brown, H. S.,	Hamilton,	Muir,	Thompson, E. F.,
Brown, S. W.,	Harbeson,	Munley,	Thompson, G. R.,
Burns,	Harkins,	O'Dare,	Tiemann,
Burris,	Haudenshield,	O'Keefe,	Tronzo,
Cadwalader,	Henry,	O'Neill,	Trout,
Calvin,	Hess,	Peale,	VanAllsburg,
Carpenter,	Hewitt,	Powers,	Van Belle,
Check,	Hindman,	Preston,	Voorhees,
Chervenak,	Hocke,	Readinger,	Wagner,
Christler,	Hoffman, S. K.,	Reagan,	Watkins,
Clearwater,	Holland,	Reese, D. P.,	Webster,
Cohen, H. B.,	Hoyt,	Reese, R. E.,	Weiss,
Cook,	Huntley,	Regan,	Welsh, E. B.,
Cooper,	Imbrie,	Reynolds,	Welsh, M. J.,
Cordier,	James,	Rider,	Westrick,
Corrigan,	Jirolanio,	Riley,	Wilkinson,
Cortese,	Johnston,	Robertson,	Williams,
Curran,	Jones,	Rooney,	Wilson,
Dalrymple,	Kenehan,	Rose,	Winner,
Denman,	Kline,	Roseberry,	Wood, H. M.,
DeNote,	Kowalski,	Rosenfeld,	Wood, N.,
Dick,	Krise,	Rothenberger,	Woodside,
Dix,	Lee,	Royer,	Yeakel,
Donahue,	Leisey,	Sarge,	Turner,
Donohoe,	Levy,	Sarraf,	Speaker.

NAYS—6

Alspach,	Cohen, R. E.,	O'Connor,	Wood, L. H.,
Brunner,	Hoffman, J. N.,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1117, entitled:

An Act to further amend section three hundred twenty-one of the act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by redefining deductions in case of reinsurance

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Eckels,	Long,	Scanlon,
Ackermann,	Ely,	Lovett,	Schrock,
Allen,	Ewing,	Lyons,	Schrope,
Allmond,	Falkenstein,	Madden,	Schwab,
Alspach,	Fauset,	Malloy,	Seif,
Andrews,	Finnerty,	Malone,	Serrill,
Atkins,	Fisher,	Marr,	Shaw,
Baker,	Fiss,	Matthews,	Shearer,
Balliet,	Flanagan,	McClester,	Simons,
Balthaser,	Fleming,	McGarrity,	Sloan,
Bardes,	Foor,	McKinney,	Snyder,
Bennett,	Freed,	McLane,	Sollenberger,
Bohn,	Fullerton,	McNally,	Stambaugh,
Boles,	Gillan,	McVay,	Stank,
Boney,	Gillette,	Melchiorre,	Stewart,
Boorse,	Goll,	Mihm,	Stockham,
Boose,	Gorski,	Montgomery,	Sweeney,
Bower,	Habbyshaw,	Mooney,	Tahl,
Boyd,	Haines,	Moran,	Tarr,
Bretholtz,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Connor,	Thompson, G. R.,
Brunner,	Henry,	O'Dare,	Tiemann,
Burns,	Hess,	O'Keefe,	Tronzo,
Burris,	Hewitt,	O'Neill,	Trout,
Cadwalader,	Hindman,	Peacock,	VanAllsburg,
Carpenter,	Hocke,	Peale,	Van Belle,
Check,	Hoffman, J. N.,	Powers,	Voorhees,
Chervenak,	Hoffman, S. K.,	Preston,	Wagner,
Christler,	Holland,	Readinger,	Watkins,
Clearwater,	Hoyt,	Reagan,	Webster,
Cohen, H. B.,	Huntley,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Imbrie,	Reese, R. E.,	Welsh, E. B.,
Cook,	James,	Regan,	Welsh, M. J.,
Cooper,	Jirolanio,	Reynolds,	Westrick,
Cordier,	Johnston,	Rhodes,	Wilkinson,
Corrigan,	Jones,	Rider,	Williams,
Cortese,	Keenan,	Riley,	Wilson,
Curran,	Kenehan,	Robertson,	Winner,
Dalrymple,	Kline,	Rooney,	Wood, H. M.,
Denman,	Kowalski,	Rose,	Wood, L. H.,
DeNote,	Krise,	Roseberry,	Wood, N.,
Dick,	Lee,	Rosenfeld,	Woodside,
Dix,	Leisey,	Rothenberger,	Yeakel,
Donahue,	Levy,	Royer,	Turner,
Donohoe,	Leydic,	Sarge,	Speaker.
Downey,	Lichtenwalter,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That Clerk present the same to the Senate for concurrence.

The SPEAKER. The Chair requests the gentleman from Greene, Mr. Furman, to preside.

MR. FURMAN IN THE CHAIR.

BILL PASSED OVER

There being no objection House Bill No. 979, Printer's No. 417 was passed over at the request of Mr. WOODSIDE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 596, as follows:

An Act authorizing the annexation to an adjacent borough of a part of a township of the first class situate in the same county not exceeding one hundred (100) acres in area and not exceeding in value twenty per centum of the assessed value of such township and which is situate within the watershed of and drains into the borough and regulating the procedure pertaining thereto and providing for the adjustment and apportionment of the assets and liabilities of said townships

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Hereafter any borough may by ordinance annex a part of an adjacent township of the first class situate in the same county the area of which does not exceed one hundred (100) acres and which is situate within the watershed of and drains into such adjacent borough upon petition signed by a majority of the freeholders and by the owners of three-fourths of the assessed valuation of real estate of the territory proposed to be annexed

Provided however That the provisions of this act shall not apply when the portion of any first class township to be annexed represents twenty per centum or more of the assessed value of such township

Section 2 Notice of the intended application shall be given to the burgess and council of the annexing borough and to the commissioners or supervisors of the township in which the petitioners reside Notice of such application shall also be given in two daily newspapers of general circulation in the county in which the annexing borough is situate at least once a week for three successive weeks immediately preceding the presentation of the petition

Section 3 The petition shall be signed by a majority of the freeholders and by the owners of three-fourths of the assessed valuation of the real estate of the territory proposed to be annexed The petition shall set forth a description of the territory to be annexed and be accompanied by a plot showing the courses and distances of the boundaries of the annexing borough before and after the proposed annexation

Section 4 A certified copy of the ordinance together with a description and a plot showing the courses and distances of the boundaries of the annexing borough before and after such proposed annexation shall be filed in the Court of Quarter Sessions of the county in which such borough is located A notice of such filing shall also be filed in the office of the County Commissioners of the county in which said annexing borough is located Thereupon the territory proposed to be annexed shall be a part of the borough except when any ordinance or plot is filed in the office of the Clerk of the Court of Quarter Sessions within two months immediately preceding a general municipal or primary election in which case the property proposed to be annexed shall not become a part of the borough until the day succeeding such election

Section 5 Where a part of any township of the first class is annexed by a borough the township officers and the council of the annexing borough shall make a just and proper adjustment and apportionment of the assets and liabilities of said township When making such adjustment and apportionment the annexing borough shall share in a division of the assets and indebtedness of the township in the same proportion that the last preceding assessed valuation of the territory annexed bears to the total last preceding valuation of the entire township The adjustment and apportionment as made shall be reduced to writing in proper form and be duly executed and acknowledged by the proper officers of said township and annexing borough and be filed in the office of the Clerk of the Court of Quarter Sessions of the county in which said borough is located.

Section 6 In the event the council of the annexing borough and said township authorities cannot make such amicable adjustment of the assets and liabilities of the township in compliance with this act within sixty days after such annexation then the council of said borough or a proper officer of the township may present a petition to the Court of Quarter Sessions of the county in which the annexing borough is located whereupon the Court shall appoint three disinterested commissioners residents and taxpayers of the county in which the borough is situate not residing in the borough nor in the township who after hearing notice of which shall be given to the borough and township interested as the Court shall direct shall make report to the Court making an apportionment and adjustment between the township and the borough of all the assests and liabilities of the township said report to state the amount if any that shall be due and payable by the borough to the township or by the township to the bor-

ough as well as the amount of indebtedness if any that shall be assumed by the borough or by the township or by both of them

Section 7 The commissioners shall give the borough and the township at least five days' notice of the filing of their report and unless exceptions are filed thereto by the borough or by the township within thirty days after filing thereof the same shall be confirmed by the court absolutely and any sum awarded by said report to the borough or township charged therewith and the amount of debt if any apportioned to any borough or township shall be a legal and valid claim against such borough or township charged therewith any property real or personal given and adjudged to the borough or the township shall become and be the property of the borough or the township to whichever one the same is given and adjudged and upon such report being confirmed such claim or indebtedness charged against any borough or against any township may be collected in the same manner as a judgment is collected against any borough or township Such commissioners shall be allowed five dollars per day for each day actually spent by them in the performance of their duties together with their actual necessary expenses All costs and expenses of such proceedings shall be apportioned by the Court to and between the borough and the township as it shall deem proper

In case exceptions are filed to the report of such commissioners the Court shall dispose of the same taking testimony therein if deemed advisable and the decision of the Court thereon shall be final and binding on the borough and township unless an appeal is taken within thirty days to the Superior or Supreme Court as in other cases

Section 8 The following Acts and parts of Acts and their amendments are hereby repealed so far as they relate to the annexation by an adjacent borough of a part of a township of the first class located in the same county and not exceeding one hundred (100) acres in area that is situate within the watershed of and drains into said borough

The Act approved the second day of July one thousand nine hundred thirty-seven (Pamphlet Laws Two thousand eight hundred three) entitled "An act providing a method of annexation of townships of the first class and parts thereof to cities and boroughs and regulating the proceedings pertaining thereto"

The Act approved the thirteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws six hundred twenty) entitled "An act requiring the consent of the electors of a township of the first class when such township or any part thereof is to be annexed to a contiguous borough or city"

All other acts or parts of acts inconsistent with this act are hereby repealed

Section 9 This Act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Consitution the yeas and nays were taken taken.

Messrs. Lloyd H. Wood, Brunner and Alspach asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—133

Achterman,	Dick,	Krise,	Robertson,
Ackermann,	Dix,	Lee,	Rooney,
Allen,	Donohoe,	Leisey,	Rose,
Allmond,	Downey,	Levy,	Rosenfeld,
Alspach,	Eckels	Leydic,	Rothenberger,
Andrews,	Ely,	Long,	Sarge.
Atkins,	Ewing,	Lovett,	Sarraf,
Baker,	Falkenstein	Lyons,	Scanlon,
Balthaser.	Fauset.	Madden,	Schrope,
Bardes,	Finnerty,	Malone,	Self.
Bennett,	Fisher,	Marr,	Serrill,
Boles,	Fiss,	McGarrity,	Shaw,
Boose,	Flanagan,	McVay,	Simons,
Bower,	Fleming,	Melchiorre,	Stank,
Boyd,	Fullerton,	Mihm,	Tarr,
Bretherick,	Furman,	Montgomery,	Terry,
Broad,	Gillan,	Mooney,	Thistle,
Bronson,	Gilette,	Moser, F. S.,	Thompson, E. F.,
Brown, H. S.,	Goll,	Muir,	Thompson, G. R.,
Brown, S. W.,	Hall,	Munley,	Tiemann,
Burns,	Harkins,	O'Connor,	Tronzo.
Cadwalader,	Hess,	O'Dare,	Voorhees,
Chervenak,	Hindman,	O'Keefe,	Webster.
Christler,	Holland,	O'Neill,	Weiss.
Clearwater,	Hoyt,	Peacock,	Welsh, E. B.,
Cohen, H. B.	Huntley,	Powers,	Welsh, M. J.,
Cook,	Imbrie,	Preston,	Westrick,
Cooper,	James,	Readinger,	Wilkinson,
Cordier,	Jirolanio,	Reagan,	Williams,
Corrigan,	Johnston,	Regan,	Wilson,
Cortese,	Keenan,	Reynolds,	Turner,
Dalrymple,	Kilroy,	Rhodes,	Speaker.
DeNote.	Kowalski,	Rider,	

NAYS—62

Auker,	Hamilton,	McNally,	Stewart,
Balliet,	Harbeson,	Moran,	Stockham,
Bohn,	Haudenshield,	Moser, J. L.,	Sweeney,
Boney,	Henry,	Peale,	Tahl,
Boorse,	Hewitt,	Reese, D. P.,	Taylor,
Brunner,	Hocke,	Reese, R. E.,	Trout,
Burris,	Hoffman, J. N.,	Riley,	Van Allsburg,
Carpenter,	Hoffman, S. K.,	Roseberry,	Van Belle,
Check,	Jones,	Royer,	Wagner,
Cohen, R. E.,	Kline,	Schrock,	Watkins,
Curran,	Lichtenwalter,	Schwab,	Winner,
Denman,	Malloy,	Shearer,	Wood, H. M.,
Donahue,	Matthews,	Sloan,	Wood, L. H.,
Freed,	McClester,	Snyder,	Wood, N.,
Habbyshaw,	McKinney,	Sollenberger,	Woodside,
Haines	McLane,	Stambaugh,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 860, entitled:

An Act to amend sections nine and fifteen of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as amended, further regulating the filing of claims for taxes, water rents or rates, lighting rates, power rates and sewer rates; removing the right to revive, extend or continue the lien of such claims, prescribing the time for selling properties for the non-payment of such claims, and in certain cases extending existing liens.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, with the consent of the sponsor, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 741, entitled:

An Act relating to the administration of oaths by notaries public magistrates aldermen and justices of the peace and validating certain oaths heretofore taken.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Consitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Downey,	Leydic,	Sarge,
Ackermann,	Eckels,	Lichtenwalter,	Sarraf,
Allen,	Ely,	Long,	Scanlon,
Allmond,	Ewing,	Lovett,	Schrock,
Alspach,	Falkenstein,	Lyons,	Schrope,
Andrews,	Fauset,	Madden,	Schwab,
Atkins,	Finnerty,	Malloy,	Seif,
Auker,	Fisher,	Malone,	Serrill,
Baker,	Fiss,	Marr,	Shaw,
Balliet,	Flanagan,	Matthews,	Shearer,
Balthaser,	Fleming,	McClester,	Simons,
Bardes,	Foor,	McGarrity,	Sloan,
Bennett,	Freed,	McKinney,	Snyder,
Bohn,	Fullerton,	McLane,	Sollenberger,
Boles,	Furman,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Bretherick,	Haines,	Moran,	Tarr,
Broad,	Hall,	Moser, F. S.,	Taylor,
Bronson,	Hamilton,	Moser, J. L.,	Terry,
Brown, H. S.,	Harbeson,	Muir,	Thistle,
Brown, S. W.,	Harkins,	Munley,	Thompson, E. F.,
Brunner,	Haudenshield,	O'Connor,	Thompson, G. R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	O'Neill,	Trout,
Carpenter,	Hindman,	Peacock,	Van Allsburg,
Check,	Hocke,	Peale,	Van Belle,
Chervenak,	Hoffman, J. N.,	Powers,	Voorhees,
Christler,	Hoffman, S. K.,	Preston,	Wagner,
Clearwater,	Holland,	Readinger,	Watkins,
Cohen, H. B.,	Hoyt,	Reagan,	Webster,
Cohen, R. E.,	Huntley,	Reese, D. P.,	Weiss
Cook,	Imbrie,	Reese, R. E.	Welsh, E. B.,
Cooper,	James,	Regan,	Welsh, M. J.,
Cordier,	Jirolanio,	Reynolds,	Westrick,
Corrigan,	Johnston,	Rhodes,	Wilkinson,
Cortese,	Jones,	Rider,	Williams,
Curran,	Keenan,	Riley,	Wilson,
Dalrymple,	Kenehan,	Robertson,	Winner,
Denman,	Kline,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee	Rosenfeld,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Donohoe,	Levy,	Royer,	Turner,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 731, Printer's No. 332 was passed over at the request of Mr. FISHER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1078, entitled:

An Act to further amend section twenty-four of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by redefining deductions in case of reinsurance

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Consitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Ely	Leydic,	Sarge,
Ackermann,	Ewing,	Lichtenwalter,	Sarraf,
Allen,	Falkenstein,	Long,	Scanlon,
Allmond,	Fauset,	Lovett,	Schrock,
Alspach,	Finnerty,	Lyons,	Schrope,
Andrews,	Fisher,	Madden,	Schwab,
Atkins,	Fiss,	Malloy,	Seif,
Baker,	Flanagan,	Malone,	Serrill,
Balliet,	Fleming,	Marr,	Shaw,
Balthaser,	Foor,	Matthews,	Shearer,
Bardes,	Freed,	McClester,	Simons,
Bennett,	Fullerton,	McGarrity,	Sloan,
Bohn,	Furman,	McKinney,	Snyder,
Boles,	Gates,	McLane,	Sollenberger,
Boney,	Gillan,	McNally,	Stambaugh,
Boorse,	Gillette,	McVay,	Stank,
Boose,	Goll,	Melchiorre,	Stewart,
Bower,	Gorski,	Mihm,	Stockham,
Boyd,	Habbyshaw,	Montgomery,	Sweeney,
Bretherick,	Haines,	Mooney,	Tahl,
Broad,	Hall,	Moran,	Tarr,
Bronson,	Hamilton,	Moser, F. S.,	Taylor,
Brown, H. S.,	Harbeson,	Moser, J. L.,	Terry,
Brown, S. W.,	Harkins,	Muir,	Thistle,
Brunner,	Haudenshield	Munley,	Thompson, E. F.,
Burns,	Henry,	O'Connor,	Thompson, G. R.,
Burris,	Hess,	O'Dare,	Tiemann,
Cadwalader,	Hewitt,	O'Keefe,	Tronzo,
Carpenter,	Hindman,	O'Neill,	Trout,
Check,	Hocke,	Peacock,	VanAllsburg,
Chervenak,	Hoffman, J. N.	Peale,	Van Belle,
Christler	Hoffman, S. K.,	Powers,	Voorhees,
Clearwater,	Holland,	Preston,	Wagner,
Cohen, H. B.,	Hoyt,	Readinger,	Watkins,
Cohen, R. E.,	Huntley,	Reagan,	Webster,
Cook,	Imbrie,	Reese, D. P.,	Weiss,
Cooper,	James,	Reese, R. E.,	Welsh, E. B.,
Cordier,	Jirolanio,	Regan,	Welsh, M. J.,
Corrigan,	Johnston,	Reynolds,	Westrick,
Cortese,	Jones,	Rhodes,	Wilkinson,
Curran,	Kane,	Rider,	Williams,
Dalrymple,	Keenan,	Riley,	Wilson,
DeNote,	Kenehan,	Robertson,	Winner,
Dick,	Kline,	Rooney,	Wood, H. M.,
Dix,	Kowalski,	Rose,	Wood, L. H.,
Donahue,	Krise,	Roseberry,	Wood, N.,
Donohoe,	Lee,	Rosenfeld,	Woodside,
Downey,	Leisey,	Rothenberger,	Yeakel,
Eckels,	Levy,	Royer,	Turner,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1094, entitled:

An Act authorizing the acceptance by the Commonwealth of a gift of land contiguous to lands now owned by the Commonwealth at the Ashland State Hospital

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Consitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Eckels,	Leydic,	Sarge,
Ackermann,	Ely,	Lichtenwalter,	Sarraf,
Allen,	Ewing,	Long,	Scanlon,
Allmond,	Falkenstein,	Lovett,	Schrock,
Alspach,	Fauset,	Lyons,	Schrope,
Andrews,	Finnerty,	Madden,	Schwab,
Atkins,	Fisher,	Malloy,	Seif,
Baker,	Fiss,	Malone,	Serrill,
Balliet,	Flanagan,	Marr,	Shaw,
Balthaser,	Fleming,	Matthews,	Shearer,
Bardes,	Foor,	McClester,	Simons,
Bennett,	Freed,	McGarrity,	Sloan,
Bohn,	Fullerton,	McKinney,	Snyder,
Boies,	Furman,	McLane,	Sollenberger
Boney,	Gates,	McNally,	Stambaugh,
Boorse,	Gillan,	McVay,	Stank,
Boose,	Gillette,	Melchiorre,	Stewart,
Bower,	Goll,	Mihm,	Stockham,
Boyd,	Gorski,	Montgomery,	Sweeney,
Bretherick,	Habbyshaw,	Mooney,	Tahl,
Broad,	Haines,	Moran,	Tarr,
Bronson,	Hall,	Moser, F. S.,	Taylor,
Brown, H. S.,	Hamilton,	Moser, J. L.,	Terry,
Brown, S. W.,	Harbeson,	Muir,	Thistle,
Brunner,	Harkins,	Munley	Thompson, E. F.,
Burns,	Haudenshield,	O'Connor,	Thompson, G. R.,
Burris,	Henry,	O'Dare,	Tiemann,
Cadwalader,	Hess,	O'Keefe,	Tronzo,
Carpenter,	Hewitt,	O'Neill,	Trout,
Check,	Hindman,	Peacock,	VanAllsburg,
Chervenak,	Hocke,	Peale,	Van Belle,
Christler,	Hoffman, J. N.,	Powers,	Voorhees,
Clearwater,	Hoffman, S. K.,	Preston,	Wagner,
Cohen, H. B.,	Holland,	Readinger,	Watkins,
Cohen, R. E.,	Hoyt,	Reagan,	Webster,
Cook,	Huntley,	Reese, D. P.,	Weiss,
Cooper,	Imbrie,	Reese, R. E.	Welsh, E. B.,
Cordier,	James,	Regan,	Welsh, M. J.,
Corrigan,	Jirolanio,	Reynolds,	Westrick,
Cortese,	Johnston,	Rhodes,	Wilkinson,
Curran,	Jones,	Rider,	Williams,
Dalrymple,	Keenan,	Riley,	Wilson,
Denman,	Kenehan,	Robertson,	Winner,
DeNote,	Kline,	Rooney,	Wood, H. M.,
Dick,	Kowalski,	Rose,	Wood, L. H.,
Dix	Krise,	Roseberry,	Wood, N.,
Donahue,	Lee,	Rosenfeld,	Woodside,
Donohoe,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 635, entitled:

An Act to further amend section two of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" providing for the burial of such bodies unfit for anatomical purposes by the county commissioners in all counties

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. REYNOLDS. Mr. Speaker, I desire to interrogate the sponsor of this bill.

The SPEAKER. Will the sponsor of the bill permit himself to be interrogated?

Mr. O'DARE. I yield to the gentleman from Philadelphia, Mr. Sweeney.

Mr. REYNOLDS. Mr. Speaker, I would like to ask the gentleman the purpose of this bill, what it does, that is, the amendments that were offered to this bill.

Mr. SWEENEY. Mr. Speaker, the only thing this bill does it to put it back where it was before 1937. At that time the County Commissioners had charge of the bodies of dead people. In 1937 it was amended so that the bodies were given to the morgue or to the Coroner. This bill puts it back where it was before.

Mr. REYNOLDS. Mr. Speaker, in cases where it says these bodies shall be delivered by the Anatomical Board in the County of Philadelphia, whom are they to deliver the bodies to, the County Commissioners or the Coroner?

Mr. SWEENEY. Mr. Speaker, what section is that?

Mr. REYNOLDS. Mr. Speaker, in the first section of the bill where it says those bodies must be delivered to the County Commissioners or to the Coroner of the City of Philadelphia. To whom are they to be delivered?

Mr. SWEENEY. Mr. Speaker, is the gentleman referring to page three?

Mr. REYNOLDS. Mr. Speaker, I am referring to the bill and I am asking this question, to whom are the bodies to be delivered for keeping and for burial purposes until they are buried?

Mr. SWEENEY. Mr. Speaker, the Coroner gets the bodies. They are then turned over to the County Commissioners. That is my understanding of the bill.

Mr. REYNOLDS. Mr. Speaker, can the gentleman give me any reason why, if the Coroner receives the bodies and has all the records, the Commissioners should handle the burial of these bodies?

Mr. SWEENEY. Mr. Speaker, the County Commissioners have to pay for it.

Mr. REYNOLDS. Mr. Speaker, the taxpayers pay for it.

Mr. SWEENEY. Mr. Speaker, through the County Commissioners.

Mr. REYNOLDS. Mr. Speaker, it says here that the warrants are to be drawn but it does not say by whom. It does not say that the warrants shall be drawn by the County Commissioners, is that not a fact?

Mr. SWEENEY. Mr. Speaker, the warrant is drawn through the County Commissioners.

Mr. REYNOLDS. Mr. Speaker, the warrant is drawn on the City Treasurer.

Mr. SWEENEY. Mr. Speaker, through the County Commissioners.

Mr. REYNOLDS. Mr. Speaker, since the bodies have been taken charge of by the Coroner of the City of Philadlphia, has it not been done in a very very fine way, to the satisfaction of the citizens of Philadelphia without any question?

Mr. SWEENEY. Mr. Speaker, well, it was done prior to that time—

Mr. REYNOLDS. Mr. Speaker, I am not asking about

prior to that time, but I am asking since the present Coroner has been handling it, has it been done to the satisfaction of the citizens of the county of Philadelphia?

Mr. SWEENEY. Mr. Speaker, prior to 1937, I never heard any complaint about how the County Commissioners handled the situation. This is another bill for sewing up a rip.

Mr. REYNOLDS. Mr. Speaker, I would like to ask the gentleman from Philadelphia since Mr. Hirsch has been handling it has it not been done in a very fine way, to the satisfaction of the citizens of the county of Philadelphia?

Mr. SWEENEY. Mr. Speaker, that I don't know.

Mr. REYNOLDS. Mr. Speaker, has the gentleman heard of any dissatisfaction?

Mr. SWEENEY. Mr. Speaker, I never heard any complaints by the dead or anybody else.

Mr. REYNOLDS. Mr. Speaker, in the judment of the gentleman from Philadelphia, is it not more compatible to the work of the Coroner to handle this than it would be for the County Commissioners to handle it.

Mr. SWEENEY. Mr. Speaker, it is not because I think the Coroner's office should be abolished.

Mr. REYNOLDS. Mr. Speaker, since we have a Coroner's office, does the gentleman not think that it could be handled better by the Coroner than by the County Commissioners?

Mr. SWEENEY. No, Mr. Speaker.

Mr. REYNOLDS. Mr. Speaker, has the gentleman introduced a bill in the Legislature to abolish the office of Coroner?

Mr. SWEENEY. I have not, Mr. Speaker.

Mr. REYNOLDS. Mr. Speaker and members of the House, this bill does only one thing, it takes the burial of the dead in the county of Philadelphia from the Coroner and places it in the hands of the County Commissioners.

A few years ago the burial of the dead in Philadelphia was handled so badly under the Republican regime that it caused one man to commit suicide. An exposé was made by Congressman Benjamin Golden at that time, and the record will speak for itself. Since Coroner Hirsch has handled this it has been done in a very economical way and in a very fine way. The Coroner has contracts with all the undertakers, he knows the scrupulous and the unscrupulous ones, and I say this without any fear of contradiction. I have never had anything to do with the burial of the dead, as I do not do that type of work. I want to say that in the city of Philadelphia it has been done in a very, very fine and commendable way under Coroner Hirsch. The County Commissioners during election time are quite busy and they do not have the time and do not have the force or the help to carry out an investigation to find out when these bodies come into the morgue, and they have no way of knowing unless the Coroner tells them that. They would have no way of knowing where in Potter's Field the graves are to be dug unless the Coroner tells them because that is under the control of the Coroner's office. The whole set-up in the County of Philadelphia is under the Coroner's Office. The only reason for this bill is that some unscrupulous undertakers might want to come and talk to some politician when he is busy. They do not have time to investigate and they say, "Alright, you may have the body", and it will be done, not in keeping, as it is now with the ethics of the profession, but it will be done in a very unscrupulous manner, as Congressman Golder clearly exposed a few years ago. As it is done at the present time, they have a resting place, they have a casket. They do not have a tin for their headstone.

Mr. Speaker, I submit that the gentleman under question states himself that he does not know of any reason other than it will be paid for by the County Commissioners. I would like to ask the House, not to put this back into the hands of the same people, which might cast a reflection on the citizens of the city of Philadelphia. For the sake of good government I think it ought to stay in the Coroner's Office where it rightfully belongs, and I ask the House not to vote for the bill.

Mr. SWEENEY. Mr. Speaker and members of the House, there is nothing complex about this bill. All it does is to restore the law to the shape it was in before 1937. In 1937 the Legislature, especially the majority controlled by the Democrats at that time, in their zeal to get jobs, changed the position and took it away from the County Commissioners and put it in the Coroner's office. I understand there are only about eight jobs involved. All this bill does is to put it back where it was prior to that time. While the County Commissioner's office was handling this work I never heard any complaint about their handling of it.

Mr. REYNOLDS. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Sweeney.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SWEENEY. I will, Mr. Speaker.

Mr. REYNOLDS. Mr. Speaker, do I understand the reason the gentleman wants to put this back is because they will get eight jobs?

Mr. SWEENEY. Mr. Speaker, no, that is not the reason.

Mr. REYNOLDS. Is it because the gentleman will get some jobs?

Mr. SWEENEY. Mr. Speaker, the reason is because they took eight jobs away from us.

Mr. REYNOLDS. Mr. Speaker, can the gentleman from Philadelphia name those eight jobs?

Mr. SWEENEY. Mr. Speaker, no I cannot.

Mr. REYNOLDS. Mr. Speaker and members of the House, in answer to the gentleman from Philadelphia, I did not know that there were eight jobs. I did not know that the Democrats took it away for that purpose. They wanted to get it back in the place where it belonged, and I have tried to explain that. If the Anatomical Board turns this work over to the coroner and all of the records to the Coroner, he is the one who would know exactly when and where to bury these bodies. The County Commissioners having nothing to do with this type of work. The County Commissioners are a high type of men but they know nothing about the burial of dead bodies. They have no connection with the dead. I submit is is not part of their function in the county of Philadelphia, and therefore this bill should be voted down.

Mr. LONG. Mr. Speaker and members of the House, I would like to correct a few impressions left by the gentleman from Philadelphia, Mr. Sweeney, in regard to this bill.

The Coroner's office for four years has handled the burial of the indigent dead. For years before the Democratic party ever came into power in the state of Pennsylvania the Coroner's office always handled the burial of the indigent dead, and for obvious reasons. Potter's

field where the indigent dead are buried is under the control of the Coroner and it would stay under the control of the Coroner under this bill. The morgue where the bodies are stored and cared for previous to burial is also under the Coroner's office and would remain under the Coroner's office if this bill were passed. All of the dealings with the undertaking profession in regard to the burial of the indigent dead will continue to be under the control of the Coroner. However due to an unfortunate political scandal in the city of Philadelphia, it was deemed expedient, until the stench of political corruption should have blown away to transfer the burial of the indigent dead temporarily to the County Commissioners' office, where it never was previously, where it never did belong and does not belong now. Obviously where all of the department functions are under the Coroner, the burial of the indigent dead should also remain where it always was.

The Act of 1937 merely restored the normal status and was not ripper legislation. It did not add a single job to the budget of the Coroner's office. Those duties were taken up and performed at no additional expense to the County of Philadelphia. It therefore is obvious that this is in no sense the sewing up of a rip, but is reenacting a ripper which had its inception in political corruption. I do not think there is any doubt in the minds of the members of the House who know the situation, regardless of their politics, and who also recall the unfortunate circumstances in regard to this scandal which I do not wish to repeat or go into, that it necessitated the removal temporarily of these functions from the Coroner's office. If you do not believe in ripper legislation, if you believe in centralizing all of the functions which must be performed in this work in one department where they belong, where the undertaking profession which has to do the burying and the general public are perfectly satisfied to have it remain, and where it is being done very efficiently and very economically for the taxpayers and all concerned by the present Coroner of the City of Philadelphia, if you are against this ripper you will vote against this bill, because this is really a revived ripper. When this bill was first introduced there was some cause, but today there is no reason for it.

On the question recurring,

Shall the bill pass finally?

MOTION TO RECOMMIT

Mr. REYNOLDS. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Health and Sanitation, for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. SWEENEY. Mr. Speaker and members of the House, I ask the members of the House to vote against this motion.

The motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—125.

Ackermann,	Ely,	Leisey,	Simons,
Alspach,	Ewing,	Leydic,	Sloan,
Atkins,	Fisher,	Lichtenwalter,	Snyder,
Auker,	Fiss,	Lyons,	Sollenberger,
Balliet,	Fleming,	Madden,	Stambaugh,
Bardes,	Foor,	Marr,	Stewart,
Bennett,	Freed,	Matthews,	Stockham
Boorse,	Fullerton	McClester,	Sweeney,
Boose,	Gates,	McGarrity,	Tahl,
Bower,	Gillan,	McKinney,	Taylor,
Boyd,	Gillette,	McNally,	Terry,
Bretherick	Goll,	McVay,	Thistle,
Bronson,	Habbyshaw	Moser, F. S.,	Thompson, G. R.,
Brown, S. W	Haines,	Moser, J. L.,	Tiemann,
Brunner,	Hall,	Muir,	Trout,
Cadwalader	Hamilton,	O'Dare,	VanAllsburg,
Calvin,	Harbeson,	Peacock,	Van Belle,
Carpenter,	Haudenshield	Peale,	Voorhees,
Christler,	Henry,	Reagan,	Wagner,
Clark,	Hewitt,	Reese, D. P.	Watkins,
Clearwater	Hocke,	Rhodes,	Webster,
Cook,	Hoffman, J. N.	Riley,	Wilkinson
Cooper,	Hoyt,	Robertson	Wilson,
Cordier,	Huntley,	Rose,	Winner,
Cortese,	Imbrie,	Roseberry,	Wood, H. M
Curran,	James,	Royer,	Wood, L. H.,
Dalrymple,	Johnston,	Sarge,	Wood, N.,
Denman,	Jones,	Schrock,	Woodside,
Dick,	Kline,	Seif,	Yeakel,
Dix,	Kowalski,	Serrill,	Turner,
Donahue,	Krise,	Shearer,	Speaker.
Eckels,	Lee,		

NAYS—59.

Achterman,	Corrigan,	Lovett,	Rider,
Allen,	Donohoe,	Malloy,	Rooney,
Allmond,	Downey,	McLane,	Rosenfeld,
Andrews,	Falkenstein	Melchiorre	Rothenberger,
Baker,	Fauset,	Mihm,	Sarraf,
Balthaser	Finnerty,	Mooney,	Scanlon,
Bohn,	Flanagan,	Moran,	Schrope,
Boney,	Furman,	Munley,	Stank,
Broad,	Harkins,	O'Connor,	Tarr,
Brown, H. S.,	Hess,	O'Keefe,	Thompson, E. F.,
Burns,	Hindman,	O'Neill,	Weiss,
Check,	Jirolanio,	Powers,	Welsh, E. B.,
Chervenak,	Keenan,	Preston,	Welsh, M. J.,
Cohen, H. B.,	Kenehan	Readinger,	Williams,
Cohen, R. E.,	Long,	Reynolds,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1288, Printer's No. 382 was passed over at the request of Mr. HOMER S. BROWN.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Greene, Mr. Furman. The Chair desires to say it is a great comfort to have in the House a former Speaker upon whom he can call.

BILLS ON THIRD READING

Mr. CURRAN. Mr. Speaker, I desire to call up House Bill No. 732, Printer's No. 324, on page 14 of today's calendar which was passed over.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 732, entitled:

An Act to repeal the act approved the seventh day of June one thousand nine hundred and one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing

or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended and extended to certain boroughs incorporated towns and townships of the first class by the act approved the thirty-first day of March one thousand nine hundred thirty-seven (Pamphlet Laws 168) in so far as the same relates and applies to boroughs incorporated towns and townships of the first class

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messers. Achterman, Sarraf and Powers asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—99.

Ackermann	Eckels,	Kowalski,	Stewart,
Alspach,	Ely,	Krise,	Stockham
Andrews,	Fisher,	Lee,	Sweeney,
Atkins,	Fiss,	Leisey,	Tahl,
Auker,	Fleming,	Lichtenwalter	Terry,
Balliet,	Foor,	Madden,	Thistle,
Bardes,	Fullerton	Marr,	Thompson, G. R.
Bennett,	Gillan,	Matthews,	Tiemann,
Boorse,	Gillette,	McGarrity,	Trout,
Boose,	Goll,	McNally,	Van Allsburg
Bower,	Haines,	O'Dare,	Van Belle,
Boyd,	Hall,	Reagan,	Voorhees,
Bretherick,	Hamilton,	Rhodes,	Wagner,
Bronson,	Harbeson,	Robertson,	Watkins,
Brown, S. W.,	Haudenshield,	Rose,	Webster.
Cadwalader,	Hewitt,	Roseberry,	Wilkinson,
Christler,	Hocke,	Royer,	Wilson,
Clearwater,	Hoyt,	Schrock,	Winner,
Cook,	Huntley,	Serrill,	Wood, H. M.,
Cortese,	Imbrie,	Shearer,	Wood, L. H.,
Curran,	James,	Simons,	Wood, N.,
Dalrymple,	Johnston,	Sloan,	Woodside,
Denman,	Jones,	Snyder,	Yeakel,
Dick,	Kline,	Sollenberger,	Turner,
Dix,	Knoble,	Stambaugh,	Speaker.

NAYS—71.

Achterman,	DeNote,	Malloy,	Reese, D. P.,
Allen,	Donahue,	McClester,	Rider,
Allmond,	Ewing,	McKinney,	Riley
Baker,	Falkenstein,	McLane,	Rooney,
Bohn,	Fauset,	McVay,	Rosenfeld,
Boles,	Freed,	Mihm,	Sarge,
Boney,	Furman,	Montgomery,	Sarraf,
Broad,	Gates,	Mooney,	Scanlon,
Brown, H. S.,	Habbyshaw.	Moran,	Schwab,
Brunner,	Harkins,	Moser, F. S.,	Stank,
Burns,	Henry,	Moser, J. L.,	Tarr,
Burris,	Hess,	Muir,	Taylor.
Calvin,	Hindman,	Munley,	Thompson, E. F.,
Carpenter,	Jirolanio,	O'Connor,	Weiss,
Check.	Levy,	Peale.	Welsh, E. B.,
Chervenak,	Long,	Powers,	Welsh, M. J.,
Cooper,	Lovett,	Preston,	Williams,
Cordier,	Lyons,	Readinger,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. WAGNER.

The House resumed the consideration on third reading of House Bill No. 598, entitled:

An Act authorizing the compromise of delinquent taxes on real property and the penalties interest and costs due thereon except in counties of the first second and third class before a tax sale of such real property and providing the procedure in such case

On the question,

Will the House agree to the bill on third reading?

Mr. WAGNER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, lines 3 and 4 of title, by striking out the words: "second and third"

Amend Sec. 1, page 1, line 1, by striking out the word: "Wherever" and inserting in lieu thereof: "Whenever"

Amend Sec. 1, page 1, line 3, by striking out the words: "second and third"

Amend Sec. 1, page 2, line 1, by striking out the word: "net"

Amend Sec. 1, page 2, line 1, by inserting after the word "realized" the following: "on account of such taxes, penalties, interest and costs"

Amend Sec. 2, page 2, line 25, by striking out the words: "three times" and inserting in lieu thereof: "once"

Amend Sec. 2, page 2, lines 27 and 28, by striking out the words: "and in the legal journal, if any, of the appropriate county"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 543.

An Act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Board of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties

SENATE BILL No. 544.

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class by providing that city taxes within such territorial limits shall be assessed, levied and collected upon the basis of the county assessments; imposing duties on county taxing authorities; abolishing the department of assessors in cities of the second class and transferring certain property to county taxing authorities.

SENATE BILL No. 39.

An Act validating county treasurers sales for delinquent taxes when the reports and returns of such sales were made to the court of common pleas and the deeds thereto were executed and acknowledged by an attache of the office of the county treasurer and not by the county treasurer as required by law

SENATE BILL No. 147.

An Act to amend an act approved the twenty-first day of July one thousand nine hundred and thirteen Pamphlet Laws 863 entitled "A supplement to an act approved the

eleventh day of June one thousand eight hundred seventy-nine entitled "An act to authorize Cities of the first class to levy and fix a tax rate to fix the time of opening and closing the tax duplicates to regulate the appropriations and expenditures of said cities and prescribing penalties for the violation of the provisions of this act" by providing that the same shall not apply to the books of personal property taxes and to extend the time for the opening of the books and the payment of personal property taxes

SENATE BILL No. 186.

An Act to amend subsection twelve of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by empowering townships of the second class to prohibit the storage of abandoned and junked automobiles

Whereupon,

The SPEAKER, in the presence of the House signed the same.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 186 AND 574

Commonwealth of Pennslvania,
Governor's Office Harrisburg, April 26, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 186, Printer's No. 12, entitled, An Act Transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

House Bill No. 574, Printers' No. 340, entitled, A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine and providing for the payment of certain of the deficiency appropriations out of revenues of the fiscal biennial period beginning June first one thousand nine hundred thirty-nine.

ARTHUR H. JAMES

SENATE MESSAGES

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 375.

An Act to amend paragraph (c) of section fifty-eight of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilge of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decendents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by permitting foreign fiduciaries representing the estates of decedents minors and legal incompetents to forclose on mortgages to enter judgment on mortgage bonds to sell the property bound thereby to take title to property so sold and to resell such property

With the information that the Senate has passed the same without amendment.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 610.

A Supplement to the act, approved the twenty-second day of July, one thousand nine hundred and thirty-seven (Appropriation Acts page 74), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," by lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation, and re-appropriating such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 483

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 25, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 483, Printers No. 296, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES

RECONSIDERATION OF VOTE

Mr. CORDIER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. SWEENEY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Lackawanna, Mr. Cordier, vote on the final passage of this bill?

Mr. CORDIER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Sweeney, vote on the final passage of this bill?

Mr. SWEENEY. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. CORDIER. Mr. Speaker, I move that vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. CORDIER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Title, page 1, line 1 of title by striking out the word "Regulating" and inserting in lieu thereof: "Providing for"

Amend Title, page 1, line 1 of title by striking out the words "or election"

Amend Sec. 2, page 2, lines 6 to 19 by striking out the words "thirty days or more prior to the time" in line 6 and all of lines 7 to 18 and the word "election" in line 19

Amend Sec. 2, page 2, line 22 by inserting after the word "controller" the words: "under this section"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

REPORT FROM COMMITTEE

Mr. SCHROCK from the Committee on Welfare re-reported as amended, House Bill No. 867, entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand fifty-one) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" defining responsibilty for burial providing for separate administration by county boards of assistance of certain types of public assistance designated "general assistance and pensions" regulating the employment and dismissal of employes therefor authorizing the employment and dismissal of an executive director of general assistance and pensions changing the system of allocation of funds by the Department of Public Assistance changing the powers and duties of county boards authorizing appointment of subcommittees for certain purposes providing for immediate return to assistance rolls of persons accepting temporary employment authorizing appointment of labor review boards to pass on eligibility for assistance of persons refusing offered employment regulating the granting of assistance to aliens and the use of credit agencies changing the definition of dependent children the maximum property allowances for pensions to blind persons and the qualifications for general assistance and changing and adding to penal provisions

RESOLUTIONS

RECALLING HOUSE BILL No. 444 FROM THE GOVERNOR

Mr. SCHROCK offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 26, 1939.

Resolved (if the Senate concur), that House Bill No. 444, Printer's No. 60, entitled "An act to amend section nine of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1050) entitled 'An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created' by changing the amount and method of contributions for and payment of death benefits," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 28 FROM THE GOVERNOR

Mr. SARRAF offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 26, 1939.

Resolved (if the Senate concur), that House Bill No. 28, Printer's No. 36, entitled "An act to regulate the sale of sulfanilamide and its derivatives in the interest of public health," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

ADDRESS BY MR. VAN BELLE

Mr. VAN BELLE asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, on page 1611 of the Legislative Journal I am recorded as voting "aye" on House Bill No. 193, which was up for final passage on Wednesday, April 19. Very definitely and in a loud voice I voted "no" on this measure and I would like the necessary correction to be made in the record. I thank you, Mr. Speaker.

COMMITTEE MEETINGS

There will be meetings of the Committees on

Appropriations, Thursday, April 27th at 10:30 a. m. in Room 326B.

Counties, Thursday, April 27th at 10 a. m., in Room A.

Forestry, Thursday, April 27th at 9:30 a. m., in Room 147.

Insurance, Thursday, April 27th at 10:30 a. m., in Room 323.

Labor, Thursday, April 27th at 10 a. m., in Room 541.

Municipal Corporations, Monday, May 1st at 6 p. m., in Room 546.

Public Health and Sanitation, Thursday, April 27th at 10 a. m. in Room 323.

Public Utilities, Wednesday, May 3rd at 10 a. m., in Room 100.

Ways and Means, Thursday, April 27th at 10:30 a. m., in Room 100.

Workmen's Compensation, Thursday, April 27th at 10 a. m., in Room 418.

There will be a Public Hearing before the Committee on Labor on House Bill No. 496, Monday 1st at 4 p. m., in Room 541.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair desires to announce that tomorrow it is the intention to take up the calendar and go through with it. If the members are interested in the bills they should be in attendance during the session.

ADJOURNMENT

Mr. SCHROCK. Mr. Speaker, I move that this House do now adjourn until tomorrow at 11 a. m.

The motion was agreed to, and (at 4:02 p. m.) the House adjourned until Thursday, April 27, 1939, at 11 a. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1939. 133d of the General Assembly.

Vol. 23 HARRISBURG, PA., THURSDAY, APRIL 27, 1939. No. 44.

SENATE

THURSDAY, APRIL 27, 1939.

The Senate met at 2:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain, the Rev. FRANK W. RUTH offered the following prayer:

Almighty God, our Heavenly Father, we thank Thee for this day and for all it holds forth for us. We pray that Thou will help us to understand that we are just ordinary mortals to whom Thou hast given more opportunity and greater responsibility than to most of our people. And we pray that we may so labor together in this work that those people, whom we represent, may have a deeper and firmer faith in our government, the government which Thou hast founded through our Forefathers, who were wholly and entirely inspired by Thee.

Forgive us our sins of the past and help us that we may not sin again. We ask it in Thy Holy name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. SHAPIRO, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 596, (Senate Bill No. 733), entitled:

An Act authorizing the annexation to an adjacent borough of a part of a township of the first class, situate in the same county, not exceeding one hundred (100) acres in area which is situate within the watershed of and drains into the borough, and regulating the procedure pertaining thereto; and providing for the adjustment and appointment of the assets and liabilities of said townships.

Which was committed to the Committee on County Government.

House Bill No. 635, (Senate Bill No. 734), entitled:

An Act to further amend section two of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies," providing for the burial of such bodies unfit for anatomical purposes by the county commissioners in all counties.

Which was committed to the Committee on Public Health.

House Bill No. 695, (Senate Bill No. 735), entitled:

An Act to further amend the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 289), entitled "Nonprofit Corporation Law" by providing for and regulating the incorporation of nonprofit medical service corporations organized to provide medical service for subscribers of low income and their dependents; conferring powers on the Department of Health and the Insurance Department with respect thereto; further prescribing the conditions on which such corporations may exercise their powers; providing for the dissolution of nonprofit medical service corporations by and under the supervision of the Insurance Commissioner; and further defining the scope of the Act.

Which was committed to the Committee on Public Health.

House Bill No. 686, (Senate Bill No. 736), entitled:

An Act providing for the regulation and supervision of nonprofit medical service corporations organized to provide medical services to subscribers of low income by the Department of Health and the Insurance Department and defining the functions of such departments with respect thereto; authorizing certain departments, commissions, officers and other agencies of the State and its political sub-divisions to subscribe under certain circumstances to the medical service plan of such corporations on behalf of persons of low income; prescribing legal investments for the funds of such corporations, and the rights of doctors of medicine to register with such corporations; conferring authority on the Department of Health and on the Insurance Commissioner each within its own sphere of lawful activity to regulate and supervise such corporations; conferring certain rights, powers, duties and immunities upon such corporations and their officers and members; prescribing the conditions on which such corporations may exercise their powers; exempting such corporations from taxation; prohibiting any person, copartnership, association, Common Law Trust or corporation except a nonprofit medical service corporation from providing medical services on a nonprofit plan in return for prepayment, periodical or lump sum payments; providing penalties for the violation of and mandatory and injunctive relief for, the enforcement of the provisions of this act.

Which was committed to the Committee of Public Health.

House Bill No. 741, (Senate Bill No. 737), entitled:

An Act relating to the administration of oaths, by notaries public, magistrates, aldermen, and justices of the peace; and validating certain oaths heretofore taken.

Which was committed to the Committee on Judiciary General.

House Bill No. 1054, (Senate Bill No. 738), entitled:

An Act providing a method of annexation of parts of townships of the first class, to contiguous cities of the second class, boroughs or other contiguous townships of the first class, and regulating the proceedings pertaining thereto.

Which was committed to the Committee on County Government.

House Bill No. 1078, (Senate Bill No. 739), entitled:

An Act to further amend section twenty-four of the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by redefining deductions in case of reinsurance.

Which was committed to the Committee on Finance.

House Bill No. 1094, (Senate Bill No. 740), entitled:

An Act authorizing the acceptance by the Commonwealth of a gift of land contiguous to lands now owned by the Commonwealth at the Ashland State Hospital.

Which was committed to the Committee on State Government.

House Bill No. 1117, (Senate Bill No. 741), entitled:

An Act to further amend section three hundred twenty-one of the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws, six hundred eighty-two), entitled "Insurance Company Law of 1921," by redefining deductions in case of re-insurance.

Which was committed to the Committee on Finance.

House Bill No. 1361, (Senate Bill No. 742), entitled:

An Act to amend clause (10) of section 3, sections 5 and 6, paragraphs (2), (3), (4), (6), and (11) of section 8, sections 9 and 11, paragraph C of section 12 and section 15 of the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2724), entitled "Soil Conservation Districts Law," by changing the vote necessary for the establishment of districts, the making of regulations and the dissolution of districts and requiring voters to be land owners.

Which was committed to the Committee on Agriculture.

The Clerk of the House of Representatives being introduced presented an extract from the Journal of the House of Representatives, which was twice read, considered and agreed to:

In the House of Representatives, April 27, 1939.

Resolved, (if the Senate concur), That House Bill No. 444, Printer's No. 60, entittled:

An Act to amend section nine of the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-three, (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," by changing the amount and method of contributions for, and payment of, death benefits.

be recalled from the Governor for the purpose of amendment.

On the question,

Will the Senate agree to the resolution?

It was agreed to:

Ordered, That the Clerk inform the House of Representatives accordingly.

He also presented an extract from the Journal of the House of Representatives, which was twice read, considered and agreed to:

In the House of Representatives, April 27, 1939.

Resolved, (if the Senate concur), That House Bill No. 28, Printer's No. 36, entitled:

An Act to regulate the sale of sulfamilamide and its derivatives in the interest of public health.

be recalled from the Governor for the purpose of amendment.

On the question,

Will the Senate agree to the resolution?

It was agreed to:

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS OF COMMITTEES

Mr. RUTH, from the Committee on Education, reported as committed, Senate Bill No. 428, (House Bill No. 386), entitled:

An Act to amend section four hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, providing that boards of school directors may become members of the State School Directors Association, and bear a proportionate part of the expenses of such association.

He also, from the Committee on Education, reported as amended, Senate Bill No. 446, (House Bill No. 268), entitled:

An Act to add section six hundred and two and one-tenth to article six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," further regulating the sale of unused and unnecessary land and buildings by boards of school directors.

Mr. DENT, from the Committee on Mines and Mining, re-reported as amended, Senate Bill No. 168, entitled:

An Act to amend paragraph six of section two, and paragraph four of section five of the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 551), entitled "An act prohibiting the employment of miners, as herein defined, in the bituminous coal mines, unless certificated by a miners' examining board; providing for the appointment of such boards, and defining their powers and duties; providing penalties; and making an appropriation," by providing for the suspension of examinations and certifications by the Secretary of Mines and for the issuance of new certificates to replace lost certificates.

Mr. EDMONDS, from the Committee on Education, reported as amended, Senate Bill No. 425, entitled:

An Act to amend Sections 2601, 2602, 2603, and 2604 of the act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the election or appointment of auditors in merged and other union school districts, fixing the term of office and manner of filling vacancies.

Mr. LETZLER, from the Committee on Education, reported as amended, Senate Bill No. 414, entitled:

An Act authorizing school districts of the first class to fund floating indebtedness, incurred prior to December thirty-first, one thousand nine hundred and thirty-nine, for current expenses and debt service and to issue and sell bonds for this purpose.

He also, from the Committee on Education, reported as amended, Senate Bill No. 415, entitled:

An Act to amend and reenact section five hundred and twenty-four of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended by limiting the total annual school tax for any one year in school districts of the first class and prescribing the method of fixing the levy of school taxes in such districts.

He also, from the Commitee on Education, reported as amended, Senate Bill No. 416, entitled:

An Act to amend and reenact section five hundred and thirty-two of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistent therewith," as amended, by empowering school boards in districts of the first class to make for any year such general reductions in salaries fixed by law as will enable the district to keep its estimated annual expenditures within the estimate of funds available to the district for that year and by, in such instances, so regulating the discretionary power vested in the Superintendent of Public Instruction, to withhold requisitions for moneys payable by the Commonwealth to School Districts which have not made provision for full payment of minimum salaries and increments, that the exercise of such power shall not interfere with the operation of this act.

Mr. THOMAS, from the Committee on County Government, reported as committed, Senate Bill No. 398, (House Bill No. 567), entitled:

An Act to amend section one of the act, approved the nineteenth day of May, one thousand nine hundred and twenty-three (P. L. 275) entitled, "An act fixing the salary of sheriffs in counties of the eighth class; providing for the payment for the care and maintenance of prisoners, where the sheriff is the keeper or warden of the jail; requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county; and prescribing penalties," increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties.

Mr. TALLMAN, from the Committee on Corporations, reported as committed, Senate Bill No. 513, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 289), entitled "An act relating to nonprofit corporations; defining and provdiing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," as amended, by modifying, changing and clarifying the provisions of the act relating to the corporate name.

He also, from the Committee on Corporations, reported as committed, Senate Bill No. 515, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the court of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," as amended, by modifying changing, and clarifying certain provisions of the act relating to the corporate name.

Mr. WOLFENDEN, from the Committee on County Government, reported as committed, Senate Bill No. 459, entitled:

An Act relating to recognizances and official bonds of present and future sheriffs and coroners and to their sureties thereon; imposing the expense of corporate suretyships on such obligations upon the several counties and various duties upon the Courts of Common Pleas and

county officers thereof; authorizing the substitution of approved surety companies for individual or corporate sureties upon such obligations and the release of any surety upon any such recognizance by such Court upon certain conditions; dispensing with sureties on such recognizances but providing for the acknowledgment, recording and indexing of same as liens on certain real estate; regulating such liens and releases therefrom; providing for refunds to sheriffs and coroners of certain premiums paid to sureties on their official bonds and recognizances; and repealing inconsistent laws, except as to existing claims or pending suits thereunder, subject to certain limitations.

with the understanding that it be returned to Committee for the present.

Mr. GELTZ, from the Committee on County Government, reported as committed, Senate Bill No. 424, entitled:

An Act to repeal the act, approved the fourth day of June, one thousand nine hundred and thirty-seven (P. L. 1539), entitled "An act providing for the creation, incorporation, organization, and government of county public utility administrations in counties of the second class; providing for referendums to ascertain the will of the electors; authorizing such administrations to incur bonded indebtedness for the purpose of the construction of works, the acquistion of property, and the operation of public utilities, to contract for the payment therefor, or to have the price fixed by the Public Utility Commission; conferring the power of eminent domain; providing for the powers, duties, functions, and immunities of such administration; imposing certain duties and functions in connection with such administrations upon certain county officers; conferring power to enter into agreements with the United States and its instrumentalities, political subdivisions, and municipalities of the Commonwealth, and others; providing for a system of civil service and collective bargaining; and providing penalties; and for other purposes."

Mr. LETZLER, from the Committee on Mines and Mining, reported as committed Senate Resolution, Serial No. 119, as follows:

The Mines and Mining Committee of the Senate and of the House of Representatives of Pennsylvania in joint session do hereby resolve:

1. To declare to the Assembly our united determination to carefully consider and fully support a reasonable program of legislation aimed to cure the troubles of the coal mining industry of this Commonwealth.

2. That we believe this problem has been under consideration long enough and that some legislation should now be enacted and tried out while the Governor is a man familiar and sympathetic with the industry.

3. That we urge all members of the House and Senate of Pennsylvania and all Pennsylvanians who are members of the United States Congress to unite in a determined effort to put the full power of our great Commonwealth behind a determined drive to secure justice and restored prosperity for Pennsylvania's coal industry, and to that end we urge that all party differences be laid aside and our ten million people unite in demanding an end to discrimination by the Interstate Commerce Commission against Pennsylvania coal.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 610, entitled:

A Supplement to the act approved the twenty-first day of July one thousand nine hundred and thirty-seven (Appropriation Acts page 74) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" by lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation and re-appropriating such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin

House Bill No. 375, entitled:

An Act to amend paragraph (c) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "Fiduciaries Act of 1917," as amended by permitting foreign fiduciaries representing the estates of decedents, minors, and legal incompetents, to foreclose on mortgages, to enter judgment on mortgage bonds, to sell the property bound thereby, to take title to property so sold, and to resell such propery.

House Bill No. 363, entitled:

An Act to amend section six of the act approved the twelfth day of May one thousand nine hundred and twenty-five (P. L. 603) entitled "An act concerning conditional sales and to make uniform the law relating thereto" by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 363

He also present communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 363, entitled:

An Act to amend section six of the act approved the twelfth day of May, one thousand nine hundred and twenty-five (P. L. 603), entitled "An act concerning conditional sales and to make uniform the law relating thereto," by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court.

PROTESTING DISCRIMINATION BY INTERSTATE COMMERCE COMMISSION AGAINST PENNSYLVANIA COAL

Mr. THOMAS, from the Committee on Mines and Mining, to which was referred resolution offered by himself, on April 12, 1939, reported the same without amendment as follows:

In the Senate, April 12, 1939.

The Mines and Mining Committee of the Senate and of the House of Representatives of Pennsylvania in joint session do hereby resolve:

1. To declare to the Assembly our united determination to carefully consider and fully support a reasonable program of legislation aimed to cure the troubles of the coal mining industry of this Commonwealth.

2. That we believe this problem has been under consideration long enough and that some legislation should now be enacted and tried out while the Governor is a man familiar and sympathetic with the industry.

3. That we urge all members of the House and Senate of Pennsylvania and all Pennsylvanians who are Members of the United States Congress to unite in a determined effort to put the full power of our great Commonwealth behind a determined drive to secure justice and restored prosperity for Pennsylvania's coal industry, and to that and we urge that all party differences be laid aside and our ten million people unite in demanding an end to discrimination by the Interstate Commerce Commission against Pennsylvania coal.

A motion was made by Mr. THOMAS and Mr. LETZLER.

That rule 39, which requires resolutions reported from committee to lie over for one day be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

Which was agreed to.

On the question,

Will the Senate agree to the resolution?

Mr. SHAPIRO. I ask that the clerk re-read that line which describes the Governor's position in this matter.

The PRESIDENT. The particular section and line will be re-read.

Mr. SHAPIRO. Mr. President, I think it says the Governor is a man of sympathy or something like that.

The clerk read as follows: "2. That we believe this problem has been under consideration long enough and that some legislation should now be enacted and tried out while the Governor is a man familiar and sympathetic with the industry."

QUESTION OF INFORMATION

Mr. EALY. Mr. President, I rise to a question of information.

The PRESIDENT. The Senator from Somerset will state his question of information.

Mr. EALY. Mr. President, this is not a resolution, is it?

The PRESIDENT. It was so reported, as a resolution. It has been reported by the Senator from Mercer, Mr. Thomas.

Mr. EALY. Mr. President, it seems to be a declaration of the position of the House. It is not written in the form of a resolution.

Mr. COLEMAN. Mr. President, I desire to interrogate the Chairman of the Committee on Mines and Mining, Mr. Thomas.

The PRESIDENT. Will the Senator from Mercer, Mr. Thomas, permit himself to be interrogated?

Mr. THOMAS. Mr. President, I will.

Mr. COLEMAN. This resolution is the subject matter that was discussed in a joint caucus of the Senate and the House; is that correct?

Mr. THOMAS. About two weeks ago, Mr. President.

Mr. COLEMAN. Mr. President, I was under the distinct impression that this was a statement coming from the Joint Committee on Mines and Mining of the House and Senate rather than a resolution being presented to the Senate. I see it is being presented to the Senat as a resolution.

Am I correct in that assumption?

Mr. THOMAS. Mr. President, I did not understand it that way. It was a resolution of the Joint Committee on Mines and Mining of the House and Senate.

Mr. COLEMAN. Mr. President, I do not think it is phrased in the proper language in which a resolution should be presented to the Senate.

Mr. THOMAS. Mr. President, when we made the changes at that time, I thought they were very satisfactory to the Senator from Lackawanna.

MOTION TO LAY RESOLUTION ON TABLE

Mr. COLEMAN. Mr. President, I would like to ask that the resolution be laid on the table for the purpose of amendments, which I propose to offer, which will clarify one section.

The PRESIDENT. Is there any objection to the request of the Senator from Lackawanna that the resolution be laid on the table?

The Chair hears none.

The motion was agreed to.

BILLS INTRODUCED

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 743, entitled:

An Act to amend subsection VII of section three of the act, approved the eighteenth day of May, one thousand nine hundred and thirty-three (P. L. 1076), entitled "An act to provide for the organization, incorporation, operation, and supervision of cooperative savings and credit associations, to be termed credit unions; designating such credit unions as corporations, and defining their powers and duties; conferring certain powers and duties on the Department of Banking; and providing penalties," permitting such credit unions to invest funds in loans to other credit unions.

Which was committed to the Committee on Judiciary General.

He also, by request, read in his place and presented to the Chair Senate Bill No. 744, entitled:

An Act to amend paragraph (e) of section two hundred and two of the act, approved the twenty-eight day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescrbing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and rgulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings

of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," as amended by act of September twenty-eight, one thousand nine hundred thirty-eight, (P. L. 44), by providing further exemptions with respect to the transfer and acquisition of property.

Which was committed to the Committee on Public Utilities.

Mr. CROWE, by request, read in his place and presented to the Chair, Senate Bill No. 745, entitled:

An Act to amend section one thousand forty, of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto," by regulating the number of times and the conditions under which the same subject matters may be presnted to the voters in a petition of initiation.

Which was committed to the Committee on Municipal Government.

Mr. FARRELL read in his place and presented to the Chair Senate Bill No. 746, entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," further regulating the nomination of candidates for special elections; the nomination of substituted candidates; giving instructions to voters; time allowed for voting and the payment of certain contributions for primary and election expenses; and prescribing the affect of contest proceeding pending the final decision thereof.

Which was committed to the Committee on Elections.

Mr. STEVENSON read in his place and presented to the Chair Senate Bill No. 747, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one, (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvemnts on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purpose of this act," by establishing an additional route in the City of Lock Haven.

Which was committed to the Committee on Highways.

Mr. MILLER read in his place and presented to the Chair Senate Bill No. 748, entitled:

An Act to amend section forty of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation to provide for the preservation of registration records.

Which was committed to the Committee on Elections.

He also read in his place and presented to the Chair Senate Bill No. 749, entitled:

An Act to amend section thirty-nine of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs towns, and township as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenege and proof of qualification of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," to provide for the preservation of registration records.

Which was committed to the Committee on Elections.

He also read in his place and presented to the Chair Senate Bill No. 750, entitled:

An Act to amend sections thirty-three and thirty-four of the act, approved the twenty-fifth day of May, one

thousand nine hundred and thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and pimaries and the challenge and proof of qualification of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," to eliminate the necessity for the commission to prepare and distribute preliminary street lists.

Which was committed to the Committee on Elections.

He also read in his place and presented to the Chair Senate Bill No. 751, entitled:

An Act to amend sections thirty-two and thirty-three of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and precribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inpectors of registration and other appointees of registration commissions, county election boards, election officers municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," to eliminate the necessity for the commission to prepare and distribute preliminary street lists.

Which was committed to the Committee on Elections.

Mr. DENT. Mr. President, I rise in my place and present to the Chair a bill which makes an appropriation to the Committee studying the milk question.

Senator Scarlett and myself discussed the problem of getting the records and reports made a matter of record; and, for the information of the Senate, I discovered that we have to have some money to do so. As he is chairman of the committee studying the problem, I told him I had in my fund, that was set up for the industrial tax study, some money that had not been spent; and I, therefore, introduce this bill on behalf of Senator Scarlett and myself.

I want it clearly understood that the thousand dollars—if the Legislature will cooperate, I will provide the money that is in my hands at the present time.

Messrs. DENT and SCARLETT read in their places and presented to the Chair Senate Bill No. 752, entitled:

An Act making an appropriation to the Joint Legislative Committee to investigate and study regulations, records and activities of departments and boards engaged in administration of laws regulating production and distribution of milk.

Which was committed to the Committee on Appropriations.

Mr. GELTZ, by request, read in his place and presented to the Chair Senate Bill No. 753, entitled·

An Act to amend section sixteen of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 429), entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate; and to provide for the recording and registering of the decrees of the orphans' court in connection therewith, and the fees therefor," by further fixing the rights of inheritance of adoptees and their natural parents married to their adopters, and of the relatives of such persons.

Which was committed to the Committee on Judiciary General.

He also, by request, read in his place and presented to the Chair Senate Bill No. 754, entitled:

An Act relating to adoptions; defining the relationships; and fixing the rights of inheritance.

Which was committed to the Committee on Judiciary General.

He also, by request, read in his place and presented to the Chair Senate Bill No. 755, entitled:

An Act authorizing cities of the third class, boroughs and townships of the first class, to appoint additional police at the expense of persons asking such appointments.

Which was committed to the Committee on Municipal Government.

He also, by request, read in his place and presented to the Chair Senate Bill No. 756, entitled:

An Act providing for the appointment of an acting president judge in any court of the Commonwealth having more than one law judge.

Which was committed to the Committee on Judiciary General.

MOTION TO CALL UP RESOLUTION FROM THE TABLE

Mr. SHAPIRO. Mr. President, I call up from the table the resolution just reported from the Committee on Mines and Mining by the Senator from Mercer, Mr. Thomas.

MOTION TO AMEND

Mr. SHAPIRO. Mr. President, I now move that the following words in the second paragraph of that resolution be striken out, "While the Governor is a man familiar and sympathetic with the industry." and move that the resolution, as so amended, be read into the Journal.

Mr. OWLETT. Mr. President, I object to the striking out of those words.

Mr. SHAPIRO. Mr. President, I am sure the gentleman from Tioga did not hear the words that I ask to be stricken out because if he had he would realize, as I do, that they could mean either one of three things. First, it could mean we can do this in a hurry, before the Governor changes his mind and be not sympathetic with the industry; or, it could mean that a previous Governor was not sympathetic; or it could mean that a future Governor will not be sympathetic and understanding.

I think that the resolution, as amended, carries the thought so that it can be read into the record.

Mr. OWLETT. Mr. President, may we have the clerk read the portion which the Senator from Philadelphia moves be stricken out?

The PRESIDENT. The clerk will read the second paragraph.

The clerk read as follows: "2. That we believe this problem has been under consideration long enough and that some legislation should now be enacted and tried out while the Governor is a man familiar and sympathetic with the industry."

Mr. OWLETT. Mr. President, what is asked to be stricken out?

Mr. SHAPIRO. Mr. President, the part to be stricken out is, "While the Governor is a man familiar and sympathetic with the industry."

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. OWLETT. Mr. President, I should like the Senator from Philadelphia to explain to the Senate why he objects to the statement that the present Governor is sympathetic and familiar with the industry.

Mr. SHAPIRO. Mr. President, I do not object to that statement. I am quite sure that the present Governor is sympathetic and has some understanding of the problem; but I think that the resolution casts unnecessary reflections on incoming and outgoing Governors, and, also, it may indicate that we believe it ought to be done now while the Governor is still sympathetic. I think the Governor will remain sympathetic as he always has been and as every Governor ought to be. I do not think it is necessary.

Mr. OWLETT. Mr. President, I submit that that cannot be considered anything else but a slap at Governor James. This does not reflect on any past Governor, nor any future Governor. It merely states he is a man familiar and sympathetic with the industry.

I think it is silly to be spending our time arguing on an objection like this. I think it should never have been initiated by a responsible minority floorleader of this Senate to move to take out a clause because it makes a favorable statement towards the Governor of this Commonwealth, and I object to its being stricken out.

Mr. SHAPIRO. Mr. President, I have made my statement on the record. If the gentleman from Tioga still feels he wants those words in, I am not going to press it. I think what I have said is perfectly clear. I have certainly no intention of casting any reflection on the Governor. I want to add now that whoever drew the resolution certainly handled the English language very poorly.

If you want it in that way, you can have it.

Mr. EALY. Mr. President, I do not yet see that this is a resolution.

Mr. SHAPIRO. Mr. President, it is not. That is why I moved to read it into the record.

Mr. EALY. Mr. President, it is merely a statement of the position of the Committee on Mines and Mining of the Senate and House.

Mr. SHAPIRO. That is right, Mr. President. That is why I made that motion.

Mr. EALY. Mr. President, it is already entered on the journal, and I do not see that it is in a form that calls for any action by us. Furthermore, I am told that, since there is a strike in the bituminous coal region in Pennsylvania, the anthracite coal region is increasing production, and that they may be able to take care of themselves.

Mr. SHAPIRO. Mr. President I am asking that it be read into the Journal and that is all.

The PRESIDENT. If there is no objection it will be read into the Journal.

Mr. OWLETT. Mr. President, without the amendment?

Mr. SHAPIRO. Without the amendment, Mr. President, but with my statements in connection therewith.

The PRESIDENT. The Chair directs that it be printed in the Journal, without the amendment suggested by the Senator from Philadelphia, Mr. Shapiro.

RESOLUTION MEMORIALIZING ROBERT McKUNE VAIL

Mr. MILLER offered the following resolution which was twice read, considered, and agreed to:

In the Senate, April 27, 1939.

General Order No. 7 emanating from the office of the Adjutant Generals office of the Department of Military Affairs on April 2, announced the retirement of Brigadier General Robert McKune Vail, Commanding the 53rd Field Artillery Brigade, and his promotion in the Retired List to the rank of Major General.

General Vail served with the Pennsylvania National Guard since 1894 and practically all of his service was with the 109th Infantry.

He entered the Federal service with his regiment in the Spanish War, saw service in the Philippine insurrection, on the Mexican Border and in the World War.

He has served as Commander of the Department of Pennsylvania of the American Legion and as United States Marshal for the Eastern District of Pennsylvania.

General Vail was awarded the Distinguished Service Cross with the following citation:

> "During the crossing of the Vesle River, Major Vail expedited the construction of bridges by his advice and assistance. He personally cut a passageway through enemy barbed wire along the river, and then led his troops through this opening. When the officers of a supporting Infantry company had been killed and the men were falling back in confusion, Major Vail kept his forces intact 1,200 yards in front of any Infantry support, holding the position until reinforced by an Infantry unit."

He was awarded the French Legion d'Honneur (chevalier) with the following citation:

> "At the crossing of the Vesle on September 5, 1918, with admirable ardor he personally prepared for the passage of his battalion by having foot bridges constructed under a violent machine-gun fire, thus permitting the forward movement of an entire regiment of infantry."

He was also awarded the French Croix de Guerre, with Palm, by orders of the French Armies of the East, under date of April 13, 1919.

Although now retired, the experience and ability and courage of General Vail gained during forty-five years of honorable service are still subject to call from his country; therefore be it

Resolved, (if the House of Representatives concur), That the General Assembly of the Commonwealth of Pennsylvania congratulates General Vail upon the enviable record of outstanding service performed for the Commonwealth and for the Nation, and extends to him its full measure of gratitude for that service and for the part he has so conspicuously and courageously played in the military annals of the Commonwealth; and be it further

Resolved, That as a lasting testimonial of that gratitude and a fitting tribute to that record, the Secretary of the Senate and the Chief Clerk of the House are hereby in-

structed to forward a copy of this resolution to General Robert McKune Vail.

Mr. MILLER. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the clerk present the same to the House of Representatives for concurrence.

BILLS INTRODUCED

Mr. OWLETT. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT read in place and presented to the Chair Senate Bill No. 757, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction. maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Tioga.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 758, entitled:

An Act declaring prosecutions against defendants finally ended and terminated where the Grand Jury has returned bills for indictment ignoramus unless a resubmission is authorized by the court for certain reasons; and providing the procedure and for appeals in such cases.

Which was committed to the Committee on Judiciary General.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate bill No. 344, (House bill No. 575), as follows:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-nine evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation

Whereas The present Session of the General Assembly has provided revenues of the Commonwealth amounting to three hundred seventy-two million dollars ($372,000,000) for general purposes for the biennial fiscal period beginning June first one thousand nine hundred thirty-nine and

Whereas Such revenues though levied and assessed will not be available in large part for the current and other expenses of the State government until the later parts of the two fiscal years respectively of the said biennial fiscal period and the collectible revenues will not be sufficient to defray the current and other expenses of the State government during the earlier parts of such fiscal years respectively and

Whereas In order that the obligations of the Commonwealth may be met promptly and in order that the State government might not fail through lack of funds it is necessary temporarily to obtain funds to defray the current and other expenses of the State government during the fiscal period aforesaid until the revenues that are subsequently accruing to the State Treasury during said fiscal period are available for this purpose

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Governor the Auditor General and the State Treasurer on behalf of the Commonwealth of Pennsylvania are hereby authorized and directed during the two fiscal years beginning the first day of June one thousand nine hundred thirty-nine from time to time to borrow on the credit of the current revenues of the Commonwealth of Pennsylvania such sum or sums of money not exceeding in the aggregate the sum of one hundred seventy-five million dollars ($175,000,000) as may be necessary to defray the current and other expenses of the State government during such fiscal years

Section 2 (a) Such loans shall be evidenced by notes of the Commonwealth of Pennsylvania All of said notes shall mature not later than the thirty-first day of May one thousand nine hundred forty-one Such notes are hereby declared to be tax anticipation notes Such notes or renewals thereof shall be issued from time to time for such total amounts in such sums and subject to such terms and conditions rates of interest not in excess of four and one-half per centum (4½%) per annum and time of payment of interest as the Governor Auditor General and State Treasurer shall determine and direct

(b) All notes issued under the authority of this act shall bear either the signatures of the Governor the Auditor General and the State Treasurer or the facsmile signatures of the Governor the Auditor General and the State Treasurer in which latter event such notes shall be countersigned by two officers of the Philadelphia National Bank (Loan and Transfer Agent of the Commonwealth) All such notes shall bear a facsimile of the great seal of the Commonwealth

(c) All notes issued under the authority of this act shall have the qualities and incidents of negotiable instruments under the Negotiable Instruments Law of the Commonwealth

(d) The current revenues of the biennial fiscal period beginning the first day of June one thousand nine hundred thirty-nine are pledged for the payment of principal and interest of such notes which shall be payable in lawful money of the United States All notes issued under the provisions of this act shall be exempt from taxation for State and local purposes

Section 3 The proceeds derived from the negotiation of loans under the provisions of this act shall be paid into the General Fund of the State Treasury and shall be used for the payment of appropriations made from such fund to defray the current and other expenses of the State government for the biennial fiscal period beginning the first day of June one thousand nine hundred thirty-nine

Section 4 Any loans negotiated under the provisions of this act shall be secured by the current revenues levied and assessed for revenue purposes of every kind or character accruing to the General Fund of the State Treasury during the two fiscal years beginning June first one thousand nine hundred thirty-nine and shall be paid out of such revenues and so much of such revenues as may be necessary for the payment of the principal and interest of such loans are hereby specifically appropriated The De-

partment of Revenue shall allocate such revenues to said payments

Section 5 The provisions of this act are severable and if any of its provisions are held unconstitutional the decision so holding shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 6 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Letzler,	Scarlett,
Chapman,	Eroe.	Mallery,	Shapiro.
Coleman,	Farrell,	McGinnis,	Snowden.
Crowe,	Gelder,	Miller,	Stevenson,
Dando,	Geltz,	Owlett,	Tallman,
Deitrick,	Romsher,	Pierson,	Thomas.
Dent,	James.	Ruth,	Wolfenden,
Ealy,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

MOTION TO PUT BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I move that all third reading bills go over in order, with the exception of those that may be called up for amendment.

Mr. MALLERY. Mr. President, I second the motion.

It was agreed to.

SENATE BILL NO. 2 CALLED UP

Mr. OWLETT. Mr. President, I call up Senate Bill No. 2, on today's Third Reading Calendar.

The PRESIDENT. The clerk will read the bill.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 2, entitled:

An Act for the better government of cities of the first class of the Commonwealth by providing among other things for a councilmanic form of government with a council elected by proportional representation and with a city manager selected by council the creation abolition and change of departments and the addition to departments of certain functions pertaining to parks detention and correction planning within the city weights and measures and dependent neglected incorrigible and delinquent children transferred from certain county offices to the extent of the performance of such functions within such cities improvement of the civil service increased control over finances by requiring balanced current and capital budgets and by greater control over the collection of charges fees and taxes and over payment of salaries and other expenditures out of the city treasury improvements in the making and revision of assessments the grant of home rule to such cities and penalties

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL No. 2

Mr. OWLETT. Mr. President. I move that the Senate do now reconsider the vote by which the bill passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "aye".

Mr. GELDER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GELDER. Mr. President, I voted "aye."

The motion was agreed to,

And the question recurring.

Will the Senate agree to the bill on second reading?

Mr. OWLETT. Mr. President, I move that the Senate do now reconsider the vote by which the title was agreed to.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

Articles thirty-one and thirty were severally reconsidered and agreed to.

Article twenty-nine of the bill was read as follows:

Article XXIX Schedule

Section 2901 Continuation of Officers and Employes Each member of the art jury and of the board of plumbing supervision now in office shall continue in office until his term shall expire Members of the zoning board of adjustment board of prison inspectors Fairmount Park commission board of revision of taxes and city planning commission shall not continue in office All other officers and employes of any department office or agency the expenses of which are paid out of the city treasury shall continue in office or employment but shall be under the jurisdiction of the agency to which their functions are assigned by this Act until transferred superseded or removed according to law

Section 2902 Civil Service Any employe who holds a position which is in the classified service as herein defined and which in the competitive class under the law in force immediately preceding the effective date of this Act shall if he has successfully completed his probationary period become a classified service employe under the provisions hereof and continue in that position unless separated therefrom as herein provided Any such employe who has not completed such probationary period at the time this Act takes effect shall retain his status as a probationary employe until the expiration of that probationary period or until one month after the effective date of this Act whichever period is longer Any employe who holds a position which is in the classified service as herein defined and which was in the labor class under the law in force immediately preceding the effective date of this Act shall become a classified service employe under the provisions hereof and continue in that position unless separated therefrom as herein provided Any employe serving as a provisional or temporary appointee at the time this Act takes effect shall be regarded as a provisional or temporary appointee under this Act and shall be subject to the provisions thereof Any other employe holding a position in the classified service as herein defined may become a classied service employe upon passing such non-competitive tests as the personnel director

may prescribe Such non-competitive tests shall be given as soon as practicable but in any event within six months after the effective date of this Act

Section 2903 Continuation of Ordinances and Regulations All ordinances and all rules and regulations of departments boards commissions and other agencies which are in force in the city and are not inconsistent with this Act including those passed and adopted in pursuance of laws hereby repealed shall continue in force until repealed or amended

Section 2904 Continuation of Rights and Liabilities All existing rights liabilities actions and prosecutions shall continue as if this Act had not been enacted

On the question,

Will the Senate agree to the Article?

Mr. OWLETT. Mr. President, I move to amend Article 29 by inserting after Section 2904 the following additional Sections:

Section 2905 Contributions for campaign for or against the adoption of this act by electors of any city affected thereby. No corporation or board of trustees or officer or agent of any corporation or any such board, whether created or incorporated under the laws of this or any other state or foreign country, shall pay, give or lend or authorize to be paid, given or lent, either directly or through any other person, or in reimbursement of any such payment, gift or loan by any other person, any money or other valuable thing belonging to such corporation or trust or in the custody or control of such corporation or any trustee of any such board, to any committee although it may be designated a non-partisan committee of citizens or to any electors for the payment of any expenses for campaigning either for or against the adoption or approval of this act, or the proposed City Charter contained therein, or any system of electing councilmen by proportional representation, or for any political purpose whatever. Any corporation or board of trustees or officer or agent thereof which shall pay give or lend or agree to pay, give or lend, any money or other valuable thing belonging to such corporation or such board or in the custody or control of such corporation or any trustee of such board, in violation of the foregoing provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be sentenced to pay a fine of not less than One thousand ($1,000) Dollars nor more than Five thousand ($5,000) Dollars. Any director Officer, trustee, agent or employee of any such corporation or board of trustees who shall on behalf of such corporation pay, give or lend or authorize to be paid, given or lent any money belonging to such corporation or such board or in the custody or control of any such director trustee officer, agent, or employee, in violation of the foregoing provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding One thousand ($1,000) Dollars, or to undergo an imprisonment of not less than one (1) month or more than two (2) years, or both in the discretion of the court.

Section 2906 Campaign expenses on submission of act. No committee of citizens or electors or treasurer of any such committee engaged in campaigning either for or against the adoption or approval of this act or any new City Charter contained therein or any system of electing councilmen for any city affected thereby by proportional representation shall pay, give or lend or agree to pay, give or lend, directly or indirectly, any money or other valuable thing or incur any liability on account of, or in respect to, any expenses whatever, during such campaign, except for the following purposes: For printing and traveling expenses, and personal expenses incident thereto, stationery, advertising, postage, expressage, freight, telegraph, telephone and messenger service; for the rental of radio facilities, amplifier systems and automobiles or other vehicles; for public meetings or demonstrations and for the pay and transportation of speakers; for the rent, maintenance and furnishing of offices; for the payment of clerks, typewriters, stenographers, janitors and attendants actually employed; for the transportation of aged or infirm electors to and from the polls; for the employment of watchers at the polling places and at the count of ballots to the number permitted by this act or by the election laws regulating the November elections; and for the compensation and expenses of legal counsel, incurred in good faith, in connection with such campaigns respectively. Any person who shall pay or incur any expenses other than personal expenses incident to his own activities in any such campaign, not expressly authorized by the foregoing provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding One thousand ($1,000) Dollars, or to undergo an imprisonment of not less than one (1) month nor more than two (2) years, or both, in the discretion of the court.

Section 2907 Expense accounts. Every treasurer of a Committee of citizens or electors campaigning for or against the adoption or approval of this act or any new City Charter proposed therein or any system of electing councilmen for any city of the first class by proportional representation, or person acting as such treasurer, shall, within thirty (30) days after any election, general or otherwise, at which this act shall be submitted to the electors of any such city, now or hereafter existing, or with which any such committee was concerned, if the amount received or expended or liabilities incurred shall exceed the sum of Fifty ($50) Dollars, file a true and detailed account, subscribed to and sworn to by him, setting forth each and every sum of money received, contributed or disbursed by him for any expenses relating to such campaign, the date of each receipt and contribution and disbursement, the name of the persons from whom received or to whom paid, and the specific object or purpose for which the same was disbursed. Such account shall also set forth the unpaid debts and liabilities of any such committee, with the nature and amount of each, and to whom owing. Every expense account filed under the provisions of this section shall be accompanied by vouchers for all sums expended amounting to Ten ($10) Dollars or more, and it shall be unlawful for any treasurer of any such committee, or person acting as such treasurer, to disburse any money or other valuable thing received from any anonymous source. Every such account shall be filed with the Clerk of Councils of any such city in which any such vote on this act is taken, and shall be open to public inspection in the office of such clerk during office hours, and shall be carefully preserved by him or his successor, and not removed from such office, except upon the order of a competent court, for a period of two (2) years after filing of such expense account. Every such account shall be subject to audit by the Court of Quarter Sessions of the county in which such city is located, in the same manner as the expense accounts of candidates for public office in such city or county may be audited under existing laws. Any treasurer of any such Campaign Committee, or person acting as such treasurer, who shall fail to file an account of the expenses of such committee, as required herein, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced and pay a fine not exceeding One thousand ($1,000) Dollars, or to udergo an imprisonment of not less than one (1) month or more than two (2) years, or both, in the discretion of the court.

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the article as amended?

It was agreed to.

Articles thirty and thirty-one of the bill were read as follows and agreed to:

Article XXX Effective Dates

Section 3001 Approval of Electors This Act shall be submitted to the electors of any city now of the first class

on the fourth Tuesday following its enactment In any city which in the future becomes a city of the first class this Act shall be submitted to the electors at the first general special or primary election which is held after it has become a city of the first class The question shall be submitted to the electors in the following form

"Do you approve the Act of Assembly of .....
.....containing the proposed new city charter'

The election shall be conducted in the same manner as other municipal elections

Section 3002 Nominations and Elections The provisions of this Act as to the nomination and election of the new council shall become effective upon the approval of this Act by a majority of the electors voting thereon and the first election shall be held at the first general election after such approval The repeal of the laws as to the nomination and election of a mayor council and a receiver of taxes shall become effective upon the approval of this Act by the electors

Section 3003 Current Budget The Article of this Act relating to the current budget shall become effective upon the approval of this Act by a majority of the electors voting thereon except that (a) until January first next after such approval the references therein to the city manager shall be deemed to be references to the mayor (b) the aggregate assessed valuation of taxable property shall be certified by the board of revision of taxes instead of the chief assessor but if the records of that board are not complete an estimate of the aggregate assessed valuation shall be made and certified by the city controller (c) the provisions prohibiting any appropriation or payment on any contract providing for payments in absence or excess of an appropriation before the contract was made shall not apply to payments for material furnished or services rendered to January first next after the approval of the Act by the electors and such payment may be made according to ordinance approved by two-thirds of the councilmen holding office (d) the liabilities in the certificate of revenue and liabilities to be furnished by the controller may be reduced to the extent that any law permits the existing deficiency to be allocated or funded over one or more years after the next ensuing year and (e) the provision relating to the transfer of appropriations shall not go into effect until after one year after the January first next after the approval of the Act by the electors The repeal of the provisions of law pertaining to the finances and the budget of the city shall become effective upon the effective date of the provision or provisions of this Act by which they are superseded

Section 3004 General Effective Date Except as expressly provided above this Act shall become effective in the city on the first Monday of January following its submission to the electors of the city and its approval by a majority of those voting thereon

Article XXXI Repealer

The repeal hereby of an act or part of an act repeals all amendments thereto The repeal of the first section of an act does not repeal the enacting clause

A The following acts and parts of act are repealed absolutely as to cities of the first class

Sections 2 and 5 of the act approved the eighteenth day of February one thousand seven hundred and sixty-nine (1 Sm L 284) entitled "An act for regulating pitching paving and cleansing the highways streets lanes and alleys and for regulating making and amending the water courses and common sewers with the inhabited and settled parts of the city of Philadelphia for raising of money to defray the expenses thereof and for other purposes therein mentioned"

Section 9 of the act approved the eighteenth day of March one thousand seven hundred and seventy-five (1 Sm L 397) entitled "An act to regulate the assize of bread and for other purposes therein mentioned"

Sections 14 16 19 22 23 24 35 and 36 of the act approved the eleventh day of March one thousand seven hundred and eighty-nine (2 Sm L 462) entitled "An act to incorporate the city of Philadelphia"

Section 3 of the act approved the second day of April one thousand seven hundred and ninety (2 Sm L. 526) entitled "A further supplement to the act entitled 'An act to incorporate the city of Philadelphia' "

Section 22 of the act approved the twenty-eight day of March one thousand eight hundred and fourteen (Pamphlet Laws three hundred fifty-two) (6 Sm L 228) entitled "An act establishing a Fee Bill"

Sections 7 and 8 of the act approved the third of February one thousand eight hundred and twenty-four (Pamphlet Laws eighteen) entitled "An act relating to taxes on certain real estate in the city and county of Philadelphia"

Section 3 of the act approved the twelfth day of April one thousand eight hundred and twenty-eight (Pamphlet Laws three hundred fourteen) entitled "An act to protect the property of the mayor aldermen and citizens of Philadelphia at Fairmount and the purity of the Schuylkill water"

Sections 1 2 and 3 of the act approved the fourteenth day of April one thousand eight hundred and thirty-five (Pamphlet Laws two hundred thirty-two) entitled "A supplement to the act entitled 'an act to provide for the erection of a new prison and a debtors' apartment within the city and county of Philadelphia and for the sale of the county prison in Walnut Street in said city' "

Section 52 of the act approved the first day of April one thousand eight hundred and thirty-six (Pamphlet Laws four hundred thirty-six) entitled "An act regulating election districts and for other purposes"

Section 4 of the act approved the fourth day of April one thousand eight hundred and thirty-seven (Pamphlet Laws three hundred seventy-seven) entitled "An act to alter the times of holding courts in the county of Tioga and for other purposes"

Resolutions 1 5 8 9 and 10 of the act approved the seventeenth day of June one thousand eight hundred and thirty-nine (Pamphlet Laws six hundred seventy-six) entitled "Resolutions authorizing the Clerk of Orphans' Court of Berks County to record certain papers in his office and perform certain other services and for other purposes"

Section 4 of the act approved the twenty-first day of June one thousand eight hundred and thirty-nine (Pamphlet Laws three hundred seventy-three) entitled "An act to provide for the election of Mayor of the city of Philadelphia by the qualified electors thereof to confer jurisdiction on the Mayor and Recorder of said city in actions for penalties to appoint an additional Warden for the district of Kensington to widen Locust Street in the city of Philadelphia and for other purposes"

Section 10 of the act approved the third day of February one thousand eight hundred and forty-three (Pamphlet Laws eight) entitled "An act to abolish the Court of General Sessions of the city and county of Philadelphia and for other purposes"

Section 3 of the act approved the sixteenth day of April one thousand eight hundred and forty-five (Pamphlet Laws four hundred ninety-five) entitled "An act vacating part of Old Masters' Street or Masters' Lane in Penn township in the county of Philadelphia and for other purposes"

Section 5 10 11 12 17 39 and 38 of the act approved the second day of February one thousand eight hundred and fifty-four (Pamphlet Laws twenty-one) entitled "A further supplement to an act entitled 'An act to incorporate the City of Philadelphia,' "

Sections 8 11 13 and 14 of the act approved the twenty-first day of April one thousand eight hundred and fifty-five (Pamphlet Laws two hundred sixty-four) entitled "A supplement to the act consolidating the City of Philadelphia"

The act approved the twenty-sixth day of April one thousand eight hundred and fifty-five (Pamphlet Laws three hundred fifteen) entitled "An act relating to fines forfeitures and penalties in the city of Philadelphia and the county of Allegheny"

The act approved the fourth day of January one thousand eight hundred and fifty-six (Pamphlet Laws seven hundred eleven) entitled "A further supplement to an act entitled 'An act to provide for the erection of a new prison and debtors' apartment within the city and county of

Philadelphia and for the sale of the county prison in Walnut Street in the said city approved April fourteenth one thousand eight hundred thirty-five' "

Section 4 of the act approved on the eleventh day of April one thousand eight hundred and fifty-six (Pamphlet Laws three hundred nineteen) entitled "An act to provide better regulations of biuldings in the city of Philadelphia"

Sections 1 6 7 11 20 and 21 of the act approved on the thirteenth day of May one thousand eight hundred and fifty-six (Pamphlet Laws five hundred sixty-seven) entitled "A further supplement to the act consolidating the city of Philadelphia"

Section 2 of the act approved the sixteenth day of May one thousand eight hundred and fifty-seven (Pamphlet Laws five hundred forty-nine) entitled "A further supplement to the act consolidating the city of Philadelphia"

The act approved the twentieth day of May one thousand eight hundred and fifty-seven (Pamphlet Laws five hundred ninety) entitled "An act in relation to Party Walls"

The act approved the sixteenth day of April one thousand eight hundred and fifty-eight (Pamphlet Laws three hundred eighteen) entitled "Supplement to the act consolidating the city of Philadelphia"

Section 1 of the act approved the thirteenth day of April one thousand eight hundred and fifty-nine (Pamphlet Laws five hundred ninety-five) entitled "A supplement to the act entitled 'An act establishing a mode of selecting and drawing Jurors in and for the city of Philadelphia' "

The act approved the twenty-eighth day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred eighteen) entitled "An act to repeal so much of a further supplement to the act consolidating the city of Philadelphia as prevents the Mayor from sitting as a Committing Magistrate and further to give the Mayor power to appoint an Alderman for such purpose"

The act approved the seventeenth day of April one thousand eight hundred and sixty-one (Pamphlet Laws three hundred fifty-four) entitled "A further supplement to an act to incorporate the city of Philadelphia"

The act approved on the fourth day of March one thousand eight hundred and sixty-two (Pamphlet Laws ninety) entitled "A further supplement to the act to incorporate the city of Philadelphia"

The act approved on the fifth day of April one thousand eight hundred and sixty-two (Pamphlet Laws two hundred seventy-one) entitled "An act explanatory of certain acts relative to the inspectors of buildings in the city of Philadelphia"

The act approved on the first day of April one thousand eight hundred and sixty-four (Pamphlet Laws one hundred eighty-seven) entitled "An act to authorize the macadamizing of the streets in certain portions of the city of Philadelphia"

The act approved on the twentieth day of April one thousand eight hundred and sixty-four (Pamphlet Laws five hundred fifteen) entitled "An act relating to the office of fire marshal of the police department of the city of Philadelphia"

The act approved on the seventh day of May one thousand eight hundred and sixty-four (Pamphlet Laws eight hundred eighty) entitled "An act to authorize the appointment of an inspector of stationary steam engines and steam boilers in and for the city of Philadelphia"

The act approved on the twenty-fifth day of August one thousand eight hundred and sixty-four over the Governor's veto (Pamphlet Laws one thousand thirty) entitled "A further supplement to an act to incorporate the city of Philadelphia"

Section 1 and 8 of the act approved the fourteenth day of March one thousand eight hundred and sixty-five (Pamphlet Laws three hundred twenty) entitled "An act to promote the more certain and equal assessment of taxes in Philadelphia"

Section 4 of the act approved on the thirtieth day of March one thousand eight hundred and sixty-six (Pamphlet Laws three hundred fifty-four) entitled "A further supplement to the act incorporating the city of Philadelphia"

The act approved on the second day of February one thousand eight hundred and sixty-seven (Pamphlet Laws one hundred thirty-seven) entitled "A further supplement to an act entitled 'An act to promote the more certain and equal assessment of taxes in Philadelphia' approved the fourteenth day of March one thousand eight hundred and sixty-five"

Sections 2 3 4 and 5 of the act approved on the twenty-sixth day of March one thousand eight hundred and sixty-seven (Pamphlet Laws five hundred forty-seven) entitled "An act appropriating ground for public purposes in the city of Philadelphia"

The act approved on the twenty-fourth day of March one thousand eight hundred and sixty-eight (Pamphlet Laws four hundred forty-three) entitled "A further supplement to an act entitled 'An act to promote the more certain and equal assessment of taxes in Philadelphia' approved the fourteenth day of March Anno Domini one thousand eight hundred and sixty-five relative to assessments on agricultural and farm land and the suburban portions of said city"

The act approved the eleventh day of April one thousand eight hundred and sixty-eight (Pamphlet Laws eight hundred sixty-two) entitled "An act to prevent the wearing of the badge of the Philadelphia Fire Department by unauthorized persons"

Sections 5 6 8 9 10 11 12 to 20 inclusive 21 22 23 24 26 and 27 of the act approved on the fourteenth day of April one thousand eight hundred and sixty-eight (Pamphlet Laws one thousand eighty-three) entitled "A supplement to an act entitled 'An act appropriating ground for public purposes in the city of Philadelphia' approved the twenty-sixth day of March Anno Domini one thousand eight hundred and sixty-seven"

All except sections 1 and 6 of the act approved the eighteenth day of March one thousand eight hundred and sixty-nine (Pamphlet Laws three hundred ninety-seven) entitled "An act supplementary to the act consolidating the city of Philadelphia relating to the cleaning of streets of said city"

Sections 1 2 4 5 6 7 and 9 of the act approved the twenty-first day of April one thousand eight hundred and sixty-nine (Pamphlet Laws one thousand one hundred ninety-four) entitled "A further supplement to an act entitled 'an act appropriating ground for public purposes in the city of Philadelphia, approved the twenty-sixth day of March Anno Domini eighteen hundred and sixty-seven"

Sections 1 3 and 5 of the act approved the twenty-seventh day of January one thousand eight hundred and seventy (Pamphlet Laws ninety-three) entitled "A further supplement to an act entitled 'an act appropriating ground for public purposes in the city of Philadelphia' approved the twenty-sixth day of March Anno Domini eighteen hundred and sixty-seven"

Section 1 of the act approved the fifteenth day of March one thousand eight hundred and seventy-one (Pamphlet Laws three hundred sixty-three) entitled "A further supplement to an act appropriating ground for public purposes in the city of Philadelphia approved the twenty-sixth day of March Anno Domini one thousand eight hundred and sixty-seven"

Sections 1 4 and 5 of the act approved the fifteenth day of May one thousand eight hundred and seventy-one (Pamphlet Laws eight hundred seventy-three) entitled "An act enlarging the duties and the powers of the commissioners of Fairmount Park by requiring them to take charge of Hunting Park in the city of Philadelphia and of the legacy of Elliott Cresson providing for the planting of trees in said city"

The act approved the twenty-eighth day of March one thousand eight hundred seventy-two (Pamphlet Laws six hundred nine) entitled "An act requiring the chief commissioner of highways of the city of Philadelphia to have security entered into for the faithful performance of all contracts awarded by the highway department"

The act approved the ninth day of April one thousand eight hundred and seventy three (Pamphlet Laws five hundred seventy five) entitled "A supplement to the act consolidating the city of Philadelphia"

The act approved the twelfth day of April one thousand eight hundred and seventy three (Pamphlet Laws seven hundred fifteen) entitled "A further supplement to an act to promote the more certain and equal assessment of taxes

in Philadelphia approved the fourteenth day of March one thousand eight hundred and sixty-five relating to the assessors and assessment in said city"

The act approved the sixth day of January one thousand eight hundred and seventy-four (Pamphlet Laws four hundred seventy-six) entitled "An act authorizing the Fairmount Park Commissioners to exclude parts or the whole of any property within the boundaries of said park not yet paid for"

The act approved the fifteenth day of June one thousand nine hundred and eleven Appropriation Acts (page three hundred eight) entitled "An act appropriating the sum of two hundred and fifty thousand dollars to the city of Philadelphia toward the erection of buildings for the care and maintenance of feeble-minded and idiotic persons in the said city to be known as the Philadelphia Institution for the Feeble-Minded"

The act approved the sixteenth day of May one thousand nine hundred and seventeen (Pamphlet Laws one hundred ninety-three) entitled "An act to carry into effect the amendment to section eight of article nine of the Constitution of Pennsylvania adopted by the people at an election held on the second day of November one thousand nine hundred and fifteen to provide the manner of holding elections for the increase of the indebtedness of the city of Philadelphia to the extent of three per centum upon the assessed valuation of taxable property in said city for the specific purposes authorized by said amendment regulating the manner of making such increase of indebtedness and providing for the redemption of the same validating elections held in said City since the adoption of said amendment in the manner provided by this act or by the act of the General Assembly approved the twentieth day of April one thousand eight hundred and seventy four entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof and and the supplements and amendments thereto and to validate all bonds or other obligations of said city heretofore issued or which may be hereafter issued pursuant to authority conferred by the electors at any such election"

Sections 1 to 4 inclusive of the act approved the second day of May one thousand nine hundred and nineteen (Pamphlet Laws one hundred six) entitled "An act to carry out the provisions of section eight article nine of the Constitution of the State of Pennsylvania as amended and for that purpose prescribing the method of determinating the amount which may be deducted in ascertaining the borrowing capacity of the city of Philadelphia by excluding from the calculation and deducting from its indebtedness so much of the debt of said city as shall have been incurred and the proceeds thereof invested in any public improvements of any character which shall be yielding to the said city an annual current net revenue"

B The following acts and parts of acts are repealed insofar as they relate to a city of the first class the electors of which have approved this act or to a county containing a city of the first class the electors of which city have approved this act

The act approved the sixth day of January one thousand eight hundred and twenty one (7 Sm L 341) (Pamphlet Laws four) entitled "An act to provide for the enumeration of the taxable inhabitants and slaves within this Commonwealth"

The act approved the twenty-sixth day of March one thousand eight hundred and twenty one (Pamphlet Laws ninety-eight) (7 Sm L 393) entitled "A supplement to the act entitled 'An act to provide for the enumeration of the taxable inhabitants and slaves within this Commonwealth' "

Sections 10 11 and 37 of the act approved the fifteenth day of April one thousand eight hundred and thirty-four (Pamphlet Laws five hundred thirty-seven) entitled "An act relating to counties and townships and county and township officers"

Section 2 of the act approved the thirty-first day of March one thousand eight hundred and thirty-six (Pamphlet Laws three hundred twenty-eight) entitled "A supplement to the act entitled 'An act to incorporate and endow the Pennsylvania Institution for the instruction of the Blind' "

Section 3 of the act approved the twenty-seventh day of February one thousand eight hundred and forty-seven (Pamphlet Laws one hundred seventy-two) entitled "An act requiring the inspectors of prisons sheriffs prothonotaries and clerks of criminal courts and others to make annual returns to the secretary of the Commonwealth and for other purposes"

The act approved the fourteenth day of May one thousand eight hundred and seventy-four (Pamphlet Laws one hundred fifty-fur) entitled "An act authorizing the county commissioners to sell at public sale any part of any lands reserved for public buildings when the same is not needed therefor"

Section 1 of the act approved the fifteenth day of May one thousand eight hundred and seventy-four (Pamphlet Laws one hundred ninety-three) entitled "An act requiring county commissioners railroad and other corporations to make annual reports to the secretary of internal affairs in lieu of similar reports heretofore made to the auditor general"

Sections 6 and 10 of the act approved the twenty-third day of May one thousand eight hundred and seventy-four (Pamphlet Laws two hundred thirty) entitled "An act dividing the cities in this state into three classes regulating the passage of ordinances providing for contracts for supplies and work for said cities authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same defining and punishing certain offenses in all of said cities and providing for the incorporation and government of cities of the third class"

Section 5 of the act approved the twenty-third day of May one thousand eight hundred seventy-four (Pamphlet Laws two hundred thirty) entitled "An act dividing the cities in this state into three classes regulating the passage of ordinances providing for contracts for supplies and work for said cities authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same defining and punishing certain offenses in all of said cities and providing for the incorporation and government of cities of the third class" with respect to the advertisement of city ordinances

Section 1 of the act approved the tenth day of March one thousand eight hundred and seventy-five (Pamphlet Laws six) entitled "An act fixing and regulating the terms of all members of councils and all other city ward boroughs and township officers excepting school directors elected by the people and fixing the time for organization of the legislative departments of the municipal governments of the Commonwealth and the inauguration of the mayors of all the cities of the same"

Section 2 of the act approved the twenty-first day of May one thousand eight hundred and seventy-nine (Pamphlet Laws seventy-two) entitled "An act repealing section seven of an act entitled 'an act to carry into effect section five of article fourteen of the Constitution relative to the salaries of county officers and the payment of fees received by them into the state or county treasury in counties containing over one hundred and fifty thousand inhabitants' approved the thirty-first day of March Anno Domini one thousand eight hundred and seventy-six and also repealing the supplement to said act approved the twenty-third day of March Anno Domini one thousand eight hundred and seventy-seven and conferring upon councils in cities of the first class the power of fixing the number and salaries of certain employees"

Sections 5 8 11 and 12 of the act approved the nineteenth day of April one thousand eight hundred and eighty-three (Pamphlet Laws nine) entitled "An act to abolish the office of the collector of all outstanding or delinquent taxes to authorize and empower the receiver of taxes to collect the delinquent taxes and to provide for the more efficient collection of said delinquent taxes in cities of the first class"

The act approved the seventeenth day of May one thousand eight hundred and eighty-three (Pamphlet Laws thirty-two) entitled "An act authorizing councils in cities of the first class to issue subpoenas and to take the testimony of witnesses concerning the management and accounts of any of the departments of said city or any other matter which may be subject to their supervision also providing for the compulsory production of books and papers

and a mode of compelling the attendance of witnesses by attachment for contempts and authorizing and defining the punishment therefor"

The act approved the first day of June one thousand eight hundred and eighty-three (Pamphlet Laws fifty-eight) entitled "An act empowering and directing the county commissioner of any county to purchase ground at the county seat for the erection thereon of such building or buildings as may be necessary for the accommodation of the courts and of the several officers of the county and for the reception and safe keeping of the records and other papers in charge of such officers and also such other building or buildings as may be necessary and proper for the purposes of a county jail or workhouse when occasion shall require the erection of such building or buildings and in case the said ground cannot be obtained by agreement with the owner or owners at a reasonable price in the estimation of said commissioners than to resort to condemnation"

Section two of the act approved the twenty-sixth day of April one thousand eight hundred and eighty-nine (Pamphlet Laws fifty-five) entitled "A supplement to an act entitled 'An act empowering and directing the county commissioners of any county to purchase ground at the county seat for the erection thereon of such building or buildings as may be necessary for the accommodation of the courts and of the several officers of the county and for the reception and safe keeping of the records and other papers in charge of such officers and also such other building or buildings as may be necessary and proper for the purposes of a county pail or workhouse when occasion shall require the erection of such building or buildings and in case the said ground cannot be obtained by agreement with the owner or owners at a reasonable price in the estimation of said commissioners then to resort to condemnation' approved the first day of June Anno Domini one thousand eight hundred and eighty-three repealing the second provision to the third section of said act and regulating the manner of procedure where there are adverse claimants to the ground condemned"

The act approved the thirteenth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws one hundred ninety-two) entitled "An act to provide for the appointment of police matrons in cities of the first and second class and to regulate their duties and compensation"

The act approved the eighteenth day of April one thousand eight hundred and ninety-three (Pamphlet Laws one hundred five) entitled "An act authorizing and directing county commissioners of the several counties of this Commonwealth to procure bind and preserve weekly newspapers published within their respective counties"

The act approved the nineteenth day of April one thousand eight hundred and ninety-five (Pamphlet Laws thirty-eight) entitled "An act to regulate the erection of county buildings"

Section 20 of an act approved the eighteenth day of June one thousand eight hundred and ninety-five (Pamphlet Laws two hundred three) entitled "An act to provide for the more effectual protection of the public health in the several municipalities of this Commonwealth"

The act approved the twenty-sixth day of June one thousand eight hundred and ninety-five (Pamphlet Laws three hundred seventy-seven) entitled "An act authorizing the erection of work-houses in the several counties of this Commonwealth"

Sections 4 to 13 inclusive and section 15 of the act approved the twenty-seventh day of June one thousand eight hundred and ninety-five (Pamphlet Laws four hundred three) entitled "An act creating the office of county controller in counties of this Commonwealth containing one hundred and fifty thousand inhabitants and over prescribing his duties and abolishing the office of county auditor in said counties"

The act approved the twenty-eighth day of February nineteen hundred and one (Pamphlet Laws fifteen) entitled "A further supplement to 'an act to provide for the better government of cities of the first class in this Commonwealth' approved June one one thousand eight hundred and eighty-five"

The act approved the twenty-first day of May one thousand nine hundred and one (Pamphlet Laws two hundred seventy-four) entitled "An act to encourage county historical societies"

The act approved the twenty-sixth day of February one thousand nine hundred and three (Pamphlet Laws eight) entitled "An act providing for the appointment of boards of visitation for institutions societies and associations caring for dependent neglected and delinquent children"

The act approved the twenty-fourth day of April one thousand nine hundred and three (Pamphlet Laws two hundred ninety-four) entitled "An act authorizing commissioners of public parks with cities of the first class of this Commonwealth to purchase acquire enter upon take use and appropriate farmlands and woodlands adjoining any public park within said cities for park purposes wherever in their opinion such lands shall be necessary for the improvement of said parks and providing that the total acreage of land so taken shall not exceed one thousand acres"

The act approved the twenty-fifth day of April one thousand nine hundred three (Pamphlet Laws three hundred fourteen) entitled "An act authorizing the councils of any city of this Commonwealth with the approval of the mayor or recorder thereof to establish scientific educational and economic institutions and to create boards of trustees for the government of each institution"

The act approved the fourteenth day of February one thousand nine hundred and seven (Pamphlet Laws three) entitled "An act enlarging the powers of county commissioners to erect county bridges empowering them to erect and construct new bridges whenever the existing bridge or bridges are not sufficient for any cause to accommodate the public travel"

Sections 2 to 6 inclusive of the act approved the twenty-fifth day of May one thousand nine hundred and seven (Pamphlet Laws two hundred forty-seven) entitled "An act authorizing the employment of male prisoners of the jails and workhouses of this Commonwealth upon the public highways of the several counties and regulating the same and providing for the establishment of Prison Boards the purchase of material and tools and employment of deputies at the expense of the proper county and a penalty for the escape of prisoners while employed outside of said jails or workhouses"

The act approved the thirty-first day of May one thousand nine hundred and seven (Pamphlet Laws three hundred forty-nine) entitled "An act to provide for the planting and care of shade trees on highways of townships of the first class boroughs and cities of the Commonwealth of Pennsylvania and providing the cost thereof"

Sections 18 and 20 of the act approved the eight day of June one thousand nine hundred and seven (Pamphlet Laws four hundred eighty-eight) entitled "A supplement to an act entitled 'an act to provide for the better government of cities of the first class in this Commonwealth' approved the first day of June one thousand eight hundred and eighty-five creating a Department of Wharves Docks and Ferries for the improvement regulation and supervision of the construction extension alteration maintenance and use of wharves piers bulkheads docks slips basins ferries harbors and harbor structures in cities of the first class and providing for the making and enforcement of rules and regulations and fixing certain penalties for violation thereof and providing for the acquisition of property by said cities by purchase and by condemnation for certain purposes"

The act approved the eighth day of June one thousand nine hundred and seven (Pamphlet Laws five hundred twenty) entitled "An act to provide for the more efficient collection of taxes regulating appointments in the Department of the Receiver of Taxes and authorizing the establishment of local branch tax offices in cities of the first class"

Section 1 of the act approved the eleventh day of May one thousand nine hundred and eleven (Pamphlet Laws two hundred seventy-five) entitled "An act to provide for the appointment of county and city inspectors of weights and measures providing for their compensation and expenses prescribing their duties prohibiting vendors from giving false or insufficient weights and fixing the penalties for the violation of the provisions hereof"

Section 3 of the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred seventy-nine) entitled "An act prescribing the number of fixtures for water supply for houses and other buildings occupied as dwellings in cities of the first class making violation of its provisions a misdemeanor and providing punishment for the same"

Sections 1 2 and 4 of the act approved the eighth day of June one thousand nine hundred and eleven (Pamphlet Laws seven hundred five) entitled "An act creating the office of Fire Marshal to be attached to the Department of Public Safety in cities of the first class prescribing his duties and powers and providing penalties for violation of the provisions of the act and providing for the method of appointment compensation and for the maintenance of his office"

The act approved the seventeenth day of April one thousand nine hundred and thirteen (Pamphlet Laws ninety-three) entitled "An act to give commissioners of public parks in cities of the first class the same powers and control over grounds committed to their care and management by the councils of said cities or by individuals as they have over public parks placed in their charge by law"

Section 1 of the act approved the seventeenth day of April one thousand nine hundred and thirteen (Pamphlet Laws ninety-four) entitled "An act to authorize commissioners of public parks in cities of the first class to designate the roads and drives to be used by different kinds of vehicles"

Section 9 of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred eleven) entitled "An act establishing a court for the county of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officers of the county or city of Philadelphia regulating the procedure therein and appeals therefrom and providing for the expenses thereof insofar as it relates to probation officers other than for juveniles"

The act approved the twenty-first day of July one thousand nine hundred and thirteen (Pamphlet Laws eight hundred sixty-three) entitled "A supplement to an act approved the eleventh day of June one thousand eight hundred seventy-nine entitled 'an act to authorize cities of the first class to levy and fix a tax rate to fix the time of opening and closing the tax duplicates to regulate the appropriations and expenditures of said cities and prescribing penalties for the violation of the provisions of this act'"

Section 1 of the act approved the twenty-fourth day of July one thousand nine hundred and thirteen (Pamphlet Laws nine hundred seventy-six) entitled "An act making it lawful for appropriations to be made and for contracts to be entered into and work and material to be done and furnished under such contracts when funds for the purpose thereof shall have been or have been authorized to be borrowed by cities of the first class without awaiting the issue of such loans or the receipt of the money to be so borrowed"

The act approved the twenty-fourth day of July one thousand nine hundred and thirteen (Pamphlet Laws nine hundred ninety-four) entitled "An act to provide for the appointment of registrars of electors to be deputy poll-tax collectors in cities of the first class of this Commonwealth a method of collecting such taxes penalties for violation of its provisions and to repeal acts or parts of acts inconsistent therewith"

The act approved the twenty-eighth day of April one thousand nine hundred and fifteen (Pamphlet Laws one hundred ninety-seven) entitled "An act regulating the manner and time of payment of employes of cities of the first class"

The act approved the eleventh day of May one thousand nine hundred and fifteen (Pamphlet Laws two hundred eighty-five) entitled "An act to authorize the regulation of the location size and use of buildings in cities of the first class"

Section 1 of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (Pamphlet Laws five hundred eighty-two) entitled "An act authorizing the sale by cities of the first class of their bonds to the sinking-fund commissioners of such cities without advertisement in certain cases"

The act approved the first day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred eight) entitled "An act to prevent the wearing of the badge of the Bureau of Police in cities of the first class by unauthorized persons and providing a penalty therefor"

Section 1 of the act approved the fifth day of June one thousand nine hundred and fifteen (Pamphlet Laws eight hundred forty-six) entitled "An act to provide that the proceeds of loans heretofore or hereafter issued by cities of the first class shall constitute a consolidated loan fund which may be appropriated and used for any purpose for which loans shall have been authorized or issued by such cities"

Sections 1 to 3 inclusive of the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws eight hundred ninety-four) entitled "An act relating to and regulating the plotting by cities of the first class of parks and parkways in built-up sections thereof"

The act approved the fifth day of April one thousand nine hundred and seventeen (Pamphlet Laws thirty-four) entitled "An act to amend section one of an act approved the thirtieth day of March one thousand nine hundred and fifteen entitled 'an act to promote the health and efficiency of firemen in cities of the second class by providing for a two platoon system for firemen in the department of public safety of such cities, by extending the same to cities of the first class'"

Sections 1 to 3 inclusive of the act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws one hundred ninety-seven) entitled "An act regulating the purchase of and contract for supplies in cities of the first class in this Commonwealth"

The act approved the twenty-third day of June one thousand nine hundred and seventeen (Pamphlet Laws six hundred thirty-nine) entitled "An act authorizing cities of the first class to make appropriations for the support of destitute families of persons sentenced to imprisonment and providing a system of control and administration for the distribution thereof"

The act approved the sixth day of July one thousand nine hundred and seventeen (Pamphlet Laws seven hundred forty-seven) entitled "An act requiring all counties cities boroughs townships school districts and other municipalities and incorporated districts to sell any bonds or other securities issued by them to the highest responsible bidder after due public notice"

The act approved the eighth day of May one thousand nine hundred and nineteen (Pamphlet Laws one hundred sixty-three) entitled "An act authorizing county commissioners to appoint county engineers and to fix their compensation and prescribing the duties of such engineers"

The act approved the twelfth day of June one thousand nine hundred and nineteen (Pamphlet Laws four hundred forty-four) entitled "An act relating to appointments under the civil service in counties cities and borough and providing penalties"

The act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth"

Section 5 of the act approved the eighth day of July one thousand nine hundred and nineteen (Pamphlet Laws seven hundred eighty-three) entitled "An act empowering cities to take purchase or condemn property and to appropriate money for the erection thereon of public auditoriums libraries memorial buildings and monuments and providing for their operation and maintenance"

Section 1 of the act approved the twenty-sixth day of April one thousand nine hundred and twenty-one (Pamphlet Laws two hundred seventy-eight) entitled "An act providing that in computing the indebtedness of cities of the first class the word 'indebtedness' shall include all manner of debt and the net amount thereof shall be ascertained as in the case of other municipal corporations by

deducting from the gross amount thereof the moneys in the treasury all outstanding solvent debts and all revenues applicable within one year to the payment of the same"

The act approved the third day of April one thousand nine hundred and twenty-three (Pamphlet Laws fifty) entitled "An act authorizing cities of the first class to provide for the use of moneys borrowed or authorized to be borrowed for purposes which have proved or may prove impracticable impossible or inadvisable for any other lawful municipal purpose or to provide for the cancellation of the authority to borrow such moneys"

The act approved the third day of May one thousand nine hundred and twenty-three (Pamphlet Laws one hundred thirty-five) entitled "An act relating to the acquisition of land for park purposes by any city in this Commonwealth in sections not entirely built up limiting time for condemnation by councils or condemnation or purchase by park commissioners after same has been placed on city plan for park purposes by ordinance of councils or action plan upon failure to condemn or purchase within time specified herein"

Section 1 of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred thirty-five) entitled "An act to promote the health and efficiency of firemen in cities of the first class by providing for a two-platoon system for the certain officers of the uniformed fire force of the Department of Public Safety of such cities"

The act approved the eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws six hundred eighty-eight) entitled "An act authorizing the county commissioners to appropriate money for the completion and publication of a County War History"

Section 2 of the act approved the twenty-eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred and seventy-five) entitled "An act relating to county bridges authorizing counties to issue and sell bonds for the erection thereof and for the acquisition of toll bridges and providing for the division of the cost of construction and erection or acquisition of joint county bridges or toll bridges and the collectin of tolls thereon"

Section one of the act approved the seventh day of April one thousand nine hundred and twenty-five (Pamphlet Laws one hundred eighty-seven) entitled "An act authorizing county commissioners to make execute and deliver agreements and contracts for the improvement or maintenance of certain highways involving the expenditure of county money alone or in conjunctio with that of any township borough or incorporated town authorizing the Secretary of Highways to make surveys and plans and to advertise for receive and open bids therefor in the manner now provided in the case of the improvement of State Highways and validating all agreements or contracts heretofore entered into in accordance with the provisions hereof"

The act approved the thirtieth day of April one thousand nine hundred and twenty-five (Pamphlet Laws four hundred fourteen) entitled "An act authorizing cities of the first class to acquire land for the purpose of holding public exposition celebrating sesquicentennials to lay out open and improve streets avenues or boulevards in connection therewith and to pass ordinances incur indebtedness and make appropriations therefor and providing procedure for the condemnation of such lands the assessment of damages or benefits and appeals therefrom"

Section one of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred ninety-four) entitled "An act authorizing municipalities to expend money for the purpose of insuring volunteer firemen against death or injuries while going to or returning from or attending fires"

The Act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred nineteen) entitled "An act to amend an act approved the twenty-third day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred and twenty-seven) entitled 'a supplement to an act approved the twenty-third day of June one thousand nine hundred eleven (Pamphlet Laws one thousand one hundred twenty-three) entitled "an act establishing in each county a board of viewers prescribing their duties providing for their appointment as viewers road juries juries of view and commissioners to view land and providing for the charges upon the respective counties in the matter of salaries costs and expenses thereof" as the same was amended and supplemented by subsequent acts by providing for the compensation to be paid to members of the board of viewers in counties of the second class' providing for the compensation of members of the board of viewers in counties of the first and second classes"

Section one of the act approved the twenty second day of March one thousand nine hundred and twenty-seven (Pamphlet Laws fifty-three) entitled "An act providing for the holding over of officers of municipal corporations of this Commonwealth hereafter or heretofore elected or appointed and having qualified until their successors are elected or appointed and duly qualify"

The act approved the fifth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws nine) entitled "An act to authorize the establishment and organization of a Bureau of Music in cities of the first class and ratifying ordinances of such cities heretofore passed for that purpose"

The act approved the twenty-first day of March one thousand nine hundred and twenty-nine (Pamphlet Laws thirty-eight) entitled "An act authorizing and regulating the establishmet and operation by counties of hospitals for the treatment of women afflicted with nervous diseases providing for the acquisition of property for such hospitals by the power of eminent domain the incurring of indebtedness and the levying of taxes authorizing counties to pay for patients cared for in hospitals of other counties and authorizing counties to receive gifts or trust funds for the erection and maintenance of such hospitals"

The act approved the twenty-fifth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws sixty-six) entitled "An act empowering cities of the first class of the Commonwealth to make and enforce ordinances and provide penalties and imprisonment for the violation thereof"

The act approved the twenty-fifth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws sixty-six) entitled "An act authorizing and empowering county commissioners under certain circumstances to use for another purpose land acquired by the county for a particular purpose"

Section 4 of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws six hundred nine) entitled "An act providing for the location care and maintenance of graves of soldiers sailors marines and members of the enlisted nurse corps and for the compilation and preservation of records relating to such soldiers sailors marines and members of the enlisted nurse corps and their burial places by county commissioners at the expense of the counties and imposing certain duties upon persons firms corporations and municipalities owning and controlling cemeteries conferring certain duties on the Department of Military Affairs"

The act approved the sixth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred fifty-one) entitled "An act authorizing cities of the first class to adopt and enforce zoning ordinances regulating and restricting the height location size bulk and use of buildings and/or land the areas to be occupied by buildings in proportion to the size of the lots upon which they stand the size of courts yards and other open spaces appurtenant thereto and the density of population and for these purposes to establish districts and boundaries to designate and regulate residential commercial and industrial or other uses within such districts and boundaries and providing for the appointment of a zoning commission and a board of adjustment the creation of a bureau of zoning and setting forth the duties and functions of said commission board and bureau providing for the administration and enforcement of rules and ordinances authorized by this act and penalties for violations thereof"

Section two of the act approved the seventeenth day

of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand eight hundred five) entitled "An act authorizing municipalities other than townships to acquire by gift devise or bequest lands chattels securities and funds for the establishment and maintenance of a hospital to appoint trustees of such property and funds subject to the approval of the orphans' court to operate and maintain such hospital through and by means of such trustees and to expend municipal funds to aid in the establishment and maintenance of such hospital"

The act approved the twenty-fifth day of July one thousand nine hundred and thirty-two Special Session (Pamphlet Laws ten) entitled "An act authorizing counties cities boroughs towns townships school districts to install by ordinance or resolution a system for the collection of taxes in installments and specifying certain conditions and penalties in such cases"

The act approved the twenty-eighth day of July one thousand nine hundred and thirty-two Special Session (Pamphlet Laws thirteen) entitled "An act authorizing counties cities boroughs incorporated districts townships school districts and poor districts with the approval of the court of common pleas to negotiate temporary emergency loans for certain purposes during the year one thousand nine hundred thirty-two and under certain circumstances to refund such loans annually for a certain period"

All sections except sections 201 204 216 417 and 451 of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws"

The act approved the seventh day of December one thousand nine hundred and thirty-three Special Session (Pamphlet Laws fifty-six) entitled "An act authorizing the abatement of certain tax penalties and interest on city taxes in cities of the first class and on school taxes in school districts of the first class"

The act approved the sixteenth day of May one thousand nine hundred and thirty-five (Pamphlet Laws one hundred sixty-six) entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class"

The act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred seventy-two) entitled "An act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class"

The act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred seventy-six) entitled "An act fixing the number qualification terms manner of appointment organization and salaries of members of the board of revision of taxes in counties of the first class providing for the appointment and compensation of a chief appraiser assistant appraisers and other employes of the board terminating the terms of the present members of the board of revision of taxes abolishing the present assessors and repealing general local and special laws"

The act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred eighty) entitled "An act relating to tax assessments in counties of the first class conferring powers and imposing duties on the board of revision of taxes and its agents and employes and repealing general local and special laws"

The act approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand one hundred twenty-three) entitled "An act imposing upon the Board of Revision of Taxes in cities of the first class the duty of reading water meters authorizing the employment of assistants for the performance of such duties fixing the salaries of such assistants and repealing inconsistent acts"

C The following acts and parts of acts are repealed insofar as they provide for a method of payment or require payments out of the city treasury or relate to the number kind and compensation of officers and employees and to the acquisition of property to be paid for out of the city treasury

The act approved the eleventh day of June one thousand eight hundred and seventy-nine (Pamphlet Laws one hundred thirty-six) entitled "An act to amend section four of an act entitled 'An act authorizing and empowering the court of common pleas of the several counties of this Commonwealth to change alter and direct the mode of preparing and keeping indices in the several offices of record in said counties and for preparing making and substituting new indices for old indices or parts thereof' approved the third of May one thousand eight hundred and seventy-eight"

Section 1 of the act approved the twenty-first day of March one thousand seven hundred and ninety-eight (3 Smith Laws 320) entitled "An act to provide for copying the records of the several roads heretofore laid out and which hereafter may be laid out in the county of Philadelphia"

Section 8 of the act approved the twenty-second day of February one thousand eight hundred and twenty-one (7 Smith Laws 367) (Pamphlet Laws fifty) entitled "An act to alter and amend the Fee Bill"

Sections 1 and 6 of the act approved the twenty-ninth day of March one thousand eight hundred and twenty-seven (Pamphlet Laws one hundred fifty-four) entitled "An act for the better preservation of the records contained in the public offices of the several counties of this Commonwealth"

Section 78 of the act approved the fourteenth day of April one thousand eight hundred and thirty-four (Pamphlet Laws three hundred and thirty-four) (Pamphlet Laws three hundred thirty-three) entitled "An act relative to the organization of the Courts of Justice"

The act approved the fourth day of April one thousand eight hundred and eighty-nine (Pamphlet Laws twenty-three) entitled "An act authorizing county commissioners to offer and pay rewards for the detection arrest and conviction of horse thieves"

The act approved the twenty-fifth day of April one thousand eight hundred and eighty-nine (Pamphlet Laws fifty-two) entitled "An act to authorize and require the county commissioners of the several counties of this Commonwealth to furnish supplies and fuel for certain county offices"

Section 1 of the act approved the thirteenth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws two hundred) entitled "An act regulating the payment of traveling expenses of directors of the poor and county commissioners within this Commonwealth"

Section 6 of the act approved the eighth day of June one thousand eiyht hundred and ninety-three (Pamphlet Laws three hundred ninety-nine) entitled "An act authorizing the commitment of minors by magistrates justices of the peace or judges of certain charitable societies and providing for the method of such commitment and the cost of the visitation of such minors"

Section 1 of the act approved the twelfth day of June one thousand eight hundred and ninety-three (Pamphlet laws four hundred fifty-seven) entitled "An act to provide for the erection maintenance and regulation of public morgues in the several counties of this Commonwealth for the care and disposal of bodies removed thereto and providing for the payment of certain expenses of the same by the proper county or district or by the estate of the deceased person and providing for the disposal of the personal effects of the unclaimed dead"

The act approved the thirtieth day of May one thousand eight hundred and ninety-five (Pamphlet Laws one hundred twenty-eight) entitled "An act increasing the

salaries of tip-staves in the courts of any county in this Commonwealth having a population of not less than five hundred thousand"

Section 14 of the act approved the twenty-seventh day of June one thousand eight hundred and ninety-five (Pamphlet Laws four hundred three) entitled "An act creating the office of county controller in counties of this Commonwealth containing one hundred and fifty thousand inhabitants and over prescribing his duties and abolishing the office of county auditor in said counties"

Section 2 of the act approved the eighteenth day of April one thousand eight hundred and ninety-nine (Pamphlet Laws fifty-six) entitled "An act authorizing the county commissioners of the several counties in this Commonwealth to appoint a clerk fix his compensation and prescribe the term and duties of the clerk except in counties where the clerk to the county commissioners is elected by the people"

The act approved the twenty-fifth day of March one thousand nine hundred and three (Pamphlet Laws fifty-three) entitled "An act to amend the first section of an act approved the eleventh day of May Anno Domini one thousand nine hundred and one entitled 'an act relative to the purchase of a law library in counties of this Commonwealth having a population of less than one hundred and fifty thousand inhabitants and authorizing one-half of the fines and forfeitures to which said counties would under existing laws be entitled to be expended for the purchase and support of said library' so as to extend its provisions to all counties in this Commonwealth not having special or local laws inconsistent therewith"

Sections 6 and 8 of the act approved the first day of May one thousand nine hundred and seven (Pamphlet Laws one hundred thirty-five) entitled "An act relating to the appointment of stenographers and assistant stenographers to report proceedings in the several courts of Common pleas and orphans' court courts of oyer and terminer and general jail delivery and courts of quarter sessions of the peace of this Commonwealth as well as before commissioners master and special masters in chancery referees examiners auditors and other officers prescribing their powers and duties and when such reports shall be evidence of the facts reported prescribing their compensation and allowances for expenses when the same shall be paid by the county wherein such stenographers or assistant stenographers are employed and when by the parties such proceedings and repealing an act entitled 'an act directing the appointment of official stenographers in the several civil courts of this Commonwealth authorizing the appointment of stenographers by examiners masters referees commissionrs and auditors authorizing the appointment of assistant stenogrpahers repealing 'an act to authorize the appointment of stenographers in the several courts of this Commonwealth prescribing their duties and fixing their compensation, approved May fifteenth one thousand eight hundred and seventy-four repealing 'an act to authorize the appointment of stenographers in the several courts of this Commonwealth prescribing their duties and fixing their compensation' approved May eighth one thousand eight hundred and seventy-six and 'an act defining the duty of court stenographers in the several counties in this State' approved June tenth one thousand eight hundred and eighty-one' approved the twenty-fourth day of May one thousand eight hundred and eighty-seven but such repeal not to revive any law repealed by the said act of twenty-fourth of May one thousand eight hundred and eighty-seven"

Section 1 of the act approved the eleventh day of April one thousand nine hundred and three (P. L. 163) entitled "A supplement to an act entitled 'an act for the better and more impartial selection of persons to serve as jurors in each of the counties of this Commonwealth' approved the tenth day of April one thousand eight hundred and sixty-seven providing for a clerk to the jury commissioners and regulating his compensation"

Section 5 of the act approved the seventh day of June one thousand nine hundred and seven (P. L. 441) entitled "An act to regulate tenement-houses in cities of the first class and to require those owning or conducting the same to secure a license from the mayor making violations of the act misdemeanors and providing penalties for such violations"

The act approved the twenty-second day of April one thousand nine hundred and nine (P. L. 104) entitled "An act providing for the support and maintenance of law libraries in the counties of this Commonwealth"

Section 4 of the act approved the twenty-third day of June one thousand nine hundred and eleven (P. L. 1123) entitled "An act establishing in each county a board of viewers prescribing their duties providing for their appointment as viewers road juries juries of view and commissioners to view land and providing for the charges upon the respective counties in the matter of salaries costs and expenses thereof

Section 1 of the act approved the fifteenth day of April one thousand nine hundred and thirteen (P. L. 74) entitled "An act for the better preservation of the records contained in the offices of the recorder of deeds of counties of this Commonwealth containing over one million and a half population providing for the replacement and certification of worn or dilapidated records and the payment of the cost thereof out of the county funds"

The act approved the seventeenth day of April one thousand nine hundred and thirteen (P. L. 79) entitled "An act to provide for the appointment of janitors in and for the various courts of counties having a population of one million two hundred thousand and over and for the compensation and payment thereof"

Sections 3 and 9 of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 711) entitled "An act establishing a court for the county of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officers of the county or city of Philadelphia regulating the procedure therein and appeals therefrom and providing for expenses thereof"

Section 4 of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 711) entitled "Establishing a court for the county of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officers of the county or city of Philadelphia regulating the procedure therein and appeals therefrom and providing for the expenses thereof"

The act approved the twenty-third day of April one thousand nine hundred and fifteen (P. L. 174) entitled "An act regulating the manner of payment of county employes in counties having a population of over one million"

The act approved the twenty-third day of April one thousand nine hundred and fifteen (P. L. 174) entitled "An act authorizing counties and municipalities to unite in providing in the court-house certain rest or waiting-rooms"

Section 2 of the act approved the third day of June one thousand nine hundred and fifteen (P. L. 954) entitled "An act to protect the public health and safety By regulating the erection alteration repair use occupance maintenance and sanitation of the grounds surrounding the same the adjoining buildings and all vacant land in cities of the first class providing for their inspection the abatement of nuisances the vacating of uninhabitable houses and the filing of liens creating a Division of Housing and Sanitation and providing penalties for violations of the provisions thereof and repealing all laws inconsistent therewith"

The act approved the fifth day of April one thousand nine hundred and seventeen (P. L. 43) entitled "An act to authorize and require the county commissioners of the several counties of this Commonwealth to furnish a room for the judges learned in the law of the courts of common pleas and orphans' courts"

The act approved the twentieth day of July one thousand nine hundred and seventeen (P. L. 1141) entitled "An act fixing the salary of the deputy coroner of the counties having a population of one million five hundred thousand or over"

Section 2 of the act approved the eighth day of May

one thousand nine hundred and nineteen (P. L. 160) entitled "An act relating to the indexing of sheriff's coroner's and the tax deeds in the office of the recorder of deeds imposing the expense of such indexing on the county and providing that such indices shall be notice to all persons"

Sections 1 and 2 of the act approved the third day of June one thousand nine hundred and nineteen (P. L. 369) entitled "An act providing for the appointment by the district attorney in counties having a population of over one million five hundred thousand inhabitants of a chief county detective an assistant chief county detective and special county detective defining their duties defining their authority fixing their salaries and authorizing the payment of the same together with the necessary traveling expenses by the county"

Section 1 of the act approved the third day of June one thousand nine hundred and nineteen (P. L. 370) entitled "An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants and prescribing the powers and duties of said assistant district attorneys"

Section 1 of the act approved the seventh day of July one thousand nine hundred and nineteen (P. L. 725) entitled "An act authorizing the appointment of interpreters in each county of this Commonwealth and providing for their compensation"

The act approved the fifteenth day of July one thousand nine hundred and nineteen (P. L. 961) entitled "An act fixing the salaries and compensation of the officers clerks and employes in the office of the recorder of deeds of any county having a population of one million five hundred thousand inhabitants or over"

The act aproved the thirteenth day of April one thousand nine hundred and twenty-one (P. L. 132) entitled "An act authorizing county commissioners to appropriate moneys for the maintenance of duly incorporated organizations for the prevention of cruelty to animals"

The act approved the nineteenth day of March one thousand nine hundred and twenty-three (P. L. 20) entitled "An act authorizing county commissioners to provide for the payment for the preparation of plans and specifications heretofore made for public buildings where no legal or valid contract was entered into as required by law"

The act approved the eighteenth day of April one thousand nine hundred and twenty-three (P. L. 77) entitled "An act authorizing the county commissioners to appropriate county moneys to incorporated agricultural and horticultural societies and associations"

Section 2 of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (P. L. 271) entitled "An act providing a system of employment and compensation for the inmates of county jails and prisons"

Section 3 of the act approved the nineteenth day of March one thousand nine hundred and twenty-five (P. L. 59) entitled "An act to provide for the positions of principal deputy prothonotary and second deputy prothonotary in counties of the first class prescribing their powers and duties and fixing their salaries"

The act approved the fourteenth day of May one thousand nine hundred and twenty-five (P. L. 729) entitled "An act fixing the salary of the clerks of the courts of common pleas in counties of the first class"

The act approved the ninth day of March one thousand nine hundred and twenty-seven (P. L. 24) entitled "An act authorizing counties singly or two or more counties acting together to purchase land and erect buildings thereon or to erect or add to and improve buildings already erected on lands owned by a county for an institution for the detention of delinquent women sentenced to imprisonment for one year or less and regulating the establishment management and maintenance of such institutions and the reception treatment training employment and instruction of inmates therein and the transfer of delinquent women from county prisons thereto or to other institutions in certain cases"

Section 3 of the act approved the twenty-first day of April one thousand nine hundred and twenty-seven (P. L. 338) entitled "An act providing for the rerecording instruments in the office of the recorder of deeds in any county when the original records are not available providing for the effect of such rerecording and the payment of the cost thereof out of county funds"

Section 1 of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 982) entitled "An act relating to the clerk of the court of oyer and terminer and quarter sessions of the peace and municipal court of any county of this Commonwealth having a population of one million five hundred thousand or over providing for the salaries and compensation of the clerk of the court of oyer and terminer and quarter sessions of the peace and municipal court deputies clerks and employees thereof"

Section 1 of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 992) entitled "An act to fix the salaries of the deputy register clerks and employes in the office of the register of wills of counties of the first class"

The act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 994) entitled "An act fixing the salary to be paid by each county of the first class to its chief deputy sheriff"

Section 2 of the act approved the fourth day of April one thousand nine hundred and twenty-nine (P. L. 163) entitled "An act providing for real estate deputy sheriffs in counties of the first second and third classes and fixing their salaries payable to said counties and repealing section two of an act approved the twenty-fourth day of May one thousand eight hundred and eighty-seven (P. L. 185) entitled 'an act authorizing the sheriffs of the several counties of the Commonwealth to appoint by deed chief deputies with power to act as sheriff in case of and during the temporary disability of the sheriff to act in person and fixing the salaries of such chief deputies in counties containing more than five hundred thousand inhabitants' and other acts general special or local so far as inconsistent herewith"

The act approved the tenth day of April one thousand nine hundred and twenty-nine (P. L. 476) entitled "An act providing for the purchase of digests and law books for the offices of district attorneys of the Commonwealth by the board of commissioners of counties and for the payment of the same out of the funds of the county"

Section 3 of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (P. L. 2326) entitled "An act creating in counties of the first class the position of bail approval commissioner prescribing the powers and duties thereof limiting jurisdiction to cases in which real property is offered as bail and conferring and imposing such powers and duties upon the controllers of counties of the first class providing for the appointment by such bail approval commissioner certain necessary clerks and employes and prescribing the duties and compensation thereof imposing duties on judges or officers of any of the courts of counties of the first class and upon magistrates in counties of the first class and requiring all departments of counties and cities of the first class to supply certain information prescribing offenses and providing penalties therefor"

D The following acts and parts of acts are repealed to the extent indicated

Sections 1 and 2 of the act approved the thirtieth day of June one thousand eight hundred and sixty-nine (P. L. 1276) entitled "A further supplement to an act entitled 'an act to incorporate the city of Philadelphia' approved the second of February one thousand eight hundred and fifty-four creating a board called directors of city trusts" as to the composition and appointment of the board of directors of city trusts

Section 12 of an act approved the sixteenth day of May one thousand eight hundred and ninety-one (P. L. 75) entitled "An act in relation to the laying out opening widening straightening extending or vacating streets and alleys and the construction of bridges in the several municipalities of this Commonwealth the grading paving macadamizing or otherwise improving streets and alleys

providing for ascertaining the damages to private property resulting therefrom the assessment of the damages costs and expenses thereof upon the property benefited and the construction of sewers and payment of the damages costs and expenses thereof including damages to private property resulting therefrom" as to approval by council of maps and plots

The act approved the twenty-third day of June one thousand nine hundred and eleven (P. L. 1123) entitled "An act establishing in each county a board of viewers prescribing their duties providing for their appointment as views road juries juries of view and commissioners to view land and providing for the charges upon the respective counties in the matter of salaries costs and expenses thereof" insofar as inconsistent

The act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" insofar as inconsistent

Sections 1 and 2 of the act approved the twentieth day of May one thousand nine hundred and thirty-one (P. L. 138) entitled "An act permitting the sale of prison made goods in counties of the first class to such counties and to the cities and school districts and to political subdivisions of such counties and to certain institutions therein permitting contracts for such sales and purchases without advertising or competitive bidding permitting payment of compensation to inmates and repealing inconsistent laws" insofar as inconsistent

Section 1 of the act approved the ninth day of May one thousand nine hundred and thirty-five (P. L. 155) entitled "An act granting power to counties cities boroughs towns townships school districts and poor districts to redeem unmatured bonds and obligations by a new issue of bonds at a lesser rate of interest as to the maturity of bonds issued by cities of the first class for the redemption of unmatured bonds

The title of the bill was read as follows and agreed to:

An Act for the better government of cities of the first class of the Commonwealth by providing among other things for a councilmanic form of government with a council elected by proportional representation and with a city manager selected by council the creation abolition and change of departments and the addition to departments of certain functions pertaining to parks detention and correction planning within the city weights and measures and dependent neglected incorrigible and delinquent children transferred from certain county offices to the extent of the performance of such functions within such cities improvement of the civil service increased control over finances by requiring balanced current and capital budgets and by greater control over the collection of charges fees and taxes and over payment of salaries and other expenditures out of the city treasury improvements in the making and revision of assessments the grant of home rule to such cities and penalties

And said bill as amended having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Tioga, Senator Owlett.

The PRESIDENT. Will the Senator from Tioga permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. SHAPIRO. Mr. President, what is the purpose of the motion?

Mr. OWLETT. Mr. President, the purpose of the motion is to offer amendments to the bill.

Mr. SHAPIRO. Mr. President, I should like to further interrogate the Senator from Tioga.

The PRESIDENT. Proceed.

Mr. SHAPIRO. Mr. President, does the gentleman realize amending this bill requires the reprinting of a bill some two hundred pages in length?

Mr. OWLETT. Mr. President, I do.

Mr. SHAPIRO. Mr. President, does the gentleman from Tioga realize the amendments he is about to make, do not affect the structure or purpose of the bill?

Mr. OWLETT. Mr. President, I do not. They are very vital amendments, and I wish to offer them at this time before this bill goes over to the House.

Mr. SHAPIRO. Mr. President, I think the amendments can be offered in the House. It if develops, as it does in all bills the need of some corrective amendment, it seems to me, if we are talking about economy here, it is silly at this time to make amendments of this kind which can be covered in the House and thereby avoid the reprinting of a two hundred page bill.

Mr. OWLETT. Mr. President, in reply to the statement of the Senator from Philadelphia, this is an important piece of legislation, and I do not think we should be prevented from adopting or consider such amendments, as this Senate may consider advisable and necessary, just because they have gotten up a great long bill—that is the funeral of those who proposed it rather than those who offer amendments.

This is the first time I know of that we have been told in the Senate that we have not the right, at least, to offer an amendment simply because it' requires the reprinting of a bill. It is too bad it does; but this bill was introduced and advocated with great fanfare. I have these amendments, which I think are sound amendments; and I offer them at this time and will leave it to the Senate to decide.

Mr. SHAPIRO. Mr. President, I desire to ask the Senator from Tioga whether it is not true that the amendments provide that there shall be no contributions from corporations or trusts or trustees to a committee sponsoring or opposing the Charter. That is in effect the purpose of the amendments, is it not?

Mr. OWLETT. Mr. President, these amendments that I propose to offer, although they are now before the Senate and I presume they are not properly up for discussion, nevertheless, I am very glad to explain what they do.

These amendments add Sections 2905, 2906 and 2907 to the bill, and they incorporate the provisions of the Corrupt Practice Act in this bill and provide that no corporations may make contributions to any committee which is sponsoring this Charter or any committee that is opposing it.

We all know, Mr. President, that under the law it is illegal for a corporation to make a campaign contribution to an individual. This makes the same law applicable to the campaign that is going to be put on for the adoption and against the adoption of this Charter, so that we will not have a group of a few corporations, who hope through this Charter provision to control the City of Philadelphia, so that they will not be able to make huge contributions to this campaign committee for it, and if there are any corporations opposing it they will not be able to make contributions against it.

It will put it right under the provisions of the Corrupt Practice Act so that the people will have a chance to

vote according to their real feelings on this Charter uninfluenced by corporate campaign contributions.

Mr. SHAPIRO. Mr. President, in view of the fact that the necessity for this amendment, its value, will govern the action of the Senate as to whether it will vote in favor of taking this bill back to second reading, I think it is proper to discuss the purpose of that amendment, and I am glad the gentleman from Tioga has gotten into the subject so that we can discuss it now and save further discussion later on.

I contend this does not come within the Corrupt Practice Act.

When a man is running for office I think he ought to run in a proper and a legal manner, any corrupt practices should be prevented; but when a question of the form of government is before the people I think that any corporation or any person in interest has the right to either be for or against it and has a right to be for or against with the power of their voice, has the right to be for or against it with the power or their influence, and has the right to be for or against it with the power of their money; because it is their business and personal standing in the community that is being affected, and I am not afraid to have the gentleman from Tioga try to create the impresison that I am in favor of corrupt practices in connection with the Charter because I am opposing the insertion of this amendment in the bill.

This amendment is presented for the mere purpose of crippling the activities of certain committees who have favored this bill, and the provision in the bill that it shall also apply to persons who are opposed to the Charter is ridiculous, because the only people who will be opposed to the Charter in Philadelphia will be, apparently, the Republican organization and they do not need to worry about contributions from employees; they can now get it under the Act which we passed legalizing the accepting but not the demanding of contributions, so that they are perfectly safe and will not have any trouble getting all the money they require to fight this bill.

I think it is not important at this time, or necessary that this amendment be put in here. It is a waste of the money of the Senate. There are tremendous printing costs. There are two amendments which I thought should be put into the bill; I have not offered them here, and I am going to try to have them put in in the House, but I do not think it is sufficiently important to make it necessary to print this bill once more.

These amendments can be offered when the bill is reported out in the House and it will save the reprinting of this bill—it runs into hundred, maybe thousand, of dollars to print this bill of 200 pages all over again merely to satisfy someone who has an idea this is another way to cripple the activities of those who are in favor of this Charter; and I would like to ask the gentleman from Tioga this question: who was it, Mr. President, who presented this amendment to him?

Mr. OWLETT. Mr. President, some friends of good government in Philadelphia.

Mr. SHAPIRO. Mr. President, would the Senator from Tioga consider it a violation to disclose who those good friends of good government are? I would like to confer with them.

Mr. OWLETT, I do.

Mr. SHAPIRO. Mr. President, would the gentleman from Tioga state whether it is not true they came from the Republican organization through Mr. Cooke?

Mr. OWLETT. Mr. President, it is not true.

Mr. SHAPIRO. Will the gentleman say that the amendments did not come from the Republican organization?

Mr. OWLETT. Mr. President, I do not know where they originated but they were handed to me by friends of good government in Philadelphia; and when the Senator from Philadelphia stands up on the floor of this Senate and says it is all right for corporations to make contributions to a political campaign when it is a campaign to put over a Charter, because they may be interested in it, but it is wrong for them to make contributions to a man who is running for office, and who, if elected, is going to run their government, I think that is the silliest argument I have ever heard.

I cannot imagine why a Senator would stand up on this floor and object to the Corrupt Practice Act, going into a campaign for a new charter. Here we pass laws in this enlightened age and we all, in the Federal government and the State government, come to the conclusion that it does not make for good government to permit corporations to use money to influence elections. That is fundamental law that we have all stood for, to keep clean elections; and Senator Shapiro stands up here and says we want clean elections when we elect individuals to office but you can use all the money you can get to influence an election if it is to force upon the people a Communistic system of proportional representation by some body of people that want to change the fundamental American system of government, and that is what the proportional representation system does.

Now, I say to you, Mr. President, if the people of Philadelphia are to vote on this charter, as they apparently are, they ought not to be influenced by any corporate contributions; and the people are entitled to know, as they do when men are running for office, who is financing the campaign.

Mr. SHAPIRO. Mr. President, I am not all surprised that the gentleman from Tioga cannot imagine how I can take the position, because I have always complained he has very little imagination.

I understand the purpose of the Corrupt Practice Act; and, for the benefit of the gentleman from Tioga, so that he may understand, I will tell him that my position—and it will not tax his imagination—is that by contributing to an individual large sums of money for the purpose of securing his election to public office you acquire a control over that individual which makes him necesarily amendable to your suggestions to him; but maybe the gentleman can imagine—if he can, I can't—how in the world anybody can get control over a charter. If the charter is passed and becomes law nobody has control over the law except the Legislature and when the Board of City Trusts of Philadelphia contribute a thousand dollars toward; making this charter possible I do not think they are corrupt, I think that they are people who are interested in good city government. When a corporation that has a business in Philadelphia, pays taxes and is tired of paying taxes far in excess of what is necessary, is tired of paying taxes to keep up a large payroll of these drones in City Hall, is tired of paying taxes to support councilmen who cannot solve ordinary city financial problems, and therefore want to spend some money in order to set up a

system of government under a charter which will relieve them of that burden, I think they are entitled to do it.

I think it shows the weakness of the Republican party, and the fear of the party that this charter may go through, that they now suggest that those corporations which have heretofore been contributing to them openly before the Corrupt Practice Act was passed and are now contributing to them through devious ways—through Boards of Directors, through individual contributions and otherwise—should be prohibited from contributing to the charter. It shows that they have been told by these corporations that they propose to see to it that the charter shall become a law; and if anybody can tell me why a corporation should not contribute to set up a form of government that they like, if anyone can tell me why it is that while under the Constitution we have the right to change our form of government as often as we like, corporation cannot contribute to change a local form of government the way they think best, I will be glad to listen to that kind of an argument.

I have never heard it said that either corporations or an individual did not have the right to back any form of government with their finances if in their opinion they think it should be changed; and I charge now as plainly as I can so that the gentleman from Tioga does not misunderstand, this is another one of the steps being taken to prevent the passage of this charter at an election.

Mr. Cooke has already said he is against the charter "lock, stock, and barrel," but Mr. Cooke knows, as the gentleman from Tioga knows, that there is a sentiment back of this charter that will prevent either the action singly of the Republican party or the action generally of the Republicans and Democrats from defeating it, because the people are up in arms and want a new charter, and anything of that kind you put in now will not stop the charter from becoming law. But I want to put myself on record as exposing this attempt coming from the Republican party of Philadelphia as another attempt on their part to interfere with good government and another attempt to perpetuate a system which has ruined Philadelphia and has brought it to the brink of not only bankruptcy but starvation. I am glad to have the opportunity of saying, first, that you have no interest in any economy at all, otherwise you would not ask to spend a thousand dollars to put in that innocuous amendment to the bill. It is absolutely innocuous, and everybody knows it; but you want it in, you have the votes to put it in—go to it; but you will not stop me from expressing my opinion on the subject.

Mr. OWLETT. Mr. President, for the information of the Senate I want to state that these amendments were submitted to Mr. Woodward, the Senator from Philadelphia, co-sponsor of the bill, and to his committee, yesterday, and they said they had no objection whatever to the amendment; and I so notified Senator Shapiro.

These discussions, I repeat again, are very interesting indeed, coming from the Senator from Philadelphia when he stands up here now and talks about how proper it is for a corporation to attempt to influence an election. I was looking through some of his remarks of a few years ago in the Legislative Journal and I ran on to one which I think I will impress everybody with the fact that we must not take what the Senator says too seriously, because in 1935 he said: "I am a Republican and I will stay a Republican." That was on April 3, 1935, in the Journal of this Senate. So I say again, do not take Senator Shapiro's remarks too seriously.

I call for the resolution.

Mr. SHAPIRO. Mr. President, I should answer that because you take me seriously when I have control over the subject matter. Now I said, "I am a Republican and I will stay a Republican." I will tell you what happened. Some fellows down in Philadelphia would not let me stay a Republican, they refused to nominate me. Now, surely, I cannot be responsible for that. I would have loved to have stayed a Republican, because I think if I had been permitted to stay a Republican, had been permitted to give my force and vigor a little longer, I might have convinced the gentlemen they should not have made some of the mistakes they did. But they would not let me stay a Republican.

I said, "you are going to put me in an unfavorbale position. You are going to force me out of the party, and when people remember what I have said, that I am a Republican and I will stay a Republican," they will say, "Now he broke his word."

"I give you my word of honor I had nothing to do with it, I pleaded with them to put me on the ticket, and they would not do it; and they put somebody on there that did not even have a chance, that was not even good opposition. I tried to be a Republican. The Secretary of the Senate knows I went to my leaders and I pleaded with Mr. Weglein; I said, "This is not right. I have only tried to tell you people the right thing to do; I have wanted you to get on the good side of popular legislation; and because I would not go along with nonsensical legislation you are going to throw me out of the party. I will be elected on the Democratic ticket, and I want to be a Republican."

And just what I said happened—here I am brought face to face with that very thing, that very thing that I predicted. I said to Mr. Weglein, "someday I will be in an embarassing position. You know what it means," I said, "to have some one like Senator Owlett, whose voice carries all over the State say, 'you cannot be depended upon; you said you would stay a Republican.' Now, please don't do that to me." And they just ignored me; now here I am today having to listen to that statement.

I am sorry, gentlemen. It was not my fault.

And the question recurring,

Will the Senate agree to the bill on sceond reading as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered to be transcribed for a third reading.

BILL ON THIRD READING

Mr OWLETT. Mr. President, I call up for action Senate Bill No. 351, (House No. 318) on third reading.

Mr. MALLERY. Mr. President, I second the motion.

It was agreed to.

The Senate proceeded to the third reading and consideration of Senate Bill No. 351, (House Bill No. 318), entitled:

An Act to reenact and amend the title and the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (Pamphlet Laws, four hundred fourteen), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as previously reenacted and amended by eliminating ground rents from list of taxable personal property, defining, clarifying and limiting certain exemptions, exempting from the taxes imposed by the said act property held by executors and administrators of the estates of nonresident decedents, property held by trustees for certain resident and nonresident religious, charitable or educational organizations and property held for nonresidents and foreign corporations under certain circumstances exempting loans issued by first class or non profit corporations from the tax imposed by section seventeen of said act and continuing the State personal property tax and the emergency rate of tax on scrip bonds, certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time.

And said bill hvaing been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. OWLETT. Mr. President, I ask unanimous consent to amend Sec. 1 (Sec. 3), page 6, line 17, by striking out the word: S "twenty-first" and inserting in lieu thereof: first amend section 1, page 28 by inserting between lines 27 and 28 the following: S and provided further that the provisions of this section shall not apply to personal property of the classes hereinabove enumerated received from any person or persons copartnership or unicorporated association or company non-resident in or not located within this Commonwealth or from any jointstock association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth by any person or persons copartnership or unincorporated association resident in this Commonwealth company jointstock company or association limited partnership bank or corporation created or existing under the laws of this Commonwealth or doing business within this Commonwealth as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth or any such property whatsoever owned held or possessed by any person or persons copartnership or unincorporated association resident in this Commonwealth company jointstock company or association limited partnership bank or corporation created and existing under the laws of this Commonwealth or doing business within this Commonwealth in the capacity of executor or administrator of a non-resdient decedent or as trustee agent or attorney-in-fact for any resident or non-resident religious charitable scientific literary or educational organization no part of the net earnings of which insures to the benefit of any private stockholder or individual

Mr. OWLETT. Mr. President, for the information of the Senate, I will explain what changes have been made. One of them corrects an error on page six by striking out the word "twenty-first" and inserting the word "first." The other amendment amends the Corporate Loan Tax Act to bring it in compliance with the Personal Property Tax Act, the Corporate Loan Tax Act being part of this Act, and exempting from corporate loans as well as personal property, trusts created by non-residents, for the benefit of non-residents. We are advised that will not affect the revenue obtained from the tax.

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill be printed for the use of the Senate.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, I want the members of the Senate to know that I am not unaware of the fact that the gentleman from Tioga's ability to quote my remarks of 1935 is due to no sudden activity on his part.

I should like the members of the Senate to know that I have known for sometime that all of the remarks that I have made, since I have been in the Senate, and are being copied and prepared by stenographers for the purposes of the organization as and when the time arrives, and that this is just another one of the activities of the party on important matters in the Commonwealth. It is very important to have all my remarks noted so I may be confounded. I invite the use of those remarks frequently.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1 as follows:

An Act to amend sections three and eight of the act approved the thirtieth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws one hundred fifteen) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for

the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" by providing that the registration commission is to consist of the county commissioners instead of appointed commissioners and by providing that appropriations to carry out the act are to be made in the same manner as other appropriations are made

The General Assembly of the Commonwealth hereby enacts as follows

Section 1 Sections three and eight of the act approved the thirtieth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws one hundred fifteen) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" are hereby amended to read as follows

Section 3 Registration Commission Membership [Bipartisanship Term of Office Vacancies Removal Compensation Chairman Secretary] Action by Vote of Majority of Members Record of Proceedings [Annual Report]

(a) There shall be a registration commission [in and for each city of the first class] consisting of the county commissioners in each county in which there is located a city of the first class which commission shall have jurisdiction over the registration of electors of such city under the provisions of this act

[(b) The registration commission shall consist of five commissioners who shall be qualified electors of the city not more than three of whom shall be enrolled members of the same political party who shall be appointed by the Governor with the advice and consent of the Senate and shall hold office for terms of four years or until their successors qualify unless sooner removed or otherwise disqualified Provided however That the terms of office of the commissioners first appointed by the Governor under] [this act shall commence upon the date of their appointment and shall expire on the first Monday of January one thousand nine hundred and forty-one Upon the appointment by the Governor of the registration commission for any such city the terms of office of the existing registration commission or commissioners of any such city shall terminate

(c) The Governor shall fill any vacancy in any such commission within ten days after the vacancy shall occur by appointing a qualified elector of the city to hold office during the remainder of the term of the commissioner whose place shall have become vacant

(d) The Governor may at any time remove any commissioner for cause and may appoint a duly qualified elector of the city as his successor for the remainder of his term

(e) Each commissioner shall receive compensation at the rate of six thousand dollars per annum except the chairman who shall receive six thousand five hundred dollars per annum

(f) As soon after their appointment as may be the members of each commission shall take the oath of office required by the Constitution of this Commonwealth and shall organize by selecting from their number a chairman and a secretary who shall not be members of the same political party]

[(g)] (b) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein

[(h)] (c) Each commission shall keep a record in permanent form of all its proceedings [and shall make an annual written report to the Governor]

(d) The commissioners shall receive no compensation in addition to their compensation as county commissioners

Section 8 Appropriations [Unexpended Balances of Appropriations] (a) The appropriating authorities of the city shall [appropriate annually and from time to time the funds that shall be necessary] make appropriations in the same manner as other appropriations are made for the maintenance and operation of the commission and the carrying out of the provisions of this act [therein including the payment of the compensation of the commissioners counsel and a sufficient number of registrars inspectors of registration and other assistants and employes and the fees of witnesses as herein provided and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices accounts books stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses]

(b) The appropriating authorities of the city shall provide the commission thereof with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its duties [and upon failure to do so within sixty days after the effective date of this act the commission may lease such office space as is reasonably required for the performance of the functions and duties under this act]

[(c) Any unexpended balances of any appropriations heretofore made by the appropriating authorities of the city for the purpose of carrying out any provision of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expense of carrying out the provisions of this act and all monies required in addition to any original appropriation in the current year or any other year if it shall appear that extra sums are needed]

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. OWLETT, Mr. President, I ask unanimous consent that Senate Bill No. 84, on second reading entitled:

An act to further amend subsection (b) of section one thousand and two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners

of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" restricting speed of vehicles within public park areas

go over in its order, at the request of Dr. Woodward.

The PRESIDENT. Is there objection. The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill Bill No. 218, as follows:

An Act for the better government of cities of the second class of the Commonwealth by providing among other things for a councilmanic form of government with a council elected by proportional representation and with a city manager selected by council the creation abolition and change of departments and the addition to departments of certain functions pertaining to parks planning within the city improvement of the civil service increased control over finances by requiring balanced current and capital budgets and by greater control over the collection of charges fees and taxes and over payments of salaries and other expenditures out of the city treasury abolishing Property Assessment as a city function and the grant of home rule to such cities and penalties

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The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Applicability of Act This act shall apply to each city of the second class and shall be known and may be cited as the "Second Class City Law"

Article I Council

Section 101 Compensation of Council The legislative and executive powers of the city shall be exercised through a council consisting of nine councilmen elected from the city at large to serve for a period of four years from the first Monday in January following their election

Section 102 Councilman to Hold No Other Public Office No person shall hold the office of councilman while holding any other public office position or employment of profit under the United States the Commonwealth or any political sub-division of the Commonwealth except that of notary public or an office in the military or naval service of the United States or of the Commonwealth No councilman shall be eligible to any office position or employment of profit under the city during the term for which he shall have been elected as councilman

Section 103 Organization Meeting The organization meeting of each council shall be held at ten ante meridian on the first Monday of January following its election or if that day be a legal holiday then on the next day Pending election of the mayor the councilman first declared elected shall preside At the organization meeting council by the affirmative vote of a majority of all councilmen shall elect from their own number a mayor who shall be president of council a presiding officer pro tem and a clerk each of whom shall serve at the pleasure of council

Section 104 Mayor and Presiding Officer Pro Tem The mayor shall preside at meetings of council and shall have such other powers and duties with respect to the business of council as council shall from time to time prescribe He shall have no power of veto He shall be recognized as the head of the city government for all ceremonial purposes by the courts for serving civil processes and by the governor for military purposes In other respects the mayor shall have the same powers and duties as other councilmen If a vacancy occurs in the office of mayor or if the mayor be absent or incapable of performing his duties the presiding officer pro tem shall act as mayor until the election by council of another mayor or during the continuance of the absence or incapacity as the case may be

Section 105 Salary Each councilman shall receive a salary of $5,000 per annum and no other emoluments except that the mayor shall receive $2,500 per annum in addition to his salary as councilman

Section 106 Clerk of Council The clerk of council shall record the proceedings of council in a journal which shall at all times to be open to public inspection He shall also keep a separate record of all ordinances and resolutions in a book or books which shall be properly indexed and shall constitute a public record He shall keep a separate record of the rules of council copies of all papers duly filed in his office and transcripts thereof and of the records of proceedings of the council and copies of the ordinances and resolutions of the city certified by him under the corporate seal of the city shall be admissible in evidence on any judicial or administrative proceeding The clerk shall cause all ordinances and all resolutions of a legislative character to be published within five days after their passage by council and all other matters for which public notice is provided under this act to be published at least five days before the contemplated action unless otherwise provided by ordinance The publication shall be in one morning and one evening paper of general circulation in the city or if provided by council in a paper regularly published by the clerk of council In the absence or incapacity of the clerk an assistant designated by him to act in his stead shall perform his duties

Section 107 Rules of Council Council shall have the power to adopt and amend its governing rules which without limitation shall include provisions for the holding of regular and special meetings for compelling councilmen to attend meetings and for the order of business at meetings

Section 108 Submission of Ordinances Every legislative act of council shall be by ordinance or resolution No ordinance or resolution of a legislative character shall be submitted for passage except by bill and no bill shall be so altered or amended during its passage as to change its original purpose No bill shall be passed containing more than one subject which shall be clearly expressed in its title except that council may pass codification ordinances No bill or amendment shall be passed before the printing of the bill or amendment for the use of the councilmen and no bill shall be passed on the same day it is introduced

Section 109 Vote Required for Action by Council Except as otherwise provided by law council shall act only at a meeting by the affirmative vote of a majority of the councilmen holding office However a less number by a majority vote of those present may adjourn from time to time and may compel the attendance of absent members

On the final passage of any ordinance or resolution the vote shall be taken by yeas and nays and the names of the councilmen voting for and against the same shall be entered by the clerk in the journal Each ordinance and resolution passed by council shall be attested by the clerk No councilman shall be excused from voting except on matters involving the consideration of his own conduct or when his personal or financial interest are involved A councilman who has such an interest in any matter before council shall disclose the fact and shall not vote thereon

Section 110 Meetings to be Public Meetings of council shall be at all times open and accessible to the public

Section 111 Power of Investigation For any inquiry or investigation council shall have power to compel the attendance of witnesses and the production of documents and other evidence at any meeting of council or of any committee thereof and for that purpose may issue subpoenas and cause them to be served and executed in any part of the Commonwealth If any witness shall refuse to testify as to any fact within his knowledge or to produce any documents or other evidence within his possession or under his control the mayor shall forthwith report the facts relating to such refusal to the court of common pleas of the county in which the city is situated and all questions arising upon such refusal and also upon any new evidence not included in the report of the mayor which other testimony or documents may be offered either in behalf of or against such witnesses shall at once be heard by the court If the court determines that the testimony or evidence required of the witness is legally competent and ought to be given or produced by him it shall make an appropriate order which it shall have power to enforce by commitment for contempt

Section 112 Appointment of Manager Council shall appoint a city manager who shall be its chief executive officer He shall be appointed solely on the basis of his executive qualifications and need not be a resident of the city or of the Commonwealth when appointed A person who has been elected a member of council shall not be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he was elected The city manager may designate an officer or other employe of the city to perform his duties during his absence or incapacity Council may designate some other officer or employe of the city to perform the duties of the city manager during a temporary vacancy in the office

Section 113 Salary of Manager Council shall fix the salary of the city manager

Section 114 Removal of Manager The city manager shall be appointed for an indefinite term and shall be removable at the pleasure of council by ordinance If council removes the city manager it shall enter upon its journal a statement of the reason for such removal and if the city manager within two weeks after his removal shall submit a statement in reply to the statement of council his statement also shall be entered upon the journal The action of council in removing the city manager shall be final it being the intent of this Act to vest all authority for such removal in council

Section 115 Powers and Duties of Managers (a) Except as otherwise provided by law the city manager without the approval of council shall appoint and may remove at pleasure all department heads and subject to the provisions of law as to civil service shall have the power to appoint and remove all officers and employes in the departments which are under a head appointed by him

(b) It shall be the duty of the city manager to act as chief conservator of the peace within the city to supervise the administration of the affairs of the city to see that the ordinances of the city and the laws of the Commonwealth are enforced to make such recommendations to council concerning the affairs of the city as may seem to him desirable to keep council advised of the financial condition and future needs of the city to prepare annually the current and capital budgets to prepare and submit to council an annual report which shall be published to submit such other reports as may be required and to perform other duties provided by statute or ordinance

Section 116 No Interference by Council Neither council nor any of its committees or members shall direct or request the appointment to or removal from office of any person by the city manager or by any of his subordinates or in any manner except as otherwise provided in this Act take part in the appointment discipline or removal of officers and employes of the city No members of council shall participate as counsel for any officer or employe of the city in any hearing or investigation having to do with the discipline or dismissal of such officer or employe and no member of council shall intercede for such officer or employe except in hearings before council Except for the purpose of inquiry council and its members shall deal with that portion of the service of the city for which the city manager is responsible solely through the city manager and neither council nor any member thereof shall give orders to any subordinate of the city manager either publicly or privately

Article II Nomination and Election of Council

Section 201 Nomination by Petition Any qualified elector duly registered in the city may be placed in nomination for council but only by nominating petition papers signed by not less that 1,000 qualified electors duly registered in the city

Section 202 Form of Petition Nominating petition papers shall be substantially in the following form We the undersigned hereby present ..... whose residence is ..... Pennsylvania as a candidate for the council of .... to be voted for at the election to be held on the ..... day of November 19..... and we individually certify that we are qualified electors duly registered in the said city and that we have not signed a petition nominating any other person for the council to be voted for at such election

Name	Street and Number	Date
.....	.....	.....
.....	.....	.....
.....	.....	.....

Commonwealth of Pennsylvania } ss
County of

..... being duly sworn deposes and says that his residence is ..... Pennsylvania that he is the circulator of this petition sheet containing ..... signatures which were written in his presence on the dates indicated and are the genuine signatures of the persons they purport to be that to the best of his knowledge and belief the signers are qualified electors duly registered in the city each residing at the street and number indicated and that ..... who is presented for nomination is a qualified elector duly registered in the city

.....

Subscribed and sworn to before me
this ..... day of ..... 19 .....

.....
Notary Public

Section 203 Execution of Petition Petition papers in the form designated herein shall be filed in and executed in ink or indelible pencil More than one petition sheet may be used for a candidate No elector shall sign more than one petition If an elector signs more than one petition his signature shall be void except on the nominating petition containing it which is first filed

Section 204 Time of Signing A signature written earlier than 100 days before the election shall not be counted

Section 205 Filing All separate sheets comprising a nominating petition shall be assembled as one instrument and after the payment of a filing fee of $250.00 if the petition has more than 2,000 names or $1,000.00 if the petition has from 1,000 to 2,000 names shall be filed with the election authorities of the city at least 60 days before the date for holding the election of council

Section 206 Completion of Nomination Within ten days after the filing of a nominating petition the election authorities shall notify the person named therein as a candidate whether the petition is found to satisfy all the prescribed conditions If the person is informed that the peti-

tion does not satisfy all the prescribed conditions he shall have five days from the date of the receipt of the notice to comply with the prescribed conditions If he is informed that the petition does satisfy all the prescribed conditions or if he complies with the prescribed conditions within five days as provided herein he shall have ten days after the last day for filing nomination petitions to file with the election authorities a written acceptance of the nomination the names of only those persons who file such acceptances shall be printed on the ballots as condidates for council

Section 207 Return of Filing Fee If the candidate does not complete the nomination or if he receives as many as 10,000 votes at any stage during the election count the filing fee shall be returned but otherwise the filing fee shall be retained by the city

Section 208 Ballots The ballots and ballot boxes to be used in electing council shall be separate and distinct from those used for any other office or question The ballots for the election of council shall differ from other ballots in the following respects

(a) Series of Ballots by Rotation of Names The ballots shall be printed in as many different series as there are condidates for council Each series of ballots shall be given a series number Series number 1 shall list the names of the candidates in alphabetical order series number 2 shall list the names in the same order except that the first name shall appear last and so on with the remaining series

(b) No Party Designations The ballots shall contain no emblem mark or designation of any party

(c) Space for Other Candidates There shall be at least nine blank spaces for writing names below the printed names of the candidates and such spaces shall be preceded by voting squares as in the case of printed names Below such spaces there shall be conspicuously printed "Spaces Above May Be Used for Voting for Additional Candidates"

(d) Instructions to Voters The following instructions to voters shall be printed on each ballot

INSTRUCTIONS

Make your choices with NUMBERS only Do NOT use X marks

Put the number 1 in the square opposite the name of your first choice

Put the number 2 opposite your second choice and the number 3 opposite your third choice and so on You may mark as many choices as you please

Do not put the same number opposite more than one name

If you tear or deface or wrongly mark this ballot return it and obtain another

Section 209 Distribution of Ballots in Tablet Form The ballots shall be prepared in tablet form so that each tablet will contain an equal number of ballots from each series arranged in such combinations that two ballots of the same series will not be next to each other The tablets of ballots prepared in the manner herein designated shall be distributed to the election districts

Section 210 Central Collection As soon as the polls have closed the election officers at each polling place shall without opening it seal the ballot box used for ballots for council and send it at once as directed by the election authorities together with a record of the number of ballots for council which have been voted in the polling place to a central counting place designated by the election authorities

Section 211 Counting Personnel The election authorities shall appoint pursuant to civil service requirements a counting director as the head of the personnel for the counting of ballots for council The counting director shall appoint pursuant to civil service requirements a sufficient staff of assistants

Section 212 Checking Ballots in Boxes At the central counting place the ballots found in each ballot box shall be marked so as to identify them thereafter as from that box and shall be numbered The total number shall be recorded and compared with the record sent from the corresponding polling place The result of this comparison shall be made available to the public with notations setting forth corrections changes and discrepancies All ballots found in the ballot box which bear no evidence of being improperly cast shall be accepted

Section 213 Arrangement of Ballots The ballots shall be arranged in packages in the following order of election districts the first district of the first ward the first district of the second ward the first district of the third ward and so on through all the wards then the second districts in the numerical order of the wards the third districts in the same order and so on through all the districts

Section 214 Sorting of Ballots The ballots of each election district shall then be sorted according to (1) the first choices marked on them (2) the invalid ballots and (3) the blank ballots

Section 215 Rules for Validity If a ballot does not clearly indicate which candidate the voter prefers to all others or if it is so marked not in accordance with the instructions to voters printed on it or with the specific provisions for valid ballots in this section as to be readily capable of identification it shall not be counted and shall be invalid Every other ballot shall be storted according to the apparent intent of the voter so far as that can be clearly ascertained whether or not marked according to the instructions printed on it or the specific provisions for valid ballots in this section Any cross mark shall be disregarded except that if there is a single cross marked on a ballot on which no number 1 appears the cross mark shall be considered equivalent to the number 1 If the number 1 is omitted or if the consecutive numerical order of the numbers on a ballot is broken by the omission of one or more numbers the smallest number marked shall be taken to indicate the first choice the next smallest the second choice and so on without regard to the number or numbers omitted

Section 216 Numbering and Counting Ballots After the sorting of ballots the count of valid ballots shall begin An election district shall be drawn by lot The ballots which each candidate receives in that election district shall be numbered consecutively and this shall proceed with the ballots of the other election districts in the order in which they have been arranged and sorted The numbering of the ballots of each candidate shall then proceed with the ballots of the remaining election districts in their regular numerical order The invalid and blank ballots shall be similarly numbered

Section 217 Limited Votes Each candidate shall be credited with every valid ballot counted to him as first choice or which may subsequently be counted to him as hereinafter provided no ballot shall be credited to more than one candidate at the same time

Section 218 Quota The quota of votes sufficient to elect a councilman shall be one-tenth of the whole number of valid ballots disregarding fractions plus one

Section 219 Election of Candidates Receiving the Quota Transfer of Extra Ballots Those candidates who have a quota or more shall be declared elected The candidate with the largest number of ballots on which he is designated as first choice shall be declared elected first If two or more candidates have ballots in excess of the quota the excesses shall be transferred in the order of their sizes The ballots taken for transfer shall be those with numbers higher than the quota except as hereinafter provided Such ballots shall be sorted and counted each to the highest choice on it not yet elected If a ballot shows only choices for candidates already elected it shall be temporarily set aside until all the extra ballot of the elected candidates have been transferred Such ballots shall then be substituted for an equal number of ballots taken from the highest numbered ballots in the quota pile of that candidate which show a choice for an unelected candidate Whenever a candidate receives enough transferred ballots to complete his quota he shall be declared elected and no more ballots shall be transferred to him

Section 220 Minimum Vote Requirement After the completion of the transfers of extra ballots every candidate credited with fewer than 1,000 ballots shall be declared defeated

Section 221 Transfer of Ballots of Defeated Candidates The ballots which were credited to candidates who are declared defeated shall be transferred each to the candi-

date indicated on it as next choice among the continuing candidates A "continuing candidate" is a candidate not yet elected or defeated Any ballot of a defeated candidate taken for transfer which does not clearly indicate any continuing candidate as next choice shall be set aside as exhausted If a ballot has the same choice for two or more candidates the duplicated choices shall be disregarded except as to continuing candidates If two or more of the candidates marked with the duplicated choice are continuing and all previous choices have been elected or defeated the ballot shall be set aside as exhausted

Section 222 Defeat of Other Candidates After the transfer of the ballots as provided above the candidate with the least amount of votes shall be declared defeated and each ballot credited to him shall be transferred to the continuing candidate indicated thereon as next choice After this transfer the candidate then lowest shall be declared defeated and each ballot shall be transferred to the continuing candidate indicated thereon as next choice and so on

Section 223 Ties In deciding any tie a candidate shall be treated as having more votes than another if he was credited with more votes at the end of the last preceding transfer or crediting of ballots at which the numbers of their votes were different Any tie not thus decided shall be decided by lot

Section 224 Completion of Count The count shall proceed with the transfer of ballots until nine candidates have been declared elected or until the number of the continuing candidates is equal to the number of councilmen still to be elected In either event there shall be completed the transfer of the ballots of the last candidate defeated when the successful candidates are all determined

Section 225 Recount Every ballot which is transferred from one candidate to another shall be so stamped or marked as to indicate the candidate or candidates to whom it has been credited If in correcting an error or in recounting ballots for any other purpose any ballots are resorted or retransferred every ballot shall be made to take the same course which it took in the original count unless the correction of an error requires its taking a different course

Section 226 Witnessing the Count The following shall be entitled to witness the count

(a) Candidates and Representatives Each candidate may personally witness the count and may appoint three representatives with authority to move anywhere within the central counting place but not more than one of the three persons authorized to represent each candidate shall have the right to be within the central counting place at the same time The appointment of representatives shall be made by written communication to the election authorities at least five days before the election

(b) Election Authorities The election authorities may witness the count and examine all proceedings They may decide any dispute arising in the count of the ballots

(c) News Representatives and Public So far as may be consistent with good order and convenience news representatives and the public shall be afforded every facility for being present and witnessing the count

Section 227 Examination of Ballots after Election The ballots cast at each election shall be preserved by the election authorities so as to keep separate (1) the ballots of each elected candidate (2) the exhausted ballots (3) the invalid ballots and (4) the blank ballots until the term of the council elected thereat has expired The ballots shall be available for inspection under the close supervision of the election authorities on written application signed by 100 or more voters and the payment of $25.00 for each day on which such inspection is held

Section 228 Publication of Information Before December fifteenth following each election of council the election authorities shall make public the number of (1) first-choice votes for each candidate (2) invalid ballots (3) blank ballots and (4) such other information about the ballots as the election authorities may deem of interest or council may require

Section 229 Vacancies in Council If a vacancy occurs in council the election authorities of the city shall recount all the ballots of the person whose office is vacant together with the ineffective ballots The recount shall be conducted as provided for the count in an election of members of council and all candidates who remain eligible shall be candidates to fill the vacancy except candidates previously elected The quota shall be the same number as at the original election for the term in which the vacancy occurs and as many persons shall be elected as there are vacancies to be filled If there is no eligible candidate to fill a vacancy it shall be filled by a majority vote of the remaining councilmen in office

Article III Departments

Section 301 List of Departments There shall be the following departments

1 Department of Recreation and Parks
2 Department of Public Health and Welfare
3 Department of Public Safety
4 Department of Public Works
5 Department of Property and Supplies
6 Department of Law
7 Department of Civil Service
8 Department of City Planning
9 Department of Finance
10 Department of City Controller
11 Department of City Treasurer

Section 302 Council Control Over Departments Council shall have the power to organize and reorganize any of the departments of the city government except that of the city controller and to provide for the proper and effective conduct of the affairs of the city by the city manager and by its departments and agencies

Section 303 Department Rules and Regulations Each department shall have power to prescribe rules and regulations not inconsistent with any statute or ordinance for its own government as to the conduct of its officers and employes the distribution and performance of its business and the custody use and preservation of the books records papers and other property under its control Such rules and regulations shall not affect the power of any board or commission which has the power to make its own rules and regulations

Section 304 Department Heads The head of each department shall be called its director except as otherwise provided by law He shall exercise the powers and perform the duties by law vested in and imposed upon the department except as otherwise provided herein Council shall fix the salaries to be paid department heads unless otherwise provided by the law and all such salaries so fixed shall be the same No department head shall hold any other office or employment for profit whether it be public or private

Section 305 Powers of Departments Vested in City The powers and duties vested and imposed by this or any other law on any department bureau office agency or head thereof shall be taken as vested in the city to be exercised and performed as herein provided unless otherwise provided by law

Section 306 Other Officers and Employes Except as otherwise provided in this Act the city manager shall appoint the assistant director of each department and the first assistant city solicitor In the absence or incapacity of the department head to act or if there is a vacancy in the office of the department head the assistant of that department shall possess all the powers and perform all the duties of the head of that department until the head returns or his incapacity is removed or until a new head assumes office as the case may be The head of the department shall have charge of the appointment of such officers and employes as the city manager may delegate to him

Section 307 Bond Except as otherwise provided by the law each department head shall give bond with surety in the usual form in such sum as may be fixed by council to be approved as now provided by law

Section 308 Warrants The head of each department shall have power to sign warrants and to appoint in writing one or more deputies to sign warrants for whose acts

he and his sureties shall be responsible Every written order appointing a deputy to sign warrants under the provisions of this Section shall be filed in the office of the city controller

Section 309 Annual Report Each department head shall submit annally a report of his department to the city manager

Article IV Department of Recreation and Parks

Section 401 Director There shall be a department of recreation and parks of which the director of recreation and parks shall be the head He shall be appointed by the city manager

Section 402 Powers of Department The department of recreation and parks shall (a) administer and supervise without limitation all public recreation activities for the city of Pittsburgh including any of those activities heretofore conducted in and by the bureau of parks and bureau of recreation (b) have the power to be exercised through the director and any employees he may designate to act together with school district representatives as a joint committe for the administration of those recreation activities for which school district property and facilities are used and the expenses of such a joint committee may be paid by the city by the school district or by both subject however to an appropriation or appropriations duly made (c) have the care management administration and supervision of all recreation and park facilities and property including without limitation all parks parkways municipal square objects of art objects of natural history music facilities playgrounds athletic fields swimming pools bath houses bathing and shower facilities recreation centers recreation piers municipal recreation camps and stadia either within or without the limits of the city so long as they are owned used or controlled by the city (d) have the exclusive custody and control of and power to plant set out remove maintain protect and care for shade trees on any of the public ways of the city (e) Subject to the provisions of Article XI prepare or contract for the preparation of site plans landscape plans and architectural plans for all land uses buildings and recreation facilities enumerated in this section and shall recommend to the city manager the method of executing the work comprehended in such plans and the department shall approve the time method and character of any physical repairs or changes of land buildings or facilities under its jurisdiction and (f) subject to the provisions of Article X specify the qualifications of and approve the selection of all employees engaged in recreatoin activities or in caring for and maintaining this departments properties and facilities including custodians janitors guards and maintenance workers (g) cooperate with and assist the department of city planning in any necessary amplification or modification of the master plans which show the distribution location and character of existing and proposed recreation sites and facilities and submit to the department of city planning an annual report thereon together with recommendations for a capital budget

Article V Department of Public Health and Welfare

Section 501 Director There shall be a department of public health and welfare of which the director of public health and welfare shall be the head He shall be appointed by the city manager He shall be a doctor of medicine licensed in one of the states or by the Federal Government and must have completed at least one year of graduate study of public health and shall have been at least five years a director or assistant director of public health in a government entity of a population of 50,000 or more

Section 502 Powers of Department The department of public health and welfare shall have the care management administration and supervision of city activities relating to public health and welfare including without limitation (a) the activities relating to contagious diseases (b) the care management administration and supervision of hospitals the control or government of which is entrusted to the city and (c) health education (d) promotion of maternal and child health (e) the compilation of such records as may be necessary for the promotion of public health (f) the approval and disapproval of bills of the commonwealth to the city for residents in state institutions for the insane and feeble-minded (g) the regulation and inspection of housing sanitation water plumbing and drainage facilities (h) the testing of water milk meat and other foods The department shall test the water supply at least once each month and shall make a report thereon to the city manager Reports of all such tests shall be open to the public

Section 503 Care and Inspection of City Employes The department shall have responsibility for such care and inspection of the health of city officers and employes as may be provided by law

Section 504 There may be created in the Department of Public Health and Welfare a bureau to be known as the Bureau of Social Welfare and it shall have the care management administration and supervision of city activities relating to social welfare including without limitation (a) all charitable indigent and poor assistance activities institutions and agencies which are under the control of the city and are not administered by any other department (b) the supervision and placement of dependent neglected incorrible and delinquent children not in institutions for delinquents whose support is paid for out of the city Treasury (c) the performance of the functions of the city as to supervision and licensing of social agencies and institutions

Article VI Department of Public Safety

Section 601 Director There shall be a department of public safety of which the director of public safety shall be the head He shall be appointed by the city manager The city manager shall have the power to appoint a fire marshal and assistants who shall continue to have the powers and duties now or hereafter vested in them by law

Section 602 Powers of Department The department of public safety shall have the care management administration and supervision of the police affairs of the city including without limitation all matters relating to (a) the fire and police forces (b) the installation repair and maintenance of fire alarm police communication and traffic light systems (c) the erection care and maintenance of traffic signs and the marking and maintenance of traffic lines (d) the inspection of weights and measures (e) the enforcement of laws regulating the weight of loaded vehicles on the highways and (f) the inspection of and issuance of permits for the construction of buildings fire escapes enginess and boilers

Section 603 Qualifiactions of Policemen and Firemn No person shall be employed in the department of public safety as a policeman or fireman who is not a citizen of the United States or has been convicted of crime unless pardoned or cannot read or write understandingly in the English language or shall not have resided within the Commonwealth at least one year preceding his appointment

Section 604 Police Matrons A female officer shall be provided for each police station house to which female prisoners and children are taken She shall be known as a police matron and it shall be her duty to receive search take charge of and properly care for all female prisoners and children who are brought to such station house

Section 605 Uniforms Penalty for False Personation The department of public safety shall make suitable regulations under which the officers and members of the fire and police forces shall be required to wear appropriate uniforms It shall be a misdemeanor punishable by fine not exceeding five hundred dollars or imprisonment not exceeding six months or both in the discretion of the court for any person falsely to personate by uniform insignia badge or otherwise any officer or member of the department

Section 606 Addition Patrolmen for Special Places The director of public safety may appoint and cause to be sworn in any watchman or any number of additional patrolmen to do duty at any public athletic or social gathering at the expense of the persons who ask for such appointment They shall be subject to and obey the orders rules and regulations of the department and conform to the general discipline and special regulations thereof

Article VII Department of Public Works

Section 701 Director There shall be a department of public works of which the director of public works shall be the head He shall be appointed by the city manager

Section 702 Powers of Department The department of public works shall administer and supervise subject to provisions of Articles IV and XI (a) the design and construction of bridges the grading and paving of all streets alleys highways and footways of the city and the care repairing maintenance and cleaning thereof (b) the collection and disposal of refuse (c) surveys (d) the care and control of dredging and ice breaking (e) the design construction maintenance and operation of drainage sewerage and sewage disposal facilities (f) all matters and things relating to or affecting the streets alleys highways and footways of the city and with limitations of the parks and other recreation areas (g) Shall have the care management administration and supervision of all waterworks including the reading of meters gas works river facilities and operations transit and airport facilities and other public utilities owned controlled or operated by the city The department shall determine the character and type and shall control the design and supervision of the construction of all utilities and of all additions replacements betterments and extensions to utilities which are to be paid for in whole or in part out of the city treasury or out of the revenues or other funds of utilities owned controlled or operated by the city It shall have the power to enter into contracts subject only to the approval of council to supply utility service to persons firms corporations or municipalities outside the city limits

Section 703 Accounts and Reports Accounts shall be kept for each public utility owned controlled or operated by the city distinct from other city accounts and in such manner as to show all the operations and financial results of such city ownership control or operation including all assets liabilities reserves funds revenues and expenses Such accounts and other records shall be kept in the manner provided by law The director in his annual report to the city manager shall show in reasonable detail the information specified in this section and such other information as council or the city manager shall direct

Section 704 Utility Surveys The director shall in cooperaton with the planning board from time to time make or cause to be made such studies and surveys as to him seem proper for the improvement and development of the utilities which are in whole or in part owned controlled or operated by the city or for the purpose of determinating the need or desirability for city acquistion or construction of other utilities

Section 705 Board of Surveyors There shall be a board of surveyors which (a) shall have charge control and direction of all basic geodetic topographic street and boundary line surveys throughout the city and shall carry forward the same without deviation from the specifications and standards hitherto maintained for any such surveys by the department of city planning (b) shall conduct all other types of city survey of engineering character (c) shall be so organized and so operated as to furnish to all departments of the city promptly when needed such survey services and the data and maps thereof as they may require (d) may arrange with the department of finance for the sale to the public through private commercial stationers of the printed sheets of the topographic-geodetic survey

Article VIII Department of Property and Supplies

Section 801 Director There shall be a department of property and supplies of which the director of property and supplies shall be the head He shall be appointed by the city manager

Section 802 Powers of Department Except as otherwise provided in this act and particularly subject to the provisions of Articles IV and XI the department of property and supplies (a) shall formulate in cooperation with any other department a statement of the general functional requirements of any building or structure and its intended uses and purposes as contemplated by said department and jointly with such department shall recommend to the city manager the selection of an architect to prepare the general architectural designs and plans of the proposed structure (b) may if so directed by the city manager perform all duties not expressly prohibited by law to carry the structure to completion in conformity with the general architectural designs and plan (c) shall have charge of the alteration and repair of all city buildings and structures in conformity with the functional requirements stipulated by the department having jurisdiction over such building or structure (d) the care management operation and cleaning of all public buildings including commercial museums exhibition and convention halls markets and all offices leased or occupied for public use which are to be paid for out of the city treasury and (e) the operation of a central municipal telephone mail and messenger service (f) prepare for all purchases of tangible personal property to be paid for out of the city treasury plans and specifications to be submitted to the city controller for his approval to insure competitive bids so far as possible before the solicitation of bids (g) make all such purchase (h) Certify to the city controller that such purchases conform to the plans and specifications as to quality and quantity and substantially as to time of delivery and (i) manage all warehouses used for receiving and storing such purchases

Any department office or agency which requires any tangible personal property shall not have the power to make any such purchases but shall requisition the department of property and supplies and shall be charged therefor the department of property and supplies shall be guided by the budget document in making purchases in anticipation of the needs of all departments agencies and offices Council may establish by appropriation a revolving fund not in excess of $25,000.00 to be used by the department of property and supplies in anticipation of the need of supplies

Article IX Department of Law

Section 901 City Solicitor There shall be a department of law of which the city solicitor shall be the head He shall be appointed by the city manager The city solicitor assistant solicitors and all other employes engaged in the practice of law shall be attorney-at-law admitted and qualified to practice in the Supreme Court of this Commonwealth

Section 902 Powers and Duties The city solicitor shall (a) be the counsel for the city for all branches of the city government including counsel and except as provided herein for all departments and officers of the city and for all public agencies the expenses of which are paid out of the city treasury and the authorization in writing of the city manager shall be a sufficient warrant of attorney for representing the city its departments and officers (b) prepare or approve all contracts to be made with the city or any of its departments or with any public agency the expenses of which are paid out of the city treasury and indorse on each his approval of the form thereof before the same shall be executed on behalf of the city and be the custodian of all such papers and records as may be designated and perform such other duties appertaining to his department as may be required by statute or ordinance and (c) prepare or approve all contracts bonds and other instruments of writing in which the city or any public agency the expenses of which are paid out of the city treasury is concerned and receive for the city a reasonable fee from the persons for whom such contracts bonds or instruments may be drawn to be fixed by ordinance and shall approve all security required to be given for the protection of the city and keep a proper registry of all such contracts bonds and instruments (d) The city solicitor shall have no authority to settle or compromise any claim action or suit by or against the city He may recommend in writing a settlement or compromise to city council setting forth the nature of the claim action or suit the facts upon which it is based and his reasons for recommending the settlement City Council acting upon the recommendation of the city solicitor may by resolution or ordinance settle or compromise such claim action or suit on behalf of the city

Section 903 City Solicitor to Serve All Departments No department or other branch of city government or public agency whose expenditures are paid out of the city treasury other than the civil service commission and the

city controller shall employ counsel other than the city solicitor but assistant counsel selected by the city solicitor may be employed in any particular matter or cause by the city manager with the consent of council

Article X Department of Civil Service

Section 1001 Director There shall be a department of civil service of which the personnel director shall be the administrative head He shall be selected in the manner hereinafter provided

Section 1002 Civil Service Commission A civil service commission shall be attached to the department of civil service The commission shall be composed of three persons known to be in sympathy with the application of the merit system and of other features of modern personnel practices in the public service The commissioners shall be elected by each newly elected council at its first meeting for a term of four years

Section 1003 Election of Commissioners A person eligible for commissioner shall be elected by the affirmative vote of not less than three councilmen provided however that no councilman may participate in the election of more than one of the three commissioners

Section 1004 Vacancies A vacancy in the membership of the commission shall be filled by the affirmative vote of a majority of those councilmen who did not vote for the commissioners remaining in office

Section 1005 Eligibility and Salaries of Commissioners No person who holds any public office or who within one year preceding his election has been an officer of a political party or a member of a committee of a political party shall be eligible to serve as a commissioner The commissioners shall elect from their own number a chairman to serve for two years and he shall receive an annual compensation of $2,500 Each of the other commissioners shall receive an annual compensation of $2,000

Section 1006 Removal of Commissioners Council may by the affirmative vote of two-thirds of its members holding office remove any commissioner for inefficiency neglect of duty or misconduct in office A commissioner shall not be removed until he has been given a statement in writing of the charges against him and has been afforded after notice of not less than ten days an opportunity of filing a reply and of being publicly heard by council in person or by attorney Copies of the charges of his reply and of the findings of council shall be filed with the secretary of the commission and they shall be matters of public record

Section 1007 Meetings The commission shall hold regular meetings as fixed by rule

Section 1008 Powers and Duties of Commission (a) The commission shall

1 after public hearing adopt or change rules for the administration and enforcement of this Article which rules shall have the force and effect of law one week after their adoption

2 after public hearing approve with or without modification such classification plans as may be recommended by the director

3 make investigations requested by the city manager or council or may make investigations requested by any employe or by a citizen or of its own motion concerning the enforcement and effect of this Article

4 transmit to council and to the city manager the report of the director with comments criticisms or suggestions for the more effectual accomplishment of the purposes of this Article and

5 keep complete and permanent records open to public inspection of all actions taken at its meetings and hearings

(b) Each member of the commission the director and any other employe or agent authorized by the commission shall have the power to administer oaths in matters pertaining to the work of the department The Commission shall have power to secure by subpoena the attendance of witnesses and the production of documents and other evidence Any judge of a court of record may upon application by the commission compel the attendance of witnesses the production of documents and other evidence and the giving of testimony before the commission by attachment for contempt or otherwise in the same manner as the production of evidence may be compelled before such court

(c) The commission shall have the power to make arragements and agreements with other public personnel agencies for the use and exchange of services

Section 1009 Public Hearing The term "public hearing" when used in this Article shall be construed to mean an opportunity given after notice of at least five days for any citizen or party in interest to be heard in public at reasonable length

Section 1010 Personnel Director A special board of examiners designated by the commission shall hold competitive tests and establish an employment list for the office of personnel director in accordance with the testing procedure and principles prescribed in this Article The commission shall certify to the city manager the names of the persons having the three highest grades on the list from the names so certified the city manager shall appoint the director Any person appointed as director shall at the time of his appointment be familiar with and known to be in sympathy with the application of the merit system in the public service

Section 1011 Powers and Duties of Director The director shall

(a) attend all meetings of the commission act as its secretary and record its official actions

(b) prepare and recommend to the commission rules and amendments thereto and administer the rules adopted by the commission

(c) Appoint under the provisions of this Article an assistant director and all other employes of the department

(d) establish and maintain in card or other suitable form a roster of officers and employes of the city showing for each the title of his position the rate of compensation and every change in his status including increases and decreases in pay changes in title transfers sick and annual leaves with or without pay and other facts which the director may consider pertinent

(e) prepare a classification plan as provided in this Article

(f) prepare a compensation plan as provided in this Article

(g) pass upon the qualifications of applicants for appointment to or for promotion in the classified service establish and maintain employment and reemployment lists of the various classes of positions devise install and administer service rating systems arrange for and pass upon transfers administer rules of the commission as to annual sick and special leaves of absence reinstatments and attendance and see that layoffs demotions suspensions removals resignations retirements and other separations are made in accordance with this Article

(h) check and certify payrolls as provided in this Article

(i) make on or before March first of each year an annual report to the commission concerning the administrative work of the department and

(j) investigate from time to time the effects of the administration of this Article and the rules made thereunder and report his findings to the commission

Section 1012 Legal Counsel The city solicitor shall be the counsel for the commission The commission may however whenever it deems it necessary appoint special counsel in a particular matter The total compensation to be paid for all such special counsel during any fiscal year shall not exceed $2,500

Section 1013 Division of Service The civil service of the city is hereby divided into the unclassified and classified service

(a) The unclassified service shall comprise

1 the city manager and all officers elected by the people

2 the director of each department except the personnel director

3 members of boards commissions and committees

4 the city solicitor and the first assistant city solicitor

5 the first deputy controller and the assistant treasurer

6 any one employed by contract to perform a special service for the city if the civil service commission certifies that the service cannot be performed satisfactorily by persons in the classified service

7 Any one appointed in the time of public emergency

as a special policeman or fireman for service not to exceed thirty days

8 Any one appointed to make a special inquiry if the civil service commission certifies that the inquiry should not be made by any one in the classified service

9 one clerk or secretary to the mayor one to the city manager and

10 the clerk of council

(b) The classified service shall include all positions now existing or hereafter created in the service of the city not specifically included in the unclassified service The classified service shall be divided into the labor division and the competitive division The labor division shall comprise all positions the work of which can be satisfactorily performed by unskilled laborers The competitive division shall include all positions in the classified service other than those in the labor division

Section 1014 Classification Plan The director shall after consulting the appointing authorities ascertain and record the duties of positions in the classified service and establish classes giving a complete description of each class He shall submit the plan to the commission within twelve months after his appointment Each class in the plan shall include all positions which are sufficiently similar in respect to the duties and responsibilities thereof so that the same descriptive title may be used for each of such positions the same requirements as to education experience knowledge and ability are demanded of incumbents for the proper performance of their duties the same tests of fitness may be used in choosing qualified appointees and the same schedule of compensation may be made to apply with equity under like working conditions to all positions in the class

Section 1015 Adoption of Plan After reasonable opportunity to be heard has been given to employes appointing authorities and the general public and after approval by the city manager the commission after incorporating any changes it deems advantageous shall adopt the classification plan within three months after its receipt from the director Thereafter the class title so established shall be used in all personnel accounting budget appropriation and financial records relating to payments for services

Section 1016 Amendments to Plan Additional classes may be established and existing classes may be changed or abolished upon recommendation of the director and approval of the commission after public hearing Except as otherwise provided by this Article no person shall be appointed to or employed in any position until it has been properly classified as herein provided and an appropriate employment list has been established therefor.

Section 1017 Allocation of Positions After adoption of the classification plan the director shall allocate every position in the classified service to one of the classes established by the plan Thereafter as new positions are created or additional classes are established or existing classes changed the director shall make such allocations or re-allocations of positions as are necessitated thereby provided however that where an amendment to the classification plan requires the reallocation of an existing position the employe holding such position shall have reasonable right to be heard before final action is taken

Section 1018 Compensation Plan The director shall as soon as practicable after the adoption of the classification plan submit to the city manager a proposed plan of compensation showing for each class of position in the classified service minimum and maximum salary rates and such intermediate rates as he deems desirable After a reasonable opportunity to be heard has been given to employes appointing authorities and the general public and after incorporating changes he considers desirable the city manager shall transmit the compensation plan to council Council shall adopt the plan with or without modification within three months after receiving it and may at any time change the compensation plan but only in accordance with the classification plan The city manager upon the recommendation of the director or upon his own motion may transmit to council proposed changes in compensation plans and the reasons therefor

Section 1019 Rates of Pay After the adoption of a compensation plan or changes in the schedule of compensation for any class the future appropriations shall be in accordance therewith The rate of pay for any employe upon appointment to a position in the class shall be the minimum rate prescribed for that class provided however that where the appointee is already in the classified service his compensation after appointment shall be at the same rate as that which he received before appointment or if no such rate appears in the schedule for that class then his compensation shall be at the next higher rate in the schedule Increases in rates of pay shall be to the next higher rate for that class and shall be granted by the appointing authority pursuant to rules of the commission except that the rate of pay of any employe shall not be increased unless council has appropriated funds from which the increases may lawfully be paid nor shall the rate for any employe be increased beyond the maximum of the class

Section 1020 Selection of Employes Except as otherwise provided in this Article appointment of persons to the classified service or promotions therein shall be from employment lists established as the result of examinations which are competitive free and open to all persons subject however to such limitations as may be specified by the director as to age sex citizenship residence health habits and moral character and subject to the prerequisite qualifications included in the classification plan The director may upon recommendation of the city manager limit competition in promotion examinations to employes in the classified service who have served in a designated class or classes

Section 1021 Reemployment Lists For each class where such action is appropriate the director shall cause to be maintained a reemployment list consisting of the names of persons who have occupied positions in the class and have been separated from the service without fault on their own part taken leave absence and are ready to return to duty when a position is open resigned in good standing and with the consent of the appointing authority and of the director have withdrawn their resignations been removed and by direction of the commission have been given an opportunity for reemployment in some unit other than that from which they have been dismissed The names shall be arranged for each class in the order of the average service rating of the employes for the last six months of service in the class In the absence of service ratings the order shall be as provided by the rules of the commission After a name has remained on a reemployment list for one year it shall be removed from the list unless retained by action of the commission before the expiration of the one-year period

Section 1022 Employment Lists The director shall have charge of preparing and giving examinations to establish employment lists whenever he deems such employment lists necessary An examination may consist of a written or oral test a demonstration of skill or of any combination of these and shall be of such character as fairly to test and determine the qualifications fitness and ability of competitors to perform the duties of the class of positions to which they seek appointment In such examinations credit may be given for experience and education No question in any examination shall relate to the race religion politics or labor opinion or affiliation of the candidate The director may call on other persons to draw up conduct or mark examinations and when such persons are officers or employes of the city it shall be deemed a part of their official duty to render such assistance without extra compensation

Section 1023 Notice of Examinations The director shall give public notice of all examinations at least two weeks in advance The notice shall be posted on a bulletin board in or near the principal office of the director and in a place accessible to the public during business hours The examinations shall be given such other publicity as the director may determine Notices of examinations shall contain such information as may be provided by the rules of the commission

Section 1024 Marking of examinations The final rating of each candidate in any examination shall be determined by weighted averages according to the weight of each test as published by the director in the notice of the examination Honorably discharged soldiers sailors and marines

who have served as such in the Army Navy or Marine Corps of the United States or in the National Guard of the Commonwealth shall be given full credit for their experience gained in such service having due regard to the position for which the examination is held Each candidate shall be sent notice by mail of his final rating and of his relative standing or of his failure to attain a place upon the list and the reason therefor From the report of the examiners the director shall prepare an employment list containing the names of persons arranged in order of excellence who have been given at least such minimum rating as may be fixed in advance for the whole examination and for any one or more of the tests which make up the examination and who are otherwise qualified

Section 1025 Combination and Cancellation of Employment Lists Each employment list shall continue in force for a period to be fixed by the rules of the commission The period may vary for different classes of positions but may not be less than one year for any class Any period before its expiration may be extended by the commission upon recommendation of the director A new employment list for any class shall be combined with the existing list if any but such combination shall not prevent the automatice cancellation of any portion of such combined lists at the end of the period fixed by such rules unless held in force as above provided In no case however shall a person continue on an employment list for a period longer than two years The director shall examine any employment list or any part of an employment list which has been in effect for one year and shall take such steps as he may deem necessary to determine whether the persons on the list are still eligible and willing to accept appointment The director with the approval of the commission may at any time correct clerical errors in the preparation of any employment list and revise the list accordingly but no person who has been appointed as the result of certification shall be displaced by such action The commission shall have the power at any time after a public hearing to cancel the whole or any part of an employment list on account of illegality mistake or fraud

Section 1026 Tests for Labor Division Tests for positions in the labor division shall as far as practicable conform to the tests for the competitive division but the commission may by rule provide for the registration of ordinary unskilled laborers following such medical physical or other tests as may be prescribed The commission shall by rule determine the order in which the names shall be placed on the employment list and the number of names which may be certified

Section 1027 Appointment in the Classified Service (a) Whenever a vacancy in a permanent position in the competitive division of the classified service is to be filled the appointing authority shall notify the director in writing The director shall certify the names of the three persons willing to accept appointment who are highest on a list consisting of the reemployment list for that class followed by the employment list for that class If this does not give three names to the appointing authority and if the appointing authority is not willing to choose from less than three names the director shall promptly conduct an examination to form or add to an employment list (b) A position shall be deemed to be premanent when it is specifically provided for in the annual financial program or when it is established in a department or institution according to law and is likely to be needed continuously for a period of six months or more

Section 1028 Provisional Appointments If the director shall fail to certify in the manner herein provided for an existing vacancy within thirty days after receiving a request the appointing authority may if necessary to prevent the stoppage of public business but not otherwise appoint provisionally any qualified person with or without holding any test In all such cases the provisional appointee shall before beginning work fill out and forward to the director an application from Each such appointment shall be effective only until an appropriate list has been established Such an appointment shall not in any event continue for a total of more than sixty days Successive provisional appointments of the same or different persons shall not be made to the same position No credit shall be given to anyone in any examination for experience gained during a provisional appointment

Section 1029 Appointment or Rejection of Eligibles Unless it is found to be in the interest of the public service not to fill the vacant position the appointing authority shall within a reasonable time fixed by the rules of the commission make an appointment from the names certified by the director All appointments shall be reported to the director After a name has been rejected three times by an appointing authority in favor of others on the same employment list such name shall not again be certified to that appointing authority If an eligible shall refuse an appointment offered to him his name shall be removed from the reemployment or employment list if in the opinion of the director such refusal was based on improper or insufficeint reasons

Section 1030 Temporary Employes When because of the pressure of work a position in the classified service must be established for a period of less than six months the appointing authority shall request the director in writing to certify the name of a qualified person The appointing authority shall state the cause of the extra work the probable length of employment and unless the position has been classified the duties which the appointee is to perform The director may certify a qualified person with or without holding a competitive examination for period of employment not exceeding three months Such temporary appointments shall not be renewed more than once No credit shall be given in any examination for experience gained during a temporary appointment

Section 1031 Emergency Employes When an emergency arises such that in order to prevent loss of public property or avoid serious inconvenience to the public one or more persons must be immediately employed without taking the time to secure proper authorization any appointing authority or any subordinate authorized by him may appoint any qualified person during the emergency for a period not exceeding ten days Persons thus appointed shall be known as "emergency employes" Any employment condition of which the appointing authority had previous knowledge or of which by the exercise of due diligence he might have had previous knowledge shall not be considered an emergency Appointing authorities shall forthwith report to the director all emergency appointments Such appointments shall not be renewed nor shall credit be given in any examination for experience gained therefrom

Section 1032 Probationary Period No appointment to a position in the classified service from the employment list shall be deemed complete until after the expiration of a probationary period The probationary period for each class of position shall be prescribed in the rules of the commission and shall in no case be less than two months nor more than six months At the end of two months and any time thereafter until the expiration of the probationary period the appointing authority remove any probation employe from his position if in the opinion of the appointing authority the employe has shown that he is unable or unwilling to do his duties satisfactorily provided however that the appointing authority shall furnish the director a statement in writing of the cause of the dismissal In no case shall the total probationary period of successive appointees to any one position extend beyond six months from the date of the first appointment

Section 1033 In-Service Training The director shall make plans and cooperate with appointing authorities and other supervising officials in respect to the conduct of employe training programs to the end that the quality of service rendered by persons in the classified service may be continually improved

Section 1034 Service Ratings The director shall as soon as practicable after this Article takes effect establish standards of performance and a uniform system of service ratings for each class of position Such standards shall as far as practicable be based upon the quantity and quality of work done and upon the conduct of the employe at work Service ratings shall constitute grounds for increases and decreases in rates of compensation for demotions and

removals and for promotions Supervising officials shall submit to the director upon his request the ratings of their employes but in no case shall a supervising official be compelled to prepare or submit such ratings oftener than once in six months

Section 1035 Transfers of Employes An appointing authority may at any time transfer any classified employe under his jurisdiction from one position to another position in the same class In every such case the appointing authority shall give prior written notice of his action to the director A transfer of an employe from one class to another class for which a higher maximum rate of compensation is prescribed shall be a promotion and may be accomplished only as herein provided for promotions No person shall be transferred from a position in the unclassified service to a position in the classified service without examination as herein provided. The transfer of an employe to a position in another class for which a lower maximum rate of compensation is prescribed or any transfer which involves a reduction in compensation shall be a demotion and may be accomplished only as herein provided for demotions Such demotions may be made upon the recommendation of the appointing authority or upon the petition of the employe supported by such evidence as the director may require to show that the employe is not performing satisfactorily in the position he is holding but is able to perform the duties of the class to which it is recommended or petitioned that he be demoted

Section 1036 Leaves of Absence The commission shall by rules provide for annual sick and special leaves of absence to employes with or without pay or with reduced pay No employe shall be granted leave of absence except pursuant to such rules

Section 1037 Layoffs Where a reduction in force is necessary because of changes in organization or because of stoppage or lack of work the employes having the lowest service rating in the unit and in the class affected shall be laid off in the absence of service ratings the order of layoff shall be established by rules of the commission The appointing authority shall promptly report to the director the name and position of any employe laid off together with the effective date of the layoff The name of said employe shall then be placed upon the re-employment list for the appropriate class as herein provided

Section 1038 Suspensions An appointing authority may for good cause suspend a classified employe for disciplinary purposes without pay for not more than thirty working days in any twelve month period The commission shall state in its rules what shall constitute good cause for suspension but no one shall be suspended for racial religious or political reasons or for labor union affiliations Every case of suspension together with the reasons therefor shall forthwith be reported to the commission in writing and such report shall be made part of the public records of the commission

Section 1039 Dismissal During Probationary Period An employe dismissed during probation shall be considered permanently separated from such position but the director may if he considers such action appropriate place the name of the person on the employment list of the appropriate class for future certification to other appointing authorities

Section 1040 Resignations The rules of the commission shall state what shall constitute resignation Absence from duty without notice to the appointing authority for a period of three working days may be regarded by the appointing authority pursuant to rules of the commission as an abandonment of a position and in effect a resignation No person who has voluntarily resigned from the service shall be reinstated within six months from the effective date of his resignation No resignation of any person in the classified service shall be effective unless accepted within fifteen days after the actual date of the making thereof No person in advance of or at the time of his appointment to any position in the civil service shall sign or execute a resignation dated or undated No resignation shall be made or shall be valid unless it bears the signature of the person resigning and the date of the resignation in his handwriting Any person who leaves the classified service may request the commission in writing for a public hearing stating his reasons for such a request If on investigation the commission finds that the employe has been forced to resign against his will and without just cause or that his separation from the service has been involuntary and without just cause the commission shall grant such person at the earliest opportunity a public hearing as hereinafter provided in the case of removal or demotion and shall treat the separation as though it were a removal

Section 1041 Dismissals and Demotions

(a) No person in the classified service shall be dismissed reduced in pay or demoted in position except for just cause race or religion or political or labor affiliation shall not constitute just cause No person shall be dismissed reduced or demoted except as otherwise herein specifically provided until he shall have been furnished by the appointing authority with a written notice setting forth the reasons for such action and allowed at least ten days to file a written answer In every case a copy of such reasons and of the answer thereto if any shall be prompty furnished to the commission and shall be part of its public records

(b) Within thirty days after receiving such records the commission may on its own initiative and shall upon the request of the employe if filed within ten days after his dismissal reduction or demotion make such investigation as it may deem advisable either sitting as a body or through one or more of its members or through the director The investigation and any hearings on the charges shall be for the purpose of determining whether the employe involved by reason of his act or acts as charged and his record of service merits continuance in the service or whether he should be dismissed reduced or demoted or otherwise disciplined for the good of the service in all hearings the commission shall not be required to follow established rules of evidence or court procedure but shall seek all information and evidence bearing on the merits of the case All such hearings shall be open to the public and the employe involved shall have opportunity to be heard in his own defense personally or through counsel Within fifteen days after the completion of an investigation or hearing the commission shall make its findings and render its decision which shall forthwith be certified to the appointing authority and forthwith enforced by him Charges against any employe in the classified service asking for his removal for a violation of law or for a cause stated in the rules may be filed before the commission by any taxpayer Such charges shall be investigated determined and enforced in the manner provided in this Section unless the commission shall decide that the charges do not warrant investigation in which case the decision of the commission shall be made part of its public records

Section 1042 Certification of Payrolls No payroll check shall be issued or paid except upon warrant of the city controller The city controller shall issue no warrant for services except upon payrolls containing the names titles periods for which payments are to be made and rates of pay of the persons to be paid and bearing the certificate of the personnel director that the persons on the payroll have been appointed and employed according to law and bearing the certificate of the respective department that the persons on the payroll have been present and working or have been authorized leave with pay for the period specified Any sums paid contrary to the provisions of this Article and the rules thereunder may be recovered from the officer or employe who violates such provisions and rules or from their sureties Actions for such recovery may be maintained by a taxpayer of the city All monies recovered in an action brought under this section shall be paid into the city treasury except that the plaintiff shall be entitled to receive taxable costs of such action

Section 1043 Misdemeanors Any person who wilfully by himself or in collusion with one or more persons shall defeat deceive or obstruct any person in respect to his right of examination appointment or employment according to this Article or to any rules prescribed pursuant thereto or who shall wilfully or corruptly falsely mark

grade estimate or report upon the examination or proper standing of any person examined or certified pursuant to the provisions of this Article or aid in so doing or who shall wilfully make any false representation concerning the same or concerning the persons examined or who shall wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined or certified or to be examined or certified or who shall personate any other person or permit or aid in any manner any other person to personate him in connection with any examination or request to be examined or appointed or who shall furnish any false information about himself or about any other person in connection with any application or request to be examined or appointed or who shall make an appointment to office or select a person for employment contrary to the provisions of this Article or who shall wilfully refuse to comply with or to perform any of the provisions of this Article or who shall wilfully or through culpable negligence violate any of the provisions of this Article or of the rules made pursuant thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than $50 nor more than $1,000 in the discretion of the court Any person holding a public office or position who is convicted under this Section shall be deemed to have vacated the office or position and shall be incapable of holding public office for a period of five years after the date of such conviction

Section 1044 Prohibition of Political Activity No officer or employe who is paid out of the city treasury other than an officer elected by the people shall be a member of or delegate or alternate to any political convention or participate at any such convention except in the performance of his official duties or shall serve as a member of or attend the meetings of any committee of any political party or take any active part in political management or in political campaigns No application memorandum or other document other than registration and election records shall in any way indicate the political affiliation of any applicant to or members of the classified service No appointed or elected officer or employe shall use his office to influence political movements or influence the political action of any other officer or employe of the city or shall interfere with the conduct of any election or the preparation therefor at the polling place or with the election officers while counting the vote or returning the ballot boxes books and papers to the place provided by law for that purpose or be within any polling place save only for the purpose of voting as speedily as reasonably can be done or be within fifty feet thereof except for purposes of ordinary travel or residence within one hour preceding the opening of the polls for holding such election and ending when the election officers have finished counting the votes and have left the polling place for the purpose of depositing the ballot boxes and papers in the place provided by law for that purpose excepting only police officers who may temporarily approach or enter the polling place in order to make any arrest permitted by law or for the purpose of preserving order and in each such case only long enough to accomplish the duties aforesaid after which the officers shall at once withdraw

Section 1045 Prohibition of Assessments No person shall solicit pay give or receive in any public building of the city any money or valuable thing for any political purpose whatever No person shall orally or by written or printed communication directly or indirectly demand solicit collect or receive or be in any manner concerned in demanding soliciting collecting or receiving any money or valuable thing or any assessment subscription or contribution whether voluntary or involuntary from any officer or employe in the classified service for any political purpose whatever No person in the classified service shall orally or by written or printed communication directly or indirectly demand solicit collect or receive or be in any manner concerned in demanding soliciting collecting or receiving any money or valuable thing for any political purpose whatever No person in the classified service shall pay or give any money or valuable thing or make any subscription or contribution whatever voluntary or involuntary for any political purpose whatever

Section 1046 Dismissal and Disqualification Any person in the service of the city who violates any of the provisions of this Article or the rules made thereunder shall be immediately separated from the service It shall be the duty of the city manager or other appointing authority who employs the offending person to dismiss him at once Any taxpayer may bring suit to restrain the payment of compensation or the issuing of warrants for the payment of compensation or the issuing of warrants for the payment of compensation of any such officer or employe and as an additional remedy any taxpayer may also obtain a writ of mandamus to compel the dismissal of such offending officer or employe Any person dismissed under this Section shall for a period of five years be ineligible for appointment to any position in the civil service

Article XI Department of City Planning

Section 1101 Director There shall be a department of city planning the head of which shall be the director of city planning who shall be appointed by the planning board The director who shall appoint the assistant director and shall have charge of the appointment of the other employes of the department

Section 1102 Planning Board A planning board shall be a part of the department of city planning and shall consist of seven appointed members and six ex-officio members The mayor the city manager and the heads of the departments of recreation and parks public utilities public works and city property and supplies shall be the ex-officio members but of these only the mayor and the city manager shall have the right to vote The appointed members shall be appointed by the mayor for terms of seven years each except that the term of the first seven appointees shall be one two three four five six and seven years respectively as shall be indicated by the mayor at the time of their appointment They shall serve for their full terms unless removed by the mayor for inefficiency neglect of duty or misconduct in office The board shall elect one of its appointed members as chairman for a term of two fiscal years and may re-elect a retiring chairman The appointed members of the board shall receive such remuneration as the council may fix

Section 1103 Purpose The purpose of the department and of the powers and duties conferred in this Article shall be to guide and accomplish a coordinated adjusted and harmonious development of the city which will in accordance with present and future needs tend to promote the public health safety morals order convenience happiness prosperity and general welfare as well as efficiency and economy in the development of the city including without limitation adequate provision for traffic movement and parking safety from fire and other dangers adequate provisions for light and air promotion of a proper distribution of population conservation and improved utilization of physicial resources promotion of good civic design and arrangement and wise and efficient allocation of public funds for public improvements for public services and for other public requirements

Section 1104 Powers and Duties The department of city planning shall (a) subject to the final approval of the city manager and the department of law prepare or cause to be prepared and maintain up to the date a code of the general laws and ordinances which establish the powers and duties of the department together with those which impose limitations thereof (b) have all the powers now possessed by the planning department of cities of the second class without limitation except as provided in this Act (c) prepare and have custody of a master plan as herein described consider all proposed ordinances or bills which will in any way change the master plan approve or reject plans for the subdivision of land located in the city recommend the reservation of land locations for future acquisition by the city and make recommendations pertaining to zoning districts and zoning regulations all as more fully provided in this Article (d) prepare a capital budget as more fully provided in this act (e) plan all public projects and particularly those which will be self-liquidating or which will result in income as a result

of the prudent use of available municipal facilities (f) promote public interest in and understanding of the master plan and all the activities of the department and shall submit an annual report upon the work and plans of the department (g) cooperate with public and private organizations and with individuals by making recommendations with reference to any buildings structures or works to be constructed by them (h) cooperate with other planning agencies (i) enter upon any land make examinations and surveys and place and maintain necessary monuments and marks thereon (j) accept and use any gifts made to assist the department in its work and (k) obtain all available information relative to its work which information all public officials shall upon request furnish within a reasonable time (1) to approve and disapprove plans of any authority or other public agency for any housing project which is to be paid for in whole or in part out of the city treasury

Section 1105 Preparation of Master Plan The master plan to be prepared by the department for the physical development of the city and of any land outside its boundaries which in the judgment of the planning board is related to the planning of the city shall include the general location character and extent of highways streets boulevards subways bridges waterfront developments waterways parks parkways playgrounds squares aviation fields and other public ways grounds improvements and open spaces a major street plan a master plan showing the distribution location and character of existing and proposed recreation sites and facilities the general location of public buildings other public property and civic centers the general location and extent of public utilities and terminals whether publicly or privately owned or operated changes and the recommendations of the department for changes in the use and for the acquisition extension widening relocation and vacation of any of the foregoing ways grounds open spaces buildings improvements public utilities or terminals reservations of land for future public acquisition and a zoning plan for districts of the city with reference to the control of the height area bulk location occupation and use of buildings and land

Section 1106 Adoption of Master Plan The master plan or any part thereof or any change therein shall be submitted to council for adoption after the planning board shall have held public hearings pursuant to public notice and after it has been approved by the affirmative vote of three-fourths of the voting members of the planning board holding office and pending council's action thereon the submitted plan shall be accepted as valid with respect to matters contained therein and their effect upon public improvements By the affirmative vote of a majority of the councilmen holding office council may adopt the master plan or any part thereof or any change therein as approved by the planning board Council may not change or modify the master plan or any part thereof or any change therein as approved by the planning board except by the affirmative vote of two-thirds of the councilmen holding office

Section 1107 Effect of Master Plan No public way ground or open space or public building or structure of the city or of any public agency the powers of which extend over an area coextensive with that of the city or of a public utility for which a franchise is necessary from the city shall be constructed or authorized unless the location character and size thereof conform to the master plan as adopted by council The zoning plan of the master plan shall have the same effect as zoning regulations adopted by council

Section 1108 Recommendations as to Ordinances The clerk of council shall furnish to the board for its consideration upon introduction into council a copy of all proposed resolutions and ordinances and amendments thereto which relate to the location or extent of public ways grounds or open spaces public buildings or structures public utilities franchises or zoning regulations or any other matter related to the physical development of the city The proposed action of council shall not be taken until the board has been given the opportunity to consider the proposed action If the proposed action will result in an addition or change in the master plan the board shall hold a public meeting pursuant to public notice before giving its approval or disapproval After the approval of the proposed action by an affirmative vote of three-fourth of the voting members holding office or after the lapse of the thirty days after the matter was referred to the board without any action by the board council may act upon the resolution or ordinance If three-fourths of the voting members holding office shall disapprove of the proposed action council may adopt the resolution or ordinance only by an affirmative vote of two-thirds of the councilmen holding office

Section 1109 Control of Platting All plans of streets or highways for public use and all plans plats and replats of land laid out in building lots which include streets highways alleys or other portions intended to be dedicated to public use or to the use of owners of lots fronting thereon or adjacent thereto shall not be recorded or made a part of the street plan unless approved by the board It shall be unlawful to receive or record any such plan in any public office if the plan does not bear evidence thereon of the approval of a majority of the board The approval shall be deemed an acceptance of the proposed dedication but shall not impose any duty upon the city concerning maintenance or improvement until the city shall have made an actual appropriation of the land To effect the purpose of the department including particularly the prevention of congestion or maldistribution of population and to assure confomity with topographic and neighborhood conditions the board may by way of regulations concerning platting for the city or any district thereof establish a minimum width and area of building lots may fix a building line which may or may not differ from the general provisions of the zoning ordinance and map and may impose minimum standards of street and sanitary requirements as a condition precedent to the approval of plats For the purpose of control of plats the department shall consider a plat or plan of lots to be any division of land into lots or parcels two or more in number by the owner thereof for the purpose of improvement or sale

Section 1110 Transfer of Lots in Unapproved Subdivisions The owner of any land within a subdivision the plat of which has not been approved by the board as provided in this Act or duly recorded or made a part of the street plan shall not sell lease or agree to sell or lease any lot in the subdivision in accordance with by reference to by exhibition of or by other use of a plat of the subdivision Any such agreement sale or lease may be set aside by the purchaser or lessee at his option

Section 1111 Erection of Buildings No building or any part thereof shall be erected on any tract nor shall a building permit therefor be issued unless in addition to other requirements (a) the street giving access to the tract upon which such building is proposed to be erected shall have been accepted or opened or shall otherwise have received the legal satus of a public street or unless such street is a street shown on the master plan or on a plat of a subdivision approved by the board and (b) the city agency through which building permits are issued shall have secured assurance from this board that the proposed location of said building is not in violation of the spirit and intent of this Article and of the rules issued by this board hereunder

Section 1112 Zoning Council shall have power to pass zoning ordinances in accordance with the provisions of this Article The board shall recommend zoning regulations or changes or additions to any existing zoning regulations including full texts of proposed ordinances with accompanying maps for the city or any district thereof as it may determine pertaining to the location construction height number of stories bulk and size of buildings and other structures minimum standards for housing the percentages of lots which may be occupied the setting back of building lines the sizes of yards courts and other open spaces and the location use and occupancy of buildings structures and lands for trade industry residence recreation public activities or other purposes Prior to any recommendations the board shall hold public hearings pursuant to public notice Council may not pass zoning ordinances except in the manner provided herein for the adoption of the master plan

Section 1113 Reservations of Locations for Future Acquisition The board shall have power after the adoption of the master plan to cause to be made surveys for the exact locations of new public grounds or open spaces or public buildings or structures in the city and to make a plat of the area or district thus surveyed showing the land which it recommends be reserved for future acquisition by the city The board before approving any such reservation shall hold a public hearing pursuant to public notices Such a reservation approved by the board and by council and made a part of the master plan in accordance with this Act shall be effective for ten years from the date of the approval by council The reservation shall not be considered a taking of the land unless the city makes an appropriation therefor At the exipration of ten years a reservation shall be removed from the master plan before that time a reservation may be removed in the manner provided herein for changes in the master plan To preserve the master plan no permit shall be issued for the construction or alteration of any building or structure on any land during its reservation except as may be permitted by the board of zoning appeals as provided herein It is not intended hereby to alter existing law as to the reservation of land for public ways

Section 1114 Board of Zoning Appeals There shall be in the department a board of zoning appeals to consist of three persons one person to be appointed by the planning board from its members or from the staff of the department and two persons who hold no public office or public employment to be appointed by the city manager The members of the board of zoning appeals shall hold office for a term of one year starting with the first Monday in January Each member who is not a staff member of the department shall receive $20.00 for each board meeting he attends The members shall elect from their own number a chairman of the board The board of zoning appeal shall have the services of an engineer and secretary

Section 1115 Powers on Appeal The board of zoning appeals shall have power

(a) to hear and decide appeals where a person alleges there is error in any order requirement decision or determination which is particularly applicable to him made by an officer in the administration or enforcement of the previous sections of this Article or of any ordinance adopted pursuant thereto

(b) to hear and decide special exceptions to or interpretations of the terms of those ordinances upon which the board is required to pass under the provisions of such ordinance and

(c) to authorize in specific cases such permits for construction on reserved locatioins and such variance from the terms of an ordinance for the administration or the enforcement of this Article as will not be contrary to the public interest where owing to special conditions a literal enforcement will result in unnecessary hardship and so that the spirit of the Article shall be observed and substantial justice done

In exercising the above-mentioned powers the board may in conformity with the provisions of this Article reverse or affirm wholly or partly or may modify the order requirement decision or determination appealed from and may make such order requirement decision or detrmination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken

Section 1116 Appeal Procedure Appeals to the board of zoning appeals may be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken

Section 1117 Effect of Appeal An appeal shall stay all procedeings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board that a stay would in his opinion cause imminent peril to life or property In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application and notice to the officer from whom the appeal is taken and on due cause shown

Section 1118 Hearing The board of zoning appeals shall fix a reasonable time for the hearing of the appeal give public notice thereof as well as due notice to the parties in interest and decide the appeal within a reasonable time At the hearing any party may appear in person or by agent or by attorney The chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses Hearings shall be open to the public In all hearings the board shall not be required to follow established rules or evidence of court procedure but shall seek all information and evidence bearing on the merits of the case In every hearing the board shall keep a full and complete record including notes of testimony

Section 1119 Court Review Any persons jointly or severally aggrieved by any decision of the board of zoning appeals or any taxpayer or any officer department board or bureau of the city may present to a court of record a petition duly verified setting forth that the decision is illegal in whole or in part specifying the grounds of the illegality Such petition shall be presented to the court within thirty days after the decision of the board Upon the presentation of such petition the court may allow a writ of certiorari directed to the board to review such decision of the board and shall prescribe therein the time within which a return thereto must be made and served upon the attorney of the relator which shall not be less than ten days and may be extended by the court The allowance of the writ shall not stay proceedings upon the decision appealed from but the court may on application on notice to the board and on due cause shown grant a restraining order The board shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified No additional evidence shall be recieved by the court and the decision of the board of zoning appeals shall not be vacated or set aside except for error of law or violation of constitutional rights The court may reverse or affirm wholly or partly or may modify the decision brought up for review Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from All issues in any proceeding under this Section shall have preference over all other civil actions and proceedings

Section 1120 Art Jury There shall be in the department of city planning an art jury composed of the mayor ex-officio and eight other members to be appointed by him for a term of four years except that the terms of the first eight appointees in groups of two shall be one two three and four years respectively as shall be indicated by the mayor at the time of their appointment As to a structure to be used by a subdivision of any department office or agency the head of such subdivision shall also for the time being act as a member of the jury ex-officio

Section 1121 Composition of Art Jury The members of the jury other than the mayor shall be an architect who is a member in good standing of the American Institute of Architects a landscape architect who is a member in good standing of the American Society of Landscape Architects a painter a sculptor a member of the Board of recreation and parks two members selected from the governing body or faculty of a school of fine arts operated by one or more public institutions of higher learning receiving supporting appropriations from the commonwealth of Pennsylvania and a person of eminence in the business world who is also known for his interest in and concern for the fine arts

Section 1122 Organization The members of the jury shall elect from their own number a president and a vice-president to serve for one year The jury shall have power to adopt its own rules of procedure and to prescribe regulations for the submission to it of all matters within its jurisdiction Five members shall constitute a quorum

Section 1123 Powers The art jury shall have all the powers and duties heretofore possessed by a department of the art commission of cities of the second class except as the same may be specifically expanded or modified by the following provisions of this Section

(a) No work of art shall become the property of the city by purchase gift or otherwise unless the work of art or design for the same and the proposed location of the work of art shall first have been submitted to and approved by the art jury nor shall any work of art until so approved be erected or placed in or upon or allowed to extend over any building highway stream lake square park or other public place belonging to or under the control of the city The jury may when it deems proper also require a complete model of the proposed work of art to be submitted to it before taking final action thereon The term "work of art" as used in this Article shall include all paintings mural decorations inscriptions stained glass statues reliefs or other sculpture; monuments fountains arches or other structures intended for ornament or commemoration

(b) No existing work of art in the possession of the city shall be removed relocated or altered in any way without the approval of the jury

(c) No construction or erection in the city of any building bridge or its approaches arch gate fence or other structure or fixture which is to be paid for either wholly or in part from the city treasury or for which the city or any other public authority is to furnish a site shall be begun unless the general plans and the interior and exterior designs shall have been submitted to the jury and approved by it before the final approval thereof by the officer or other person having authority to contract therefor

(d) The approval of the jury shall also be required in respect to all structures or fixtures belonging to any person or corporation which shall be erected upon or extended over any highway stream lake square park or other public place within the City

(e) The jury shall formulate regulations governing submissions and in the interest of efficiency economy and successful assistance may insist upon receiving and acting upon preliminary submissions of designs in sketch form in any medium prior to development by applicant of more formal and completed submissions

(f) In deeds for land made by the city restrictions may be imposed requiring that the design of structures to be altered or erected thereon shall be first approved by the art jury No structure which requires the approval of the jury shall be erected or changed in design without the approval of the jury If the jury fails to act upon any matter submitted to it within 60 days after such submission its approval of the matter shall be presumed

Section 1124 Penalties If any building or structure shall be erected constructed reconstructed altered repaired converted or maintained or any building structure or land used in violation of this Article or of any ordinance or regulations made under authority thereof the person or persons artificial or natural knowingly so offending shall be subject to a fine of not more than $1,000.00 and not less than $100.00 to be recovered as fines and penalties of like amount are now recoverable by law The fact of such violation being committed shall be prima facie evidence that it was knowingly done In case of any such actual or threatened violation the city may institute any appropriate action or proceeding to prevent or abate such unlawful erection construction reconstruction alteration conversion maintenance use or occupation or to restrain or prevent any illegal act or business or use under this Article or under any such ordinance or regulation

Article XII Department of Finance

Section 1201 Director There shall be a department of finance of which the director of finances shall be the head He shall be appointed by the city manager The director of finance without any additional compensation shall also be the receiver of taxes

Section 1202 Powers of Department Except as otherwise provided in this Act the department shall have the care management administration and supervision of the financial affairs of the city including without limitation the adopting of assessments as provided herein the preparation for the city manager of the annual current budget the receiving and collection of all monies payable to the city subject to such allowances and penalties as may be fixed by ordinance the preparation and sending out of bills payable to the city

Section 1203 In lieu of making a separate assessment of all real property within the city the city shall adopt for the assessment of city taxes the same property valuations made by the county assessors for the assessment of county taxes within the city The Department of Finance shall prepare assessment rolls of all real property within the city showing each separately assessed parcel of real estate and as of July 1 of each year the valuation placed by the county assessors upon the land and the valuation placed by the county assessors upon the building together with other improvements therein

Section 1204 Before August 31 the assessment rolls as prepared by the Department of Finance shall be signed and certified by the Director of the Department of Finance At the same time he shall forward to the city manager a certificate showing the aggregate valuation of taxable real property in the city

Section 1205 Budget Bureau There shall be in the department of finance a budget bureau the head of which shall be the budget director The budget director shall prepare each year for the city manager information for the current budget for the ensuing fiscal year and perform all duties in regard thereto as the city manager may direct He shall have the power personally or by his representatives to survey each department office or agency for the purpose of reviewing their budgetary requests He may require any officer or employe to furnish information and to answer inquiries pertinent to such survey

Section 1206 Bills for Real Estate Taxes Real Estate tax bills for the ensuing year shall be mailed by the department of finance before December fifteenth and the tax shall become due on the first day of January However council may provide for the payment of such taxes in several installments

Article XIII Department of City Controller

Section 1301 City Controller There shall be a department of city controller of which the city controller shall be the head He shall be elected and shall give bond as now provided by law and shall hold office for four years and until his successor shall qualify

Section 1302 Deputy Controller and Employes The city controller shall appoint a first and a second deputy controller The first deputy controller shall have power to administer oaths and affirmations in all matters relating to accounts against the city and in the absence or incapacity of the city controller to act or if there is a vacancy in his office shall have the powers and perform the duties of the city controller until he returns or his incapacity is removed or a new city controller assumes office as the case may be The city controller shall appoint such other officers and employes as may be provided for by ordinance

Section 1303 Powers of City Controller The city controller in addition to all other powers and duties prescribed by statute or ordinance shall have the following powers and duties

He shall maintain a complete and modern system of accounting for all departments of the city and for all offices and agencies the expenses of which are paid out of the city treasury The accounting system shall at all times show clearly the financial condition of the city The city controller shall have complete supervision and control over all accounting and financial records pertaining to such departments offices and agencies He shall have the power to require such additional and supporting accounting or financial records to be kept and to be rendered to his department as may to him seem necessary and shall prescribe the nature form and extent of all such records and may prohibit the keeping of any accounting and financial records not approved by him The accounting system shall include a separate account for each specific item of appropriation made by council and every warrant shall state specifically against which item it is drawn Each appropriation account shall show in detail the several appro-

priations made by council the amount drawn on each appropriation item contracts chargeable against it whether written or oral formal or informal and the balance standing to the credit of the appropriation item

(b) He shall furnish a monthly statement of expenditures to the budget director for each item in the budget and to each department head for each item affecting his department Such statements shall be furnished within fifteen days after the end of each month and shall be in such form that the unencumbered balances available for expenditure may be readily determined The city controller shall also prepare such special reports on the costs of operating the departments offices or agencies as may be reasonably requested by the city manager or by the budget director or any department head with respect to matters under his supervision The controller shall permit the budget director or a representative designated for the purpose to inspect the accounts and records kept by the city controller pertaining to all matters under the supervision of the budget director

(c) He shall have supervision over the manner of making all expenditures including control of the form of all vouchers and warrants and the manner of payment thereof He shall not certify a warrant commitment or contract which will involve the payment of money out of the city treasury in the current year unless there are funds available for that purpose from the specific item of appropriation made therefor and unless he has charged the amount of the warrant commitment or contract payable in the current year to the specific item of appropriation If he makes a certification in violation of this Section the liability of the city on the warrant commitment or contract shall be null and void The city controller and his sureties shall be individually liable to the holder of any warrant certified by the city controller in violation of this Section and if any such warrant is paid by the city the city controller and his sureties shall be individually liable to the city for the amount of the warrant

(d) Whenever a warrant or claim shall be presented to the city controller he shall have power to require evidence that the amount stated therein is legally due and for the purpose may summon before him any officer agent or employe of any department office or agency or any other person and examine him upon oath or affirmation relative to such warrant or claim

(e) He shall audit the accounts of all departments offices and agencies including all accounts of any agency or organization to which council makes an appropriation He shall submit annually to council in such manner as may by ordinance be directed a report of the accounts of the city verified by his oath or affirmation exhibiting the assets liabilities and net worth of the city at the close of the preceding year and the receipts and disbursements of the preceding year including the sources from which the receipts were derived and the manner in which they were disbursed This report shall be published in pamphlet or book form

(f) He shall at the end of each fiscal year or oftener if so required by council and also upon the death resignation removal or expiration of the term of any officer who is paid out of the city treasury audit examine and settle the accounts of such officer and if he shall be found indebted to the city the city controller shall state an account and file the same in a court of common pleas of the proper county together with a copy of the official bond of the officer and give notice thereof to him or his legal representatives and if any person or persons affected thereby shall be dissatisfied with such settlement he or they may appeal therefrom The appeal with his or their exceptions to the account as stated verified by the oath of the person or persons appealing shall be filed in the office of the prothonotary of said court within ten days after service of notice The appellant shall within ten days enter security to be approved by the court to prosecute the appeal with affect and pay the costs and the debt and interest which may appear by the judgment of the court to be due to the city The balance of account as shown by the settlement filed as aforesaid shall constitute a lien on real estate of the officer so indebted and his sureties from the date of the filing thereof which lien shall continue for the period of five years from the date of filing A writ of scire facias to enforce the lien shall be issued thereon within six months which shall contain a clause warning the sureties or the executors or administrators of the officer or of his sureties to appear and make defense and the case shall thereupon be proceeded with to final judgment according to law Notice of the audit shall be given by the city controller to the officer or his legal representatives before the final statement of the account and if desired by such officer or his legal representatives opportunity shall be given for a hearing A copy of such notice with an affidavit of the proof of service thereof shall be filed with the statement of account as evidence of service of notice

(g) He shall at the end of each fiscal year audit all the accounts of firemen's pension funds of the city which receive appropriations from the Commonwealth

(h) He shall approve or disapprove as provided herein all plans and specifications prepared by the Department of Property and Supplies and shall have the power to test and sample all purchases made by the department of Property and Supplies

(i) He shall prepare annually a certificate of revenue and liabilities for current budget purposes and a financial report for capital budget purposes as provided herein He shall also prepare from time to time a certificate as to indebtedness as provided herein

Section 1304 Legal Counsel The city solicitor shall be the counsel for the city controller as provided in this Act However the city controller may whenever he deems it necessary choose and appoint special legal counsel to represent him in any legal proceeding The total compensation for all such special counsel during any fiscal year shall not exceed $3000

Section 1305 Independent Audit Council from time to time may require an independent audit to be made of all or any part of the accounts of the departments of the city and of the offices and agencies the expenses of which are paid out of the city treasury Such an audit shall be made by qualified public accounts who have no personal interest in the accounts to be audited or in the affairs of the officer or officers handling such acccounts The result of any such audit shall be made available for public inspection immediately after its completion

Article XIV Department of City Treasurer

Section 1401 City Treasurer There shall be a department of City treasurer of which the city treasurer shall be the head He shall be appointed by the city manager and give bond as now provided by law

Section 1402 Assistant Treasurer and Employes The city manager shall appoint an assistant treasurer who in the absence or incapacity of the city treasurer shall act or if there is a vancancy in his office shall have the powers and perform the duties of the city treasurer until he returns or his incapacity is removed or a new city treasurer assumes office as the case may be

Section 1403 Powers and Duties The city treasurer in addition to all other powers and duties prescribed by law or ordinance shall have the following powers and duties

(a) He shall daily demand and receive from all persons any money received by them for the city The city treasurer shall daily deposit all such monies in the name of the city in the banks or institutions designated by council which shall give security as provided by law

(b) He shall pay all warrants duly issued and countersigned No money shall be drawn from the city treasury except by due process of law or upon warrants signed by the head of the appropriate departments or by deputies authorized to sign by such department heads or by such other persons as may be designated by ordinance and countersigned by the city controller All such warrants shall state the consideration for the same and the particular funds or appropriations to which they are chargeable

(c) He shall make detailed reports daily to the city controller of all receipts and deposits and of all monies withdrawn from the treasury and shall present and verify

his cash account in such manner and as often as may be required by the city controller

Article XV Current Budget

Section 1501 Fiscal Year The fiscal year of the city shall be the calendar year

Section 1502 Certificate by City Controller of Revenue and Liabilities On or before September first of each year the city controller shall furnish to the city manager a certificate of revenue and liabilities containing

(a) his detailed estimate of receipts from each existing source from which receipts will be derived in the ensuing fiscal year including without limitation revenue reimbursements refunds and taxes other than real estate taxes which will become due in the ensuing year but no estimate of revenue from a source which existed throughout the last complete fiscal year at the same rate shall exceed the amount actually received during that year from that source

(b) his estimate of revenue in the ensuing year from each new source which is provided by statute or ordinance but his estimate shall not include any anticipated receipts from the sale of property or from capital transactions

(c) an estimate as to the percentage of real estae taxes levied for the ensuing year which he is of the opinion will be collected in the ensuing year but such percentage shall not exceed the percentage of real estate taxes levied for the last complete fiscal year which were collected during that year

(d) the liabilities of the city which are fixed in amount and will be due and payable in the ensuing year other than obligations to be paid from sinking funds from other special funds or from the proceeds of bond issues including without limitation payments to any sinking fund and other required payments with respect to loans except as above provided rentals obligations on contracts and amounts due on judgments whether evidenced by writs of mandamus execution or otherwise

(e) his detailed estimate of obligations which are not fixed in amount and will become payable in the ensuing year such estimate to be not less than the average amount of such obligations for the last five complete fiscal years and to include without limitation all obligations for tort claims demolition of unsafe buildings and pension funds and

(f) the surplus or deficit at the end of the last complete fiscal year and his estimate of the surplus or deficit for the current fiscal year

Section 1503 Supplemental Certificates The City controller may not revise his certificate of revenue and liabilities after its submission to the city manager except that he may until the passage of the budget ordinance certify estimated revenue from sources of revenue made avilable after his last certification After the passage of the budget ordinance the city controller shall not certify additional revenue except that he may certify for appropriation by council receipts from a source not included in any of his certificate of revenue and revenue received in excess of his certification of total revenue for that fiscal year

Section 1504 Submission of Budget Document of City Manager to Council On or before September fifteenth the city manager shall transmit to council in such form as council may request a budget document which in addition to such other information as council may request shall consist of

(a) the certificate of the city controller as to revenue and liabilities without any change therein

(b) the certificate of the Director of the Department of Finance as to the aggregate assessed valuation of taxable real property for the ensuing fiscal year

(c) his detailed estimates of all proposed expenditures to be made out of the city treasury during the ensuing year showing in addition for each item the appropriation for the current fiscal year and the appropriation and expenditures for the last complete fiscal year and

(d) his budget message outling a proposed fiscal policy describing therein the important features with reference both to proposed expenditures and to anticipated revenue

Section 1505 Basis for Estimate of Expenditure The estimate of proposed expenditures shall be made up by the city manager from information and requests submitted to him by all departments offices boards commissions committees and other agencies whose expenditures are to be paid in whole or in part out of the city treasury Such information and requests shall list in addition to other expenses the amount of each type of supplies to be purchased The information and requests shall be submitted to the city manager before September first The city manager may in his discretion revise such requests in submitting his estimate of expenditures to council

Section 1506 Consideration of Budget Immediately after the receipt of the budget document council shall consider it in public sessions affording a reasonable opportunity to any person to be heard thereon Such sessions shall not extend beyond October first

Section 1507 Adoption of Budget On or before October fifteenth council shall adopt a financial program for the ensuing year by passing a single budget ordinance in which council shall

(a) Appropriate sufficient funds to meet (1) the liabilitiesties for the ensuing year as certified by the city controller (2) the amount which the capital budget authorizes to be expended out of revenue in the ensuing year and (3) the estimated expenditures to be made out of the city treasury for the ensuing year the character and amount of such expenditures to be determined by council except that there shall be included an amount not less than $15,000.00 for emergency purchases and

(b) Fix a tax rate and levy a tax the proceeds of which on the basis of the assessment certificate of the Director of the Department of Finance and on the basis of probable delinquencies in the payment of such tax as estimated by the city controller shall be sufficient together with the revenue from other sources as estimated by the city controller to meet the deficit for the current fiscal year if any as estimated by the controller and the appropriations provided for above

Section 1508 Restriction of Appropriations Council shall not (1) appropriate for the payment of any obligation incurred in the absence of or in excess of an appropriation therefor except as provided in this Act with respect to contracts extending beyond the fiscal year in which they are made (2) list separately in any appropriation the salaries for positions which are included in the existing classification and compensation plans provided for in this Act and (3) except by the affirmative vote of two-thirds of the councilmen holding office make an appropriation for any budget item in excess of the amount estimated by the city manager in the budget document

Section 1509 Neglect to Fix Tax Rate If council shall fail to adopt a financial program on or before October fifteenth as provided herein each councilman shall have deducted from his salary $50.00 for each day after October fifteenth until a financial program is adopted

Section 1510 No Expenditures Until Adoption of Financial Program Except for payments of interest or principal of loans and of sinking fund requirements the city controller shall not countersign any warrant for expenditures in any year unless a financial program as herein provided has been adopted for that year

Section 1511 Monthly Allocation of Expenses After the adoption of a financial program the budget director shall establish subject to the approval of the city manager monthly allocations of the appropriations for expenditures No expenditures shall be made and no obligations shall be incurred in any month in excess of the allocation for that month without the prior consent of the budget director and the city manager

Section 1512 Transferred and Additional Appropriations Council shall not transfer all or part of any appropriation from one item of appropriation to another The unexpended balance of any appropriation may be placed by council in an account to be called the reserve account if council by the affirmative vote of two-thirds of its members holding office shall pass an ordinance stating that the purpose for which the appropriation was made has been carried out or stating why the purpose cannot be carried out Council may at any time appropriate for any

lawful purpose any part of funds certified by the controller as additional receipts as provided herein and any part of the balance in the reserve account

Section 1513 No Liability for Payment in Absence of Appropriation No payment shall be made on any contract written or oral formal or informal unless an appropriation for such payment has been made before the contract was made No contract or warrant shall be made issued or approved by any officer for any item of expenditure by any department office board commission committee or other agency in the absence of or in excess of an appropriation for the item However a contract which provides for payments in the fiscal and in subsequent years may bind the city if an appropriation has been made to pay for so much of the consideration as shall be furnished to the city within the fiscal year in which the contract is made

Article XVI Capital Budget

Section 1601 Preparation of Budget The city manager shall annually prepare a capital budget on the basis of a comprehensive and farsighted study of capital projects The term "capital project" shall include any plan for the permanent physical improvement of the city together with preliminary studies surveys property of a permanent nature and original equipment which have been or should be acquired in connection with the project but shall not include any project for repaving or any project of which at least half of the cost is to be paid from the proceeds of assessments for benefits The planning board shall determine conclusively what is and what is not a capital projects

Section 1602 Data for Budget In preparing the capital budget the city manager shall consider among other things

(a) The master plan in the form last approved by council

(b) The report of the city controller to be furnished annually on or before August fifteenth to the city manager and to the planning board setting forth (1) the amount and the nature of each obligation authorized on account of each uncompleted capital project and of each obligation incurred in pursuance of such authority up to July first (2) the financial conditions of the city together with comments thereon and (3) advice as to the maximum amount and the nature of the debt which in the opinion of the city controller the city will be able to incur for capital projects during each of the ten succeeding fiscal years and

(c) A detailed estimate to be furnished annually on or before August fifteenth to the city manager and to the planning board by the head of each department office and agency the capital expenditures of which are paid out of the city treasury with respect to each capital project which is uncompleted or which the head believes should be undertaken within the ten succeeding fiscal years

Section 1603 Submission of Budget to Planning Board On or before September first the city manager shall transmit to the planning board the capital budget which shall set forth clearly

(a) as to each proposed capital project a brief description thereof the department office or agency for which it would be constructed the total estimated cost the estimated completion date the estimated cost for the ensuing fiscal year the estimated economic life the source of funds to meet such costs together with the nature terms and maximum amount of obligations which may be issued therefor and the fiscal year in which the city manager recommends that the project be undertaken

(b) as to each uncompleted capital project authorized by council a brief description thereof the original estimated cost the date of authorization the amounts of indebtedness authorized of bonds and notes outstanding of obligations issued and of each other liability outstanding and the unencumbered balances of authorizations on July first the amount of each liability estimated to be incurred during the balance of the fiscal year and the estimated costs required for completion stated year by year

(c) recommendations for changes or abandonment of previously approved capital project

(d) a brief description of each capital project recommended in the several department office and agency estimates but not recommended by the city manager to be undertaken with his reasons for not recommending it

(e) the maximum expenditures which in the opinion of the city manager the city may soundly make for capital projects during the ensuing fiscal year together with the recommended sources for meeting such expenditures and detailed comments on the financial condition of the city and

(f) such other information as the planning board or council may have requested

Section 1604 Submission of Budget to Council On or before September fifteenth the planning board shall submit to council its revision of the capital budget prepared by the city manager The revised capital budget shall set forth the information and recommendations received by the planning board with such additional information and changes as the planning board may see fit except that the aggregate amount of the proposed expenditures for capital projects recommended for the ensuing fiscal year shall not exceed the maximum expenditures which in the opinion of the city manager the city may soundly make for capital projects during the ensuing fiscal year

Section 1605 Consideration of Budget Immediately after the receipt of the capital budget council shall consider the budget in public sessions affording a reasonable opportunity to all persons to be heard thereon Such session shall not extend beyond October first

Section 1606 Adoption of Budget On or before October fifteenth council shall adopt a capital budget The capital budget submitted by the planning board may be adopted with or without modifications by the affirmative vote of a majority of the councilmen holding office except that any increase in any item of the capital budget as submitted by the planning board shall require the affirmative vote of two-thirds of the councilmen holding office

Section 1607 Changes in Budget After the adoption of the capital budget it shall not be changed except that a change recommended by three-fourths of the members of the planning board may be adopted by council

Section 1608 Effect of Capital Budget The adoption of the capital budget shall be an authorization and shall constitute an appropriation of loan funds for carrying out the approved projects in the manner provided therein except that if funds for any project are to be derived from new debt or from an increase in indebtedness the authorization shall not constitute an appropriation until the new debt or increase of indebtedness has been authorized in accordance with this Act The current budget shall include an appropriation equal to the amount which the capital budget authorizes to be expended in that year out of revenue for capital projects No contract or other obligation of the city in connection with the carrying out of any capital project shall be authorized unless the project is included in the capital budget as adopted by council and no contract or other obligation shall be binding unless and until an appropriation has been made therefor as provided in this Act

Section 1609 Limitation on Loans for Projects The amount of loans issued for capital projects included in the first capital budget adopted hereunder shall not exceed ninety-four per centum of the amount authorized in the capital budget to be expended for the ensuing fiscal year In each succeeding year the permissible percentage shall be reduced by six so that ultimately capital projects will be paid for wholly out of current revenue and no loans will be procured for capital projects Notwithstanding the limitations in this Section council may authorize indebtedness for all or part of the cost of any self-liquidating project and such costs shall be excluded in determining the amount of bonds which may be issued in financing the capital budget

Article XVII Loans

Section 1701 Power to Incur or Increase Indebtedness Subject to the limitations of the Constitution of this Commonwealth the city may from time to time incur new debt or increase its indebtedness in such amount and in such manner as council may by ordinance authorize but the passage of such an ordinance shall require the affimative vote of two-thirds of the councilmen holding office

Section 1702 Ordinance to Provide for Tax and to State

Purpose In any ordinance authorizing the city to incur new debt or to increase its indebtedness except temporary loans in anticipation of revenue council shall provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof as is now or may hereafter be required by the Constitution and any such ordinance shall state the purpose for which the new debt or increase of indebtedness is authorized If more than one purpose is stated the ordinance shall specify the amount proposed for each purpose

Section 1703 Councilmanic Loans Subject to the limitation in amount provided by the Constitution council may authorize by ordinance new debt to be incurred or the indebtedness to be increased without the consent of the electors of the city Public notice shall be given of any such ordinance before its passage except an ordinance to authorize an emergency loan or a temporary loan in anticipation of revenue

Section 1704 Electoral Loans Council may in its discretion submit for the approval of the electors in the manner hereinafter provided a proposal to incur or to increase the indebtedness of the city and any such new debt or increase of indebtedness approved by the electors shall be excluded in computing the amount of the indebtedness of the city incurred without the consent of the electors

Section 1705 Procedure for Electoral Loans In order to inc uror to increase the indebtedness of the city with the consent of the electors whether such consent is necessary by law or deemed desirable by council the following procedure shall be complied with

(a) Certificate of City Controller After the submission of a bill containing a proposal to incur or to increase the indebtedness the city controller shall prepare and deliver to council his certificate showing the amount of indebtedness which the city has been authorized to incur the amount of deductions therefrom allowed by law in computing the maximum indebtedness the city may incur the resultant net indebtedness the amount of the proposed new debt or increase of indebtedness and the amount of indebtedness which the city has not yet been authorized to incur but which it may be authorized to incur

(b) Passage of Ordinance The proposal to incur or to increase the indebtedness shall be passed as an ordinance as provided in this Article which ordinance in addition shall state that the proposal to incur or to increase the indebtedness shall not become an effective authorization until the electors shall consent thereto at a public election to be held on a date fixed in the ordanance

(c) Fixing Date of Election Council shall fix the date of the election which shall be the day of the next municipal general or primary election unless there is insufficient time for the advertisement provided hereinafter or unless more than 90 days will intervene between the passage of the ordinance and such election

(d) Notice Council shall give public notice of the election once a week for four weeks The notice shall contain a summary of the ordinance proposing the incurrence or increase of indebtedness and a copy of the certificate of the city controller

(e) Election The election shall be held at the places during the hours and under the regulations provided by law for holding elections All penalties for the violation of the said election laws shall apply to the electors and to the election authorities participating in the election The question whether new debt shall be incurred or indebtedness increased as proposed in the ordinance shall be placed upon the ballot or voting machine in brief form followed by the words "yes" and "no" with appropriate voting squares or vote indicators and if the question shall be submitted at an election of public officers it shall be placed below the groups of candidates or on a separate ballot

(f) Election Returns The returns of the election shall be made in the manner provided by law If by the returns of the election it shall appear that a majority of the electors voting thereon gave their consent to incurring new debt or to increasing the indebtedness as proposed in the ordinance the ordinance shall as of the date of the certificate by the court of the result thereof be effective to authorize the new debt to be incurred or the indebtedness to be increased If however it shall appear that a majority of the electors voting thereon did not give their consent the ordinance shall be ineffective to authorize the new debt to be incurred or the indebtedness to be increased

Section 1706 Change in Purpose of Indebtedness No change shall be made in the purpose or purposes for which any new debt or increase of indebtedness has been or shall hereafter be authorized except by the affirmative vote of two-thirds of the councilmen holding office and in the case of an electoral loan by the consent of the electors obtained at an election to be held at the time and in the manner provided herein as to an election to incur or increase indebtedness The notice of such an election shall contain a copy of the ordiance proposing the change of purpose and shall state the purpose for which the indebtedness was originally authorized

Section 1707 Cancellation of Authorization of Debt Whenever the city has been authorized to incur or increase its indebtedness council by the affirmative vote of two-thirds of its members holding office may cancel the authority to incur or increase indebtedness and to the extent that the indebtedness has not actually been incurred or increased the original authorization shall then be void

Section 1708 Interim Loans Prior to Bond Issue To meet payments as they become due in the course of construction of projects for which indebtedness has been authorized council shall from time to time authorize the city treasure to procure interim loans to be evidenced by notes or other forms of indebtedness which shall mature within two years after their execution and delivery The treasurer shall procure the loans upon the best terms available after offering the opportunity to make the loan to every bank in the city and in his discretion to any other bank financial institution or other bidder such loans shall be payable at any time before maturity upon ten days' notice They shall not be renewed Before the completion of any project for which interim loans have been procured bonds may be issued to pay interim loans and interest thereon When any interim loan is about to mature enough bonds shall be issued so that the proceeds will be sufficient to pay the loan and interest thereon After the completion of the project enough bonds shall be issued so that the proceeds will pay all unpaid bills interim loans and interest incured in connection with the project

Section 1709 Authorization of Bond Issue After the city has been empowered in incur or increase its indebtedness bonds may be issued by its officers only pursuant to ordinance Subject to the provisions of this Act council may in any such ordinance fix the interest rate and the terms under which such bonds are to be issued

Section 1710 Issuance of Bonds Bonds shall not be issued by the city for less than par plus accrued interest thereon Issues of bonds shall be sold only to the highest responsible bidder or bidders as determined by the city manager city treasurer and city controller after public notice given at least three weeks before the opening of bids under such regulations as may be prescribed by ordinance The city manager city treasurer and city controller may reject all bids or any part of all bids if it shall be deemed for the best interest of the city so to do The interest rate of bond issues offered for sale on any one date shall be named by the bidders in multiples of one-eighth of one per centum and need not be uniform for the entire issue but must be uniform for any one maturity After the highest responsible bidder has been determined so much of any issue of such bonds as the sinking fund commission has indicated at least two weeks before the opening of bids that it may desire to purchase shall be offered to the sinking fund commission at the same price If the sinking fund commission does not accept the offer within three days the issue may then be sold to the highest responsible bidder or bidders Every bond shall be given a date which shall not be more than six weeks after the date of sale nor more than six weeks before the date of sale

Section 1711 Form Execution and Terms of Bonds The form of all bonds shall be prepared by the city solicitor They shall be signed by the city treasurer and the city

controller Each issue of bonds shall be in serial form so as to mature in substantially equal annual or semi-annual installments the last of which shall mature not later than fifty years from the date thereof and not later than the estimated economic life of the improvement for which the bonds have been issued The estimated economic life as determined and certified by the planning board shall be conclusive The bonds in the discretion of council may provide that they are callable by the city at par on a date or dates stated therein The city by the affirmative vote of a majority of the councilmen holding office may issue revenue bonds and may issue refunding bonds the maturity of which shall not extend beyond the maturity of the bonds refunded

Section 1712 Temporary Loans in Anticipation of Revenue If cash shall be needed for the immediate requirement of the city before the receipt of revenue council may authorize the city treasurer to procure temporary loans in the manner provided herein with reference to interim loans in an aggregate amount not exceeding at any time ten per centum of the receipts for that year other than from borrowings as estimated by the controller The loans shall be made upon notes maturing within that year and the notes shall not be renewable Such loans may be procured only from January second to September first inclusive No such loan shall be made from the loan funds or from trust funds or other special funds which may be created by the city When such a loan is authorized council shall provide for its repayment out of receipts in that year The intention of this Section is that such loans shall be solely for the purpose of anticipating the receipt of revenue in the current year

Section 1713 Emergency Loans If the city manager certifies that there is an emergency necessitating additional appropriating power council by the affirmative vote of two-thirds of its members holding office may pass an ordinance stating specifically the nature of the emergency making an appropriation to meet it and authorizing the city treasurer to procure one or more emergency loans in the manner provided herein as to interim loans The aggreate amount of such loans remaining unpaid at any one time shall not exceed $1,000,000 Any such loans which will not be fully paid within the fiscal year in which it is procured shall be included by the city controller in his next certificate of liabilities and shall be paid out of the revenue of the year following such certification before any expenses other than for debt service may be paid therefrom No emergency loan shall be valid unless the provisions of this Section have been complied with

Section 1714 Sinking Funds Whenever any debt shall be or shall have been created for which the Constitution of this Commonwealth requires a sinking fund to be established the proceeds of the taxes levied for the payment of the principal and interest of such debt and all other money pledged or appropriated for the payment of the principal and interest of such debt shall be paid into the sinking funds of such city and shall be inviolably reserved for any applied exclusively to the payment of the principal and interest of such debt

Section 1715 Application and Investment of Sinking Funds Whenever there shall be money in the sinking funds in respect to a particular debt in excess of the requirements for the payment during the twelve months next ensuing of principal maturing and interest due such excess money shall be applied to the purchase and cancellation of such debt but if at any time it shall be impracticable or financially disadvantageous to purchase such debt such excess money may be invested temporarily in bonds or other evidence of debt of the United States of America of this Commonwealth or of any county city borough township school district or other municipality or incorporated district of this Commonwealth

Section 1716 Purchase of Outstanding Debt Council may at any time authorize the purchase by the city of any of its outstanding debt and any such debt so purchased shall be cancelled

Section 1717 Sinking Fund Commission The sinking fund commission shall continue as now established by law

Article XVIII Contracts

Section 1801 Contracts Only With Lowest Responsible Bidders Except as provided herein with respect to emergency purchases every contract providing for payments out of the city treasury or out of funds the expenditures of which is within the control of the city shall be made under such regulations as may be prescribed by ordinances only with the lowest responsible bidder after public notice if the payment is to be more than $300.00 and otherwise after reasonable notice Bids shall not be invited until the plans and specifications have been approved by the city controller as provided in this Act The city may reject all bids or any part of all bids if it shall be deemed for the best interest of the city so to do The requirement as to the lowest responsilbe bidder shall not prohibit council from imposing conditions with reference to the terms under which the contract is to be performed No contract shall be entered into or executed directly by council or by a committee thereof

Section 1802 Emergency Purchases An emergency purchase may be made only when authorized by the Department of Property and Supplies Such purchases may be made without requiring bids A purchase shall be deemed an emergency purchase only if the purchase is immediately necessary to prevent loss of public property or to avoid serious inconvenience to the public Council may by ordinance restrict or limit the power to make emergency purchases

Section 1803 Form of Contracts No contract shall bind the city unless it is in writing and prepared or approved by the city solicitor Every contract shall contain a provision that it is subject to the provisions of this Act and that the liability of the city thereon except as otherwise specifically provided in this Act shall be limited to the amounts which have been appropriated to meet such liability This section shall not apply to contracts of employment with persons in the civil service of the city

Section 1804 Term No contract except for a capital project shall provide for any payment by the city or for the furnishing of the consideration therefor later than one year from the date of its execution However a lease may be made by the city as lessee for a term not in excess of five years from date of execution of the lease

Section 1805 Execution All contracts shall be made in the name of the city and except as may be otherwise provided by council shall be signed and executed by the city manager or by an officer designated by him No contract shall be valid or enforceable until endorsed by the city solicitor and certified by the city controller as provided in this Act

Section 1806 Contracts With Officers and Employes Prohibited No contract providing for any payment out of the city treasury shall be made with any councilman officer or employe of the city or with any officer or employe whose salary is paid out of the city treasury or with any firm partnership or association of which any such person is a member or with any corporation in which any such person has a substantial interest Any such person who knowingly conceals his interest in such a contract or who knowingly acquires an interest in any contract to which the city is a party shall forfeit his office or position

Section 1807 Installment Purchasing Prohibited No purchase or contract to purchase by the city shall be made on an installment plan Any such purchase or contract to purchase shall be void and unforceable

Section 1808 Paving Repairing Cleaning of Streets Et Cetera Except as hereinafter provided the city shall with its own force pave repair and clean the streets collect ashes waste rubbish and garbage and dispose of street sweepings and of ashes waste rubbish and garbage The city shall have the power to lease acquire construct or cause to be constructed a plant or plants to be used for or in connection with any of the purposes mentioned in this Section and to lease the same to any person association or corporation which shall contract in the manner provided herein to perform such work for the city The city may contract for the paving of streets and for the collection of garbage The city after the affirmative vote of the councilmen holding office may contract for the repair and cleaning of streets and for the collection of ashes

waste and rubbish if it is to the best interests of the city For the purpose of determining whether it is to the best interests of the city to authorize the performance or any such work by contract bids shall be invited pursuant to resolution by council before July first next preceding the year in which the work is to be done Public notice of the invitation of bids shall be given once a week from July fifteenth to August fifteenth A summary of the bids shall be included by the city manager in the budget

Section 1809 Contract Price for Public Improvements Not to Exceed Estimate Before the letting of any contract in connection with a capital project an estimate of the costs of the various part of the project shall be made by the department having charge of the construction The aggregate estimated costs shall not exceed the total cost as provided in the capital budget No bid for any part of the work in excess of the estimate of the cost thereof shall be accepted Any estimate or contract as to a part of the project may be limited to any unit or units or any part or parts and upon the making of a contract therefor the work on such unit or units part or parts may proceed to the extent of the funds available for the purposes thereof

Article XIX Officers and Employes in General

Section 1901 Continuation in Office Any person holding an office shall continue to hold the office until his successor has qualified

Section 1902 Vacancies Any vacancy in any office the term of which is fixed by this Act shall be filled only for the unexpired portion of the term

Section 1903 Person to Hold Only One Office No person shall hold more than one office or position of profit under the city government and no person shall hold any office or position of profit under the city or any department thereof while holding any other office or position of profit in or under the government of the United States of this Commonwealth or of any political subdivision thereof However nothing in this Section shall apply to the offices of notary public or of commissioner of deeds or to any office in the military or naval service of the United States or of this Commonwealth and nothing in this Section shall prevent persons from holding office ex-officio

Section 1904 Residence Requirement of Elective Officers All officers elected by the qualified voters of the city shall be residents thereof at the time of their nomination and election and shall reside therein during their term of service

Section 1905 Duties of Persons Receiving City Money Every officer or agency receiving money for the city or money payable into the city treasury shall give bond for the faithful performance of his duty and shall be required to make return to the city controller under oath or affirmation administered by him of each item of the moneys received by him once in every week or oftener if council shall so direct and to pay the amounts in his hands to the city treasurer daily

Section 1906 Compensation by Salary and Not by Fees No officer or employe of the city shall collect any fees or perquisites for his own use but all such fees or perquisites collectible under the law shall be paid into the city treasury Each officer or employe whose salary is paid out of the city treasury shall be paid semi-monthly by check to his order

Section 1907 Pension Funds There shall continue to be pension funds for the employes of the city as now provided by law

Section 1908 Impeachment Suspension and Removal

(a) Municipal officers shall be liable to impeachment suspension and removal from office for any corrupt act or practice malfeasance mismanagement mental incapacity or incompetency for the proper performance of official duties extortion receiving any gift or present from any contractor or from any person seeking or engaged in any work for or furnishing material to the city or from any incumbent or occupant of or candidate or applicant for any municipal office and for wilfully concealing any fraud committed against the city

(b) Complaint in writing may be made to a court of common pleas of the proper county by not less than twenty qualified electors of the city each of whom shall write his occupation and residence opposite his signature charging any municipal officer with any offense setting forth the facts on which the said charge is founded supported by the oaths or affirmations of at least five of the complainants according to the best of their knowledge information and belief If in the judgment of the court there appears to be reasonable ground for such proceedings the court shall direct the complaint to be filed of record and grant a rule upon the accused returnable on a day certain to appear and answer the same

(c) If on the return day of the rule the court shall find sufficient cause for further proceedings it shall appoint a committee of five competent and reputable citizens to investigate the charges contained in the complaint who having been first severally sworn or affirmed to perform the duties of their appointment with fidelity shall have full authority for that purpose to examine the books of the office held by accused and any papers contracts letters or documents filed therein and examine witnesses under oath or affirmation whose atendance the court shall enforce if necessary by subpoena and attachment

(d) It shall be the duty of the committee to make a written report to the court of the facts found by it which shall be filed of record accompained by the testimony taken within three weeks next after its appointment unless the time shall be extended by the court upon its application In any stage of the proceedings if the public interest so require the court may by an order to be filed of record in the case suspend the accused from office until he shall be tried and acquitted

(e) If the committee or any three members thereof shall find that any charge made as aforesaid is well founded it shall in its report so state in specific form and in such case the court shall cause a certified copy of the whole record with the specifications of the charges against the accused to be transmitted to council which shall be assembled within ten days thereafter in special and open session as a court of impeachment and the members other than a councilman who is the subject of the charge shall be severally sworn to try and decide the same according to the evidence A copy of the specifications shall be served on the accused or left at his last place of residence at least five days before the commencement of the trial and he shall be entitled to be heard thereon in person or by counsel and to produce evidence in his defense and the prosecution before council shall be conducted by the committee or by counsel appointed by it The compensation of counsel and the cost of investigation and prosecution by the committee shall be provided for by ordinance

(f) The president judge of the court of common pleas or in his absence an associate judge thereof shall preside during the trial and decide finally all question by law and evidence that may arise in the case He shall have the power to issue subpoenas for witnesses and compel their attendance by attachment and the production of books papers and documentary evidence required or called for by the said court of impeachment and to punish witnesses and others for contempt as fully as any court of this Commonwealth may lawfully do in any case

(g) The decision of the court of impeachment shall be entered upon the record of its proceedings and certified by the clerk of the court in which the complaint was filed If the accused shall be found guilty on any of the specifications the said court of common pleas shall enter judgment accordingly and declare the said office vacant

Article XX Powers of the City

Section 2001 Specific Powers The city shall be a body corporate and politic with perpetual succession and shall have the following powers to be exercised as now or hereafter provided by law

A Corporate powers The corporate powers shall include the power to

(1) sue and be sued
(2) acquire property for public use by eminent domain purchase lease gift or otherwise
(3) dispose of property of the city by sale lease mortgage pledge or otherwise
(4) act as trustee and administer trusts
(5) grant franchises

(6) have and use a corporate seal and alter the same at pleasure and
(7) make all contracts and do all other acts in relation to the property and affairs of the city necessary to exercise its corporate or administrative powers

B Fininacial powers The financial powers shall include the power to
(1) levy and collect taxes on persons transactions occupations privileges subjects and real and personal property and adopt for the assessment of city taxes upon real property the same property valuations made by the county assessors
(2) levy assess and collect special assessments for benefits conferred
(3) borrow money for the public purposes of the city and
(4) provide for the payment of the debts and expenses of the city and appropriate money for these and other public purposes

C Public facilities The powers as to public facilities shall include the power to
(1) acquire own construct dispose of maintain operate and conduct
(a) park and recreation facilities (b) fire and police facilities and traffic systems (c) buildings for the transaction of public business (d) charitable and medical institutions and facilities (e) institutions and facilities for detention (f) public utilities (g) public markets (h) public auditoriums libraries memorial buildings monuments museums and acquariums and (i) comfort stations waiting stations and drinking fountains and
(2) merge the Carnegie Free Library of Allegheny with the Carnegie Library of Pittsburgh the combined institution to be operated and governed by the Board of Trustees of the Carnegie Library of Pittsburgh and finance as heretofore
(3) furnish utility service within and without the limits of the city

D Regulatory powers The regulatory powers shall include the power to
(1) license inspect or otherwise regulate (a) the construction and maintenance of buildings fire escapes engines and boilers (b) the installation of standpipes and sprinkler systems (c) the sale use and storages of fireworks explosives chemicals and combustibles (d) junk shops rag shops second-hand stores and peddlers (e) transient retail merchants (f) public dances halls theatres exhibitions and billiard rooms (g) employment agencies (h) sales at public auction (i) public market (j) tenement houses (k) the transportation by motor vehicles of passengers or property for pay and (l) weights and measures
(2) regulate and restrict the location size and use of buildings and other structures in the city or any part thereof and
(3) regulate wharves fix wharf lines and keep navigable waters open

E Street improvements The powers as to the street improvements shall include the power to
(1) lay out widen grade pave maintain clean and vacate streets alleys footways sewers bridges viaducts and piers
(2) require the owners of property to lay set or repair sidewalks footways and curbstones or to pay therefor
(3) require the owners of property to pay for paving streets laying sewers and other abutting improvements and
(4) plant and maintain shade trees and to compel the abutting owners to pay therefor

F Additional powers The city shall have the additional powers to
(1) organize and reorganize all agencies of the city
(2) fix the number and compensation of all officers and employes to be paid out of the city treasury
(3) maintain and improve public health and for that purpose to regulate and license occupations and activities inspect buildings remove and compel the removal of nuisances and remove and dispose of ashes rubbish waste and garbage
(4) participate in the establishment of and deal with municipal housing and other authorities
(5) make reservations of land for future acquisition for public use
(6) create and maintain pension funds for persons paid out of the city treasury
(7) make contracts with mutual fire insurance companies and
(8) appropriate money and provide meeting rooms to any organization society or institution carrying on a public function in the city

Section 2002 General Powers In addition to the specific powers above stated the city shall have the power of local self-government and to pass ordinances and resolutions applicable throughout the whole city or only to specified portions thereof which are not inconsistent with the provisions of this Act or of the Constitution or laws of the United States or of this Commonwealth
(a) for the good rule and government of the city
(b) for the order protection and government of persons and property
(c) for the benefit and preservation of the health comfort peace prosperity and general welfare of the city and its inhabitants
(d) to effectuate the purposes and provisions of this Act or of any other laws relating to the city and
(e) to provide (1) for the enforcement of ordinances and resolutions by legal or equitable proceedings (2) that violations thereof shall constitute misdemeanors and (3) for the punishment of violation thereof by forfeiture or by a fine not exceeding $100.00 for any one offense recoverable with costs together with judgment of imprisonment not exceeding thirty days if the amount of the fines and costs shall not be paid within ten days from the date of the imposition thereof

Section 2003 Police Magistrates The police power for taking information making arrests and the preservation of the peace shall hereafter vest in the city manager and not less than five nor more than eight police magistrates as shall be designated by ordinance to be appointed by the city manager subject to the approval of council in such districts of the city as shall by ordinance be designated whose term of office shall be during good behavior and until a successor shall be appointed and approved said magistrates shall receive an annual salary not exceeding four thousand five hundred dollars ($4,500) and shall be removable by the city manager The magistrates so appointed shall have all the powers and perform the duties given to and prescribed for said officers by existing laws for cities of the second class This act shall not be construed to repeal the Act of June sixteenth one thousand eight hundred and ninety-one entitled "An act relating to and defining the powers and duties of police magistrates in cities of the second class" in so far as the same is not inconsistent herewith

Section 2004 Other powers Saved All existing powers of the city shall continue whether or not mentioned herein except insofar as they are repealed by this Act

Article XXI Home Rule

Section 2101 Local Self-Government The city shall have the right and power to frame and adopt changes in this Act which shall be solely applicable to it and to exercise the powers and authority of local self-government subject however to such restrictions limitations and regulations as are provided in this Article or as may hereafter be imposed by the legislature The city may as provided in this Act change or supersede any law relating to the self-government of the city

Section 2102 Changes by Council Any bill introduced in council for the purpose of changing this Act or any other act which relates to the self-government of the city shall not be passed until a public hearing has been had thereon pursuant to public notice

Section 2103 Approval of Electors Any ordinance passed by council for the purpose of changing this Act shall be submitted for the approval of the electors at the next

general special or primary election to be held not less than sixty days after the passage thereof by council except that no such approval shall be necessary for a bill which provides for changes in Article IV to IX hereof inclusive

Section 2104 Approval of Legislature An ordinance passed by council which under this Article requires the approval of the electors shall become effective upon the approval thereof by the electors except that a change in Article I II XIII XIV XVIII XXI or XXII hereof shall not become effective until thirty-one days after the adjournment of a pending or the next session of the General Assembly at which it was possible to consider legislation in regard thereto and then only to the extent to which such ordinance shall not conflict with an act or acts enacted at such session

Article XXII Construction of this Act

Section 2201 Liberal Construction The provisions of this Act shall be construed liberally in order to effect the intent and purpose of the Act

Section 2202 Inconsistent Specific Laws No provisions of existing laws even though they be specific shall be effective insofar as they are inconsistent with the provisions of this Act

Article XXIII Schedule

Section 2301 Continuation of Officers and Employes All officers and employes of any department office or agency the expenses of which are paid out of the city treasury shall continue in office or employment but shall be under the jurisdiction of the agency to which their functions are assigned by this Act until transferred superseded or removed according to law

Section 2302 Civil Service Any employe who holds a position which is in the classified service as herein defined and which was in the competitive class under the law in force immediately preceding the effective date of this Act shall if he has successfully completed his probationary period become a classified service employe under the provisions hereof and continue in that position unless separated therefrom as herein provided Any such employe who has not completed such probationary period at the time this Act takes effect shall retain his status as a probationary employe until the expiration of that probationary period or until one month after the effective date of this Act whichever period is longer Any employe who holds a position which is in the classified service as herein defined and which was in the labor class under the law in force immediately preceding the effective date of this Act shall become a classified service employe under the provisions hereof and continue in that position unless separated therefrom as herein provided Any employe serving as a provisional or temporary appointee at the time this Act takes effect shall be regarded as a provisional or temporary appointee under this Act and shall be subject to the provisions thereof Any other employe holding a position in the classified service as herein defined may become a classified service employe upon passing such non-competitive tests as the personnel director may prescribe such non-competitive tests shall be given as soon as practicable but in any event within six months after the effective date of this Act

Section 2303 Continuation of Ordinances and Regulations All ordinances and all rules and regulations of departments boards commissions and other agencies which are in force in the city and are not inconsistent with this Act including those passed and adopted in pursuance of laws hereby repealed shall continue in force until repealed or amended

Section 2304 Continuation of Rights and Liabilities All existing rights liabilities actions and prosecutions shall continue as if this Act had not been enacted

Article XXIV Effective Dates

Section 2401 Approval of Electors The Act shall be submitted to the electors of any city now of the second class at the first general election following its enactment In case of any city which in the future becomes a city of the second class the Act shall be submitted to the electors at the first general or primary election which is held after it has become a city of the second class The question shall be submitted to the electors in the following form

"Do you approve the new Charter"

The election shall be conducted in the same manner as other municipal elections If the Act is not approved by a majority of the electors voting thereon it shall again be submitted to the electors at an election to be held four years after the previous election

Section 2402 Nominations and Elections The provisions of this Act as to the nomination and election of the new Council shall upon the approval of the Act by the electors become effective at the same time or upon the expiration of the term of the Mayor then holding office The repeal of the laws as to the nomination and election of the Mayor and Council shall upon the approval of this Act by the electors become effective at the primary and general elections next preceding the expiration of the term of the Mayor then holding office Provided however that the members of Council elected at the municipal election at which this Act is approved shall hold office for only two years instead of four years

Section 2403 Current Budget The Article of this Act relating to the current budget shall become effective upon the approval of this Act by the electors except that (a) until January first next after such approval the references therein to the city manager shall be deemed to be references to the mayor (b) the aggregate assessed valuation of taxable property shall be certified by the Director of the Department of Finance but if the records of the Department of Finance are not complete an estimate of the aggregate assessed valuation shall be made and certified by the city controller (c) the provisions prohibiting any appropriation or payment on any contract providing for payments in absence or excess of an appropriation before the contract was made shall not apply to payments for material furnished or services rendered to the effective date of this Act and such payment may be made according to ordinance approved by two-thirds of the councilmen holding office (d) the liabilities in the certificate of revenue and liabilities to be furnished by the controller may be reduced to the extent that any law permits the existing deficiency to be allocated or funded over one or more years after the next ensuing year and (e) the provision relating to the transfer of appropriations shall not go into effect until after one year after the effective date of this Act The repeal of the provisions of law pertaining to the finances and the budget of the city shall become effective upon the effective date of the provision or provisions of this Act by which they are superseded

Section 2404 General Effective Date Except as expressly provided above the Act shal become effective in the city following its submission to the electors of the city and its approval by a majority of those voting thereon at the same time or upon the expiration of the term of the mayor then holding office

Article XXV Repealer

All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 245, as follows:

An Act limiting the liability of fiduciaries for taxes assessments and other charges against real property held by them to the assets of the estate fund or trust of which such property is a part

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Where any fiduciary or fiduciaries individual or corporate or individual and corporate shall now or here-

after hold title of record to real estate ground rents or any other form of real property and the record of said title discloses that said title is held in a fiduciary capacity the liability of such fiduciary or fiduciaries for taxes assessments or other charges levied or imposed by the Commonwealth or any political subdivision or municipal corporation or instrumentality thereof upon or against such real property shall be limited to the assets of the estate fund or trust of which such property is a part and in no case shall such fiduciary or fiduciaries be subject to any liability in an individual or corporate capacity for any such taxes assessments or charges

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 280, (House Bill No. 351), entitled:

An Act to amend section twenty-two of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 403) entitled "An act relating to the form execution revocation and interpretation of wills to noncupative wills to the appointment of testamentary guardians to spendthrift trust to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" by providing for forfeiture of the right to take property under the will of a murdered testator.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 281, (House Bill No. 352), entitled:

An Act to amend section twenty-three of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 429) entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphans' court in connection therewith and the fees therefor" by providing for forfeiture of the right to inherit or to take property of a murdered intestate under the said act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 294, (House Bill No. 443), entitled:

An Act to amend the appropriation act, approved the fifth day of June, one thousand nine hundred thirty-seven (Appropriation Act No. 51-A), entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine; apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two; permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges; requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years; authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act; and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first, one thousand nine hundred forty," by providing that the unexpended and unencumbered balance of such appropriation at the time this act becomes effective shall be allocated to and apportioned among the various second-class townships on the basis of the amount of road mileage in such townships; authorizing the township supervisors to expend the moneys allocated to the township for the purpose prescribed under the approval and supervision of the Department of Highways; and excluding the provision for expenditure by the Department of Highways of such balances, the taxing and budgeting limitations on townships of the second class, and the right of the Department of Highways to rent road-building machinery and equipment belonging to such townships.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 296, (House Bill No. 358), entitled:

An Act to amend section one of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 388) entitled "An act relating to the jurisdiction powers and procedure of the orphans' court and the court of common pleas as to sales mortgages conveyances or ground-rent leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of the opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate

tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devises or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may not have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non compos mentis have removed out of the State have died refuse to act unreasonably withhold consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" by conferring on the orphans' court concurrent jurisdiction with the court of common pleas in certain cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 305, (House Bill No. 374), entitled:

An Act to amend section three of article one and section forty of article four of the act approved the twentieth day of June one thousand nine hundred nineteen (P. L. 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefor and providing for the repayment of taxes paid in excess of amount due on future estates

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 308, (House Bill No. 480), entitled:

An Act regulating the appointment promotion suspension reduction removal and reinstatement of employes (except chiefs deputy chiefs and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class defining the power and duties of Civil Service Commissions for such purpose in said cities and repealing inconsistent legislation

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 386, (House Bill No. 378), entitled:

An Act to amend paragraph (d) of section twenty-eight of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presume decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization or corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absenta the recording and registration appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" authorizing surviving acting or remaining testamentary trustees to act in respect to real estate left to them to be sold or which they are authorized or directed to sell

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 408, as follows:

An Act to authorize insurance companies to include in any general blanket or group policy covering accidental bodily injuries or sickness a provision for payment of certain expenses incurred by the insured for dependents

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any general blanket or group insurance policy covering accidental bodily injuries and sickness issued to any corporation or individual employer where employees are insured may contain a provision to include benefits to cover medical surgical and hospital expenses of dependents of respective insured employees as specified in the policy

Section 2 This bill shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 412, (House Bill No. 331), entitled:

An Act defining and prohibiting unfair sales providing remedies for violations thereof and establishing penalties therefor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. WOLFENDEN. Mr. President, I ask unanimous consent that Senate Bill No. 422, on second reading, entitled:

An Act to amend section one thousand and four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended by authorizing exchanges which maintain a surplus equal to the capital and surplus requirements of stock insurance companies engaged in the same kind of business to write policites without contingent liability in such policy or in the power of attorney

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 457, as follows:

An Act to amend sections one and five of the act approved the twenty-ninth day of May one thousand eight hundred eighty-five entitled "An act to provide for the incorporation and regulation of natural gas companies" enlarging the powers of such corporations and limiting the cases where certificates setting forth enlargement or alteration of territory or production need be recorded

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and five of the act approved the twenty-ninth day of May one thousand eight hundred eighty-five entitled "An act to provide for the incorporation and regulation of natural gas companies" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That corporations may be formed in the manner mentioned herein by the voluntary association of five or more persons or as otherwise provided herein for the purpose of producing dealing in transporting storing and supplying natural gas to such persons corporations or associations within convenient connecting distance of its line of pipe as may desire to use the same upon such terms and under such reasonable regulations as the gas company shall establish and when so formed each of them by virtue of its existence as such shall have the following powers

I To have succession by its corporate name for the period limited by its charter and when no period is limited thereby perpetually subject to the power of the general assembly under the constitution of the Commonwealth

II To maintain and defend judicial proceeding

III To make and use a common seal and alter the same at pleasure and have a capital stock not exceeding five million dollars divided into shares such as each company may determine

IV To produce mine own deal in transport store and supply natural gas for either light heat or both or other purposes and have all the rights and privileges necessary or convenient therefor

V To hold acquire purchase take receive maintain lease own hold and use mortgage sell and transfer such real and personal property including pipes tubing tanks office and such other machinery devices or arrangements situated in or out of this Commonwealth as the purposes of the corporation requires to purchase take acquire own hold and use the rights franchises property and privileges of any other natural gas company incorporated under the laws of this Commonwealth or of any other State or Commonwealth so that all the property rights powers franchises and privileges then by law vested in such other corporation shall be transferred to and vested in the corporation purchasing taking or acquiring the same and to have and possess the right also to enter upon take and occupy such lands easements and other property as may be required for the purpose of laying its pipes for transporting and distributing gas

VI To appoint and remove such subordinate officers and agents as the business of the corporation requires and to allow them suitable compensation

VII To make by-laws not inconsistent with the law for the election and regulation of its directors and officers the management of its property the regulation of its affairs and the subscription collection and transfer of its stock

Section 5 When and as often as any such corporation shall be desirous of enlarging or altering its territory of production or of supply for consumption both or either of them and its pipe line or lines and branches it shall thereupon make under its common seal and deposit in the office of the secretary of the Commonwealth a certificate setting forth the particulars of such enlargement and alteration and except where the enlargement or alteration is outside this Commonwealth shall record in the office of the recorder of deeds of the county or counties to which the enlargement or alteration applies a copy of the certificate and thereupon and thereafter the rights powers and duties of the corporation shall be as to the extension of its business and lines as if the same had been originally provided for and embodied in its charter

Section 2 This act shall become effective immediately upon final enactment.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 460 as follows:

An Act to amend paragraphs (6) and (7) of Section 2 Sections 405 and 915 of and to add Sections 922 and 1315 to the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engagaing in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise

surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisons of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by adding to the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle" requiring common carriers to deal only with certain common carriers by motor vehicles providing for additional insurance by certain motor carriers of passengers authorizing the Commission and the Department of Revenue to co-operate in identification plate requirements and providing additional penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraphs (6) and (7) of section two section four hundred five and section nine hundred fifteen of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent muncipalities engaging in public utility business by prescribing defining and limiting their dutes powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interest and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities impsing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" are hereby amended to read as follows

(6) "Common Carrier by Motor Vehicle" means any common carrier who or which holds out or undertakes the transportation of passengers or property or both or any class of passengers or property between points within this Commonwealth by motor vehicle for compensation whether or not the owner or operator of such motor vehicle or who or which provides or furnishes any motor vehicle with or without driver for transportation or for use in transportation of persons or property as aforesaid and shall include common carriers by rail water or air and express or forwarding public utilities in so far as such common carriers of such public utilities are engaged in such motor vehicle operations but shall not include (a) a lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance supervision or control of the motor vehicle so sold (b) transportation of property by the owner to himself or to purchasers directly from him in vehicles owned and operated by the owner of such property and not otherwise used in transportation of property for compensation for others

(7) "Contract Carrier by Motor Vehicle" means any person or corporation who or which provides or furnishes transportation of passengers or property or both or any class of passengers or property between points within this Commonwealth by motor vehicle for compensation whether or not the owner or operator of such motor vehicle or who or which provides or furnishes with or without drivers any motor vehicle for such transportation or for use in such transportation other than as a common carrier by motor vehicle but shall not include (a) a lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance supervision or control of the motor vehicle so sold or (b) any bona fide cooperative association transporting property exclusively for the members of such association on a non-profit basis or (c) transportation of property by the owner to himself or to purchasers directly from him in vehicles owned and operated by the owner of such property and not otherwise used in transportation of property for compensation for others

Section 405 Common Carrier Connections with Other Lines (a) Every common carrier shall construct and maintain whenever the commission may after hearing had upon its own motion or upon complaint require the same such switch or other connections with or between the lines of a like common carrier where the same is reasonably practical to form a continuous line of transportation and to cause the transportation of passengers or property between points within this Commonwealth to be without unreasonable interruption or delay and shall establish through routes and service therein and joint rates applicable thereto and where practicable shall transport passengers or prop-

erty over the same without transfer from the originating facilities In case of failure of the common carriers concerned to agree among themselves upon the division of the cost of construction maintenance and operation of the connections thus provided for or the allowance to be made for the interchange of service the commission shall ascertain and by order prescribe and fix the equitable and just apportionment and division of the same

(b) Every common carrier and motor carrier is hereby prohibited from interchanging receiving or delivering with from or to any common carrier by motor vehicle which does not have in force a certificate or permit authorizing it to transport properly within the jurisdiction of this act

Section 915 Motor Carriers to Carry Insurance Unless Permitted to Be Self-Insurers The commission may as to motor carriers prescribe by regulation or order such requirements as it may deem necessary for the protection of persons or property of their patrons and the public including the filing of surety bonds and the carrying of insurance or the qualifications and conditions under which such carriers may act as self-insurers with respect to such matters Provided however That all motor carriers of passengers whose current liquid assets do not exceed their current liabilities by at least one hundred thousand ($100-000) dollars shall cover each and every vehicle transporting such passengers with a public liability insurance policy issued by an insurance company authorized to do business in this State in such amounts as the commission may prescribe but not less than five thousand ($5,000) dollars for one and ten thousand ($10,000) dollars for more than one person injured in any one accident

Section 2 Article nine of said act is hereby amended by adding at the end thereof and following section nine hundred twenty-one a new section to be known as section nine hundred twenty-two and to read as follows

Section 922 Commission to Co-operate with Department of Revenue The Department of Revenue and the commission are hereby authorized and directed to co-operate in the issuance by the Department of Revenue under the provisions of the Vehicle Code of registration plates for commercial motor vehicles which will classify and identify motor vehicles operated under certificates or permits issued by the commission without the necessity of the requirement of separate identification plates in addition to registration plates required under the Vehicle Code

Section 3 Article thirteen of said act is hereby amended by adding at the end thereof and following section one thousand three hundred fourteen a new section to be known as section one thousand three hundred fifteen and to read as follows

Section 1315 Penaltie for Violations by Officers Agents Employes Shippers or Consignees Any person whether carrier shipper consignee or broker or any officer employe agent or representative thereof who shall knowingly offer grant or give or solicit accept or receive any rebate concession or discrimination in violation of any provision of this act with respect to motor carriers or who by means of false statements or representations or by use of false or fictitious bill bill of lading receipt voucher roll account claim certificate affidavit deposition lease or bill of sale or by any other means or device shall knowingly and wilfully assist suffer or permit any person or persons natural or artificial to obtain transportation of property by motor carrier subject to this act for less than the applicable rate fare or charge or who shall knowingly and wilfully by any such means or otherwise fraudulently seek to evade or defeat regulation in this act provided for motor carriers or brokers shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than fifty dollars ($50) for the first offense and not more than one hundred dollars ($100) for any subsequent offense

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 461, as follows:

An Act to amend Paragraph 1 of Section 1 Clauses (f) (g) and (h) of Section 202 Paragraph 4 of Section 403 Sections 405 and 406 to add Clause (f) to Section 407 and to amend Section 413 of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1449) entitled "An act establishing a court of record in the county of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent chldren under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of chldren defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the deliquency neglect or dependecy of children a misdemeanor and providing penalties" by extending the provisions of the act to children under eighteen years of age

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph one of section one of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1449) entitled "An act establishing a court of record in the county of Allegheny for control care guidance treatment trial placement and commitment of deliquent neglected and depdendent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of chldren defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Definitions 1 Whenever the words "the court" are used in this act they shall refer to the juvenile court established by this act the term "judge" shall refer to the judge of that court the word "child" shall mean a person less than [sixteen] eighteen years of age the word "adult" shall mean a person [sixteen] eighteen years of age or over and the words "child" or "children" may be held to mean one or more children and the words "parent" or "parents" may be held to mean one or more parents when consistent with the intent of this act

Section 2 Clauses (f) (g) and (h) of section two hundred two of said act are hereby amended to read as follows

(f) To inquire under oath or affirmation of all crimes misdemeanors and offenses whatsoever against the laws of this Commonwealth which shall be triable in the county wherein the person charged is a child under [sixteen] eighteen years of age

(g) To take in the name of the Commonwealth all manner of recognizances and obligations heretofore taken and allowed to be taken by any justice of the peace or the courts of quarter sessions in all cases where the person charged with crime misdemeanor or offense is under the age of [sixteen] eighteen years and the court shall certify such as shall be taken in relation to any crime not triable in said court to the next court of quarter sessions or of oyer and terminer having power to take cognizance thereof

(h) To continue or discharge the recognizances and obligations taken as aforesaid or certified into said court

by any justice of the peace of said county and to inquire of hear and determine all complaints which shall be found thereon

The said court shall also have and exercise such other jurisdiction and powers not herein enumerated as may have been heretofore or may be hereafter given to the courts of quarter sessions of the peace sitting as a juvenile court or of any judge of said court sitting as a juvenile court judge within the several counties of this Commonwealth or the County Court of Allegheny County sitting as a juvenile court in proceedings affecting the treatment and control of dependent neglected incorrigible and delinquent children under the age of [sixteen] eighteen years and all laws relating to such jurisdiction and powers of the courts of quarter sessions sitting as juvenile courts or the County Court of Allegheny County sitting as a juvenile court are hereby made applicable to said juvenile court

Section 3 Paragraph four of section four hundred three of said act is hereby amended to read as follows

4 There shall be no preliminary hearings in any cases affecting delinquent neglected or dependent children under age of [sixteen] eighteen years

All such cases shall be certified by any magistrate alderman or justice of the peace to the juvenile court whenever it shall apear that the person arrested and charged with any crime is under the age of [sixteen] eighteen years

Section 4 Sections four hundred five and four hundred six of said act are herbey amended to read as follows

Section 405 Preliminary Orders Temporary Custody of Children Upon the filing of any petition as above set forth or upon information charging a child with any indicatable offense or with the violation of any other laws of this Commonwealth or the ordinance of any city borough or township of the commitment of a child by any magistrate alderman or justice of the peace the judge holding the juvenile court shall if after preliminary inquiry he deems the same necessary make all necessary orders for compelling the production of such child and the attendance of parents or other person or persons having the custody or control of said child or with whom the child may be

Pending the final disposition of any case the child shall be subject to the order of the court and may be permitted by the court to remain in the control of his or her parents or the persons having him or her in charge or a probation officer or the child may be placed by the court in the custody of any association or society having for one of its objects the care of delinquent neglected or dependent children or may be ordered by the court to be kept and maintained in some place provided by the county for such purposes Provided That if such child is sixteen years of age or over and less than eighteen years of age he or she may be confined in any place of detention maintained and provided for the custody of adults awaiting trial

Section 406 Certain Commitments Prohibited Special Room for Detention of Children No child under sixteen years of age pending or after hearing before the juvenile court shall be confined in any county jail workhouse police station lockup or other institution in which adults are confined or be placed in any court room during the trial of any adult unless his or her presence be required in the prosecution of adults upon order of the judge presiding at the trial of such adult or adults or in any vehicle in company with adults charged with or convicted of crime

The county commissioners in said county shall provide furnish and heat a separate room or rooms or a suitable building to be used exclusively for the confinement of all children under sixteen years of age who may be in custody awaiting hearing in the juvenile court of the county and shall provide for the maintenance and care of such children while in custody

Section 5 Section four hundred seven of said act is hereby amended by adding thereto a new clause to be known as Clause (f) to read as follows

(f) Commit any child over the age of sixteen years to any state industrial school or home for the reformation and correction of youths above the age of sixteen

Section 6 Section four hundred thirteen of said act is hereby amended to read as follows

Section 413 Transfer of Cases from the Criminal Courts If during the pendency of a criminal charge other than murder against any person in the court of quarter sessions or oyer and terminer it shall be ascertained that the person charged with the offense was under the age of sixteen years at the time the alleged offense was committed it shall be the duty of such court to transfer such case immediately together with all the papers documents and testimony connected therewith to the juvenile court If such child is sixteen years of age or over and less than eighteen years of age such court may at its discretion transfer such cases to the juvenile court in the same manner The judge making such transfer shall order the child to be taken forthwith to the place of detention provided for dependent neglected or delinquent children or release such child in the custody of some suitable person or probation officer with directions to appear before the juvenile court at a time to be fixed in said order at which time the judge of the juvenile court shall thereupon proceed to hear and dispose of the case in the manner provided by this act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 462, as follows:

An Act to amend Clause 2 of Section 1 and Sections 4 6 7 8 and 14 of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1433) entitled "An act defining the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children and amending revising and consolidating the law relating thereto" by extending the provisions of the act to children under eighteen years of age.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause 2 of Section 1 and Sections 4 6 7 8 and 14 of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1433) entitled "An act defining the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children and amending revising and consolidating the law relating thereto" are hereby amended to read as follows

(2) The word "child" as used in this act means a minor under the age of [sixteen] eighteen years

Section 4 Initiation of Proceedings The Powers of the court may be exercised

1 Upon the petition of any citizen resident of the county setting forth that (a) a child giving his or her name age and residence is neglected dependent or delinquent and is in need of care guidance and control (b) the names and residence of the parents if any or of his or her legal guardian if there be one (c) the name and residence of the person or persons having control of the child and (d) the name and residence of the nearest relative if no parent or guardian can be found

2 Upon commitment by a magistrate alderman or jus-

tice of the peace of a child arrested for any indictable offense other than murder or for the violation of any other laws of this Commonwealth or the ordinance of any city borough or township

3 There shall be no preliminary hearings in any cases affecting dependent delinquent or neglected children under the age of [sixteen] eighteen years

Section 6 Preliminary Orders Temporary Custody of Children Upon the filing of any petition as above set forth or the commitment of a child by any magistrate alderman or justice of the peace the judge holding the juvenile court shall if after preliminary inquiry he deems the same necessary make all necessary orders for compelling the production of such child and the attendance of parents or other person or persons having the custody or control of the child or with whom the child may be

Pending the final disposition of any case the child shall be subject to the order of the court and may be permitted by the court to remain in the control of his or her parents or the person having him or her in charge or in charge of a probation officer or the child may be placed by the court in the custody of any association or society having for one of its objects the care of dependent delinquent or neglected children or may be ordered by the court to be kept and maintained in some place provided by the county for such purposes Provided That if such child is sixteen years of age or over and less than eighteen years of age he or she may be confined in any place of detention maintained and provided for the custody of adults awaiting trial

Section 7 Certain Commitments Prohibited Special Rooms for Detention of Children No child under sixteen years of age pending or after hearing before the juvenile court shall be confined in any county jail workhouse police station lockup or other institution in which adults are confined or be placed in any court room during the trial of adults unless his or her presence be required in the prosecution of adults upon order of the judge presiding at the trial of such adult or adults or in any vehicle in company with adults charged with or convicted of crime

The county commissioners in each county shall provide furnish and heat a separate room or rooms or a suitable building to be used exclusively for the confinement of all children under sixteen years of age who may be in custody awaiting hearing in the juvenile court of the county and shall provide for the maintenance and care of such children while in custody

Section 8 Hearing Court Orders At the hearing or any continuation thereof the judge or judges shall after an inquiry of the facts determine whether the best interests and welfare of a child and the State require the care guidance and control of such child and shall make an order accordingly

The court may

(a) Allow a child to remain in his home under the care of his or her parent or parents or place such child in a suitable family home subject in either case to the supervision and guardianship of a probation officer and may require such child to report to the probation officer as often as deemed necessary and may require such child to be returned to the court for further proceedings whenever the same appears to the court to be necessary

(b) Commit a child to the care guidance and control of some reputable citizen of good moral character subject to the supervision of a probation officer and to report as required in clause (a) of this section

(c) Commit a child to some suitable institution or to the care of an incorporated association or society one of whose objects is the care guidance and control of delinquent dependent and neglected children and which is willing to receive said child

(d) Commit a child to an industrial or training school or county institution or school maintained for such purpose willing to receive it for care guidance and control

(e) Commit any child over the age of sixteen years to any state industrial school or home for the reformation and correction of youths above the age of sixteen

No dependent neglected or delinquent child shall hereafter be committed to any industrial or correctional school or institution whatsoever by any magistrate alderman or justice of the peace any existing law to the contrary notwithstanding

Section 14 Transfer of Cases from the Criminal Courts If during the pendency of a criminal charge other than murder against any person in the court of quarter sessions or oyer and terminer it shall be ascertained that the person charged with the offense was under the age of sixteen years at the time the alleged offense was committed it shall be the duty of such court to transfer such case immediately together with all the papers documents and testimony connected therewith to the juvenile court If such child is sixteen years of age or over and less than eighteen years of age such court may at its discretion transfer such cases to the juvenile court in the same manner The judge making such transfer shall order the child to be taken forthwith to the place of detention provided for dependent neglected and delinquent children or release such child in the custody of some suitable person or probation officer with directions to appear before the juvenile court at a time to be fixed at which time the judge of the juvenile court shall thereupon proceed to hear and dispose of the case in the manner provided by this act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. WOLFENDEN. Mr. President, I ask unanimous consent that Senate Bill No. 486, entitled:

An Act authorizing certain existing beneficial or protective societies heretofore incorporated to reincorporate as limited life insurance companies for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death regulating such corporations and limiting the amount for which such corporations may issue policies

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 492, as follows:

An Act designating certain life insurance companies as limited life insurance companies and further describing the powers thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions Limited Life Insurance Companies All corporations now incorporated or reincorporated under the provisions of the act approved the twenty-eighth day of April one thousand nine hundred three (Pamphlet Laws three hundred twenty-nine) entitled "An Act to provide for the incorporation and regulation of corporations for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death therein limiting the amount for which such corporations may issue policies and providing the manner in which certain existing corporations may become reincorporated under this act" or under the provisions of the act approved the twentieth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred seventeen) entitled "An Act authorizing certain existing beneficial or protective societies heretofore incorporated to reincorporate for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death regu-

lating such corporations and limiting the amount for which corporations may issue policies and imposing a tax on gross premiums of companies reincorporated under the provisions of this act" which make insurances against death personal injury and disablement and upon health of individuals are hereby further designated as limited life insurance companies

Section 2 Powers All limited life insurance companies are hereby specifically empowered to issue policies agreeing to pay not more than twenty ($20.00) per week in the event of disablement from sickness nor more than double that amount in the event of disability from accident nor more than five hundred dollars ($500.00) in the event of death from natural or accidental causes notwithstanding any limitations to the contrary established by the Act of Assembly pursuant to which such corporation shall have been incorporated or reincorporated or by any other Act of Assembly or by the provisions of its charter

Section 3 Effective Date This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 537, as follows:

A Joint Resolution Proposing an amendment to section one article eight of the Constitution of the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

Section one of article eight is hereby amended to read as follows

Section 1 Every citizen twenty-two years of age possessing the following qualifications shall be entitled to vote at all elections subject however to such laws requiring and regulating the registration of electors as the General Assembly may enact

He or she shall have been a citizen of the United States at least one month

2 He or she shall have resided in the State one year (or having previously been a qualified elector or native born citizen of the State he or she shall have removed therefrom and returned then six months) immediately preceding the election

3 He or she shall have resided in the election district where he or she shall offer to vote at least two months immediately preceding the election

4 If twenty-two years of age and upwards he or she shall have paid within two years a county municipal or school tax which shall have been assessed at least two months and paid at least one month before the election

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 561, as follows:

An Act to amend section two of the act approved the ninth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws 219) entitled "An act providing for the classification of real estate and other property for purposes of taxation and for the election of assessors and prescribing the duties thereof in cities of the second class" by providing for refund of taxes paid on assessments reduced after appeal

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the ninth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws 219) entitled "An act providing for the classification of real estate and other property for purposes of taxation and for the election of assessors and prescribing the duties thereof in cities of the second class" is hereby amended to read as follows

Section 2 That the present board of assessors in any such city or their successors when elected shall make an assessment of all the subjects of taxation now by law or which may hereafter be made subject to taxation for city purposes and they shall take as the basis of such assessment the last preceding assessment made by the board of assessors for such city and shall have power to revise equalize or alter such assessment by increasing or reducing the valuations and to add to such lists of assessments any subjects of taxation subject to taxation as aforesaid omitted therefrom and fix the taxable valuation thereof and it shall be their duty to rectify all errors and if necessary for such purpose require the attendance of citizens before them for examination under oath of affirmation It shall be their duty to establish without delay rules and regulations prescribing the mode of appeal to them from any assessment made by them by any person interested therein and when such assessors shall have finally acted upon such assessments and appeals an appeal may be taken therefrom to any court of common pleas of the county in which such city is located whose decision shall be final thereon Such appeals shall be taken to such court within thirty days after final action by the assessors as aforesaid Provided That the said appeal shall not prevent the collection of the taxes complained of but in case the same shall be or shall heretofore have been reduced then the excess collected shall be returned to the person or persons who shall have paid the same

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 596, as follows:

An Act to prohibit the transfer of personal property from a resident decedent to an alien beneficiary of a foreign country which prohibits such transfers to citizens of this Commonwealth and providing for the escheat and distribution of such property

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The rights of aliens not residing within the United States to take personal property or the money proceeds thereof in the United States by descent or inheritance is dependent in each case upon the existence of a similar reciprocal right upon the part of citizens of the United States to take personal property or the proceeds thereof in like manner and without hindrance within the countries of which said aliens are citizens and upon the right of citizens of the United States to receive by payment to them within the United States moneys originating from estates of persons deceased within such foreign countries or of those persons who died while traveling abroad and left property in foreign countries to their American heirs

Section 2 If any foreign nation discriminates against American citizens in the matter of inheritance and free transfer of such foreign estate funds it shall be the duty of the Secretary of the Commonwealth to notify all tax collectors of Pennsylvania that such foreign nation is defaulting on its obligation to our citizens and an alien estate lien in favor of the Commonwealth of Pennsylvania

shall be placed against the estate properties or money proceeds located in Pennsylvania and belonging to claimants of such foreign nation

Section 3 In the event that the matter of inheritance is not reciprocally adjudicated and that no heirs other than said aliens are found eligible to take such property such property shall escheat to the Commonwealth of Pennsylvania as provided by law in cases where a person shall die intestate without heirs and any citizens of Pennsylvania who shall prove that they have been deprived of rightful claims to property or funds in any such defaulting foreign country shall be reimbursed pro rata out of the funds impounded or realized from the sale of escheated foreign properties or funds of aliens of such foreign country

Section 4 This act shall apply irrespective of the place of residence of decedents at time of death and shall apply retroactively to aliens of all foreign countries which have stopped or hindered the free transfer of estate funds belonging to American heirs

Section 5 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 607, (House Bill No. 919), entitled:

An Act to further amend section four hundred four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign iusurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. WOLFENDEN. Mr. President, I ask unanimous consent that Senate Bill No. 611, (House Bill No. 1063) on second reading, entitled:

An Act to add section six hundred twenty-one and one-tenth to and to further amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining and regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 661, as follows:

An Act for the prevention of congenital syphilis providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child and imposing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Every physician who attends any woman pregnant with child for conditions relating to pregnancy during the period of gestation or at delivery shall take or cause to be taken a sample of blood of such woman at the time of first examination or within fifteen (15) days thereof and shall submit such sample to an approved laboratory as hereinafter defined for a standard serological test for syphilis All other persons permitted by law to attend women pregnant with child but not permitted by law to take blood samples shall cause a sample of the blood of every such pregnant woman attended by them to be taken by a duly licensed physician of the Commonwealth of Pennsylvania and submit it to an approved laboratory for a standard serological test for syphilis

Section 2 For the purpose of this act a standard serological test for syphilis shall be a test approved by the State Department of Health and shall be made at a laboratory approved to make such tests by the State Department of Health Such serological tests as are required by this act shall on request of the physician submitting the sample and on his certificate that the patient is unable to pay be made without charge by the State Department of Health

Section 3 In reporting every birth and stillbirth physicians and others required to make such reports shall state on the certificate whether a serological test for syphilisi has been made upon a specimen of blood taken from the woman who bore the child for which a birth or stillbirth certificate is filed and the approximate date when the specimen was taken and if the test was not made that the same was not made because in the opinion of the physician the making of such test was not advisable

Section 4 Any person who shall violate any of the provisions of this act shall upon conviction thereof in a summary proceeding in the county wherein such offense was committed be sentenced to pay a fine of not less than twenty dollars ($20.00) nor more than one hundred dollars ($100.00) to be paid to the use of the said county and the costs of prosecution and upon failure to pay such fine and costs shall be imprisoned not less than ten (10) days nor more than thirty (30) days

Section 5 This act shall become effective one (1) year after final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 662, as follows:

An Act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the

clerk of the orphans' court of the various counties and imposing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 No license to marry shall be issued until there shall be in the possession of the clerk of the orphans' court a statement or statements signed by a duly licensed physician of the Commonwealth of Pennsylvania that each applicant within thirty days of the issuance of the marriage license has submitted to an examination to determine the existence or non-existence of syphilis which examination has included a standard serological test or tests for syphilis and that in the opinion of the examining physician the applicant is not infected with syphilis or if so infected is not in a stage of that disease which is likely to become communicable The physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test or from some other person authorized to make such statement setting forth the name of the test the date it was made the name and address of the physician to whom a report was sent and the exact name and address of the person whose blood was tested but not setting forth the result of the test

Section 2 For the purpose of this act a standard serological test for syphilis shall be a test approved by the State Department of Health and shall be made at a laboratory approved to make such tests by the State Department of Health Such laboratory tests as are required to be made by this act shall on request of the physician submitting the sample and on his certificate that the applicant is unable to pay be made without charge by the State Department of Health

Section 3 Any applicant for a marriage license having been denied a physician's statement as required by this act shall have the right of appeal to the Department of Health of the Commonwealth of Pennsylvania for a review of the case and the said Department shall after appropriate investigation issue or refuse to issue a statement in lieu of the physician's statement required by section one of this act

Section 4 The statements of the physician who examined the applicant and the laboratory which made the serological test shall be uniform throughout the State and shall be upon forms provided therefor by the State Department of Health These forms shall be filed by the clerk of the orphans' court separately from the applications for marriage licenses and shall be regarded as absolutely confidential by any and every person whose duty it may be to obtain make transmit or receive such information or report

Section 5 Any applicant for a marriage license physician or representative of a laboratory who shall misrepresent any of the facts prescribed by this act or any licensing officer failing to receive the statements prescribed by this act or who shall have reason to believe that any of the facts thereon have been misrepresented and shall nevertheless issue a marriage license or any person who shall disregard the confidential character of the information or reports required by this act or any other person who shall otherwise fail to comply with the provisions of this act shall upon conviction thereof in a summary proceeding in the county wherein such offense was committed be sentenced to pay a fine of not less than twenty dollars ($20.00) nor more than one hundred dollars ($100.00) to be paid to the use of said county and the costs of prosecution and upon failure to pay such fine and costs shall be imprisoned not less than ten (10) nor more than thirty (30) days

Section 6 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed Provided That nothing in this act shall be construed to repeal the provisions of section four of the act approved the twenty-fourth day of July one thousand nine hundred and thirteen (Pamphlet Laws 1013) entitled "An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court" which provides for a hearing by the orphans' court, in those cases when the right to a license is not made to appear

Section 7 This act shall become effective one (1) year after final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 669, as follows:

An Act to amend section 418 of the act approved May twenty-eight one thousand nine hundred thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulatng the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation and cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with the act" changing and restrictions against public utilities where cooperative associations file with the Public Utility Commission maps of territory to be served by such associations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 418 of the act approved May twenty-eight one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regu-

lation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corprations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulations of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to cary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas in Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for volations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" is hereby amended to read as follows

Section 418 Construction and Installation of Facilities Limitations If a bona fide cooperative association has been organized to furnish light or power service to its stockholders or members only on a nonprofit basis and has filed with the commission a map of the territory to be served by such association and a statement verified by oath or affirmation showing that a majority of the prospective customers in the area are included in the project and showing also the names and addresses of all the prospective customers of the cooperative association no public utility shall begin the construction or installation of any new plant or system or the construction or installation of any extension improvement or addition to its existing plant or system for furnishing light or power service within said territory until the expiration of [six] three months from the date of the filing of such map and statement [In the event such association has entered into a loan agreement with any Federal agency for the financing of its proposed system and has given written notice thereof to the commission no public utility shall begin any such construction or installation within said territory until the expiration of twelve months from the date of said loan agreement]

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 670, as follows:

An Act to amend sub-section eight of section two and sub-section twelve of section three of the act approved the twenty-first day of June one thousand nine hundred thirty-seven (Pamphlet Laws 1969) entitled "An act relating to non-profit cooperative corporations organized to engage in rural electrification providing for the organization consolidation and dissolution of such corporations prescribing the qualification for membership therein conferring certain rights powers duties and immunities upon them and their officers and members precribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing cooperative or non-profit corporations and associations within the provisions of this act conferring powers and imposing duties on certain State departments commissions and officers fixing fees conferring the right of eminent domain prohibiting the use of certain terms in the corporate names of other corporations exempting such corporations from excise taxes imposing on them a license fee and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act" by re-defining "rural area" and limiting the exercise of the power of eminent domain

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sub-section (8) of section two of the act approved the twenty-first day of June nineteen hundred and thirty-seven (Pamphlet Laws 1969) entitled "An act relating to non-profit cooperative corporations organized to engage in rural electrification providing for the organization consolidation and dissolution of such corporations prescribing the qualification for membership therein conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing cooperative or non-profit corporations and associations within the provisions of this act conferring powers and imposing duties on certain State departments commissions and officers fixing fees conferring the right of eminent domain prohibiting the use of certain terms in the corporate names of other corporations exempting such corporations from excise taxes imposing on them a license fee and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act is hereby amended to read as follows

(8) "Rural Area" means any area not included within the boundaries of any incorporated [or unincorporated] city first class township town [village] or borough [having a population in excess of twenty-five hundred inhabitants] and includes both the farm and non-farm population thereof but shall not include any area within which a public utility company is furnishing or stands ready to furnish electric service

Section 2 Sub-section twelve of section three of said act is hereby amended to read as follows

(12) To have and exercise the power of eminent domain for the purpose and in the manner provided by the condemnation laws of this Commonwealth relating to public utility corporations for acquiring private property for public use such right to be paramount except as to property of the Commonwealth or of any political subdivision thereof or any public utility corporation [other than one engaged in furnishing electric energy to the public] Provided however That the right of eminent domain shall exist in order to cross the lines of any public utility company [not furnishing electric energy] if such crossing shall be effected in such manner as not to interfere with the service lines or the service of such public utility company

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 673, as follows:

An Act to amend Section 1 of the Act approved the first day of December One thousand nine hundred and thirty-eight (Pamphlet Laws one hundred eleven) entitled "An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling making it unlawful for any public utility to furnish private wires except by written contract conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission making illegal the use of certain wires for purposes other than those specified in the written contract therefor imposing penalties making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling prescribing the burden of proof in proceedings hereunder and providing for appeal" by excluding therefrom private wires used for fire and burglar alarm purposes telegraph messenger call boxes and associated circuits time clock circuits and certain telegraph teleprinters

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 of the Act approved the first day of December One thousand nine hundred and thirty-eight (Pamphlet Laws one hundred eleven) entitled "An act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling making it unlawful for any public utility to furnish private wires except by written contract conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission making illegal the use of certain wires for purposes other than those specified in the written contract therefor imposing penalties making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling prescribing the burden of proof in proceedings hereunder and providing for appeal" is hereby amended to read as follows

"Section 1 Definitions The following words terms and phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise

(a) "Commission" means the Pennsylvania Public Utility Commission of this Commonwealth

(b) "Dissemination" means the act of transmitting distributing advising spreading communicating conveying or making known

(c) "Person" means a corporation (including a public utility) partnership or association as well as a natural person

(d) "Private Wire" means any and all service equipment facilities conduits poles wires circuits systems by which or by means of which service is furnished for communication purposes either through the medium of telephone telegraph Morse teletypewriter loundspeaker or any other means or by which the voice or electrical impulses are sent over a wire and which services are contracted for or leased for service between two or more points specically designated and are not connected to or available for general telegraphic or telephonic exchange or toll service and shall include such services know as "special contract leased wire service" "leased line" "privvate line" "private system" "Morse line" "private wire" but shall not include the usual and customary telephone service by which the subscriber may be connected at each separate call to any other telephone designated by him only through the general telephone system or toll service and shall not include private wires used for fire or burglar alarm purposes nor telegraph messenger call boxes and circuits used in connection therewith time clock circuits used for furnishing correct time service nor telegraph teleprinters when these teleprinters terminate in the telegraph companies' offices and are not directly connected between two customers

(e) "Public utility" means a person partnership association or corporation now or hereafter owning or operating in this Commonowealth equipment or facilities for conveying or transmitting messages or communications by telephone or telegraph to the public for compensation

(f) The singular shall include the plural

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS INTRODUCED

Mr. OWLETT. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT, read in place and presented to the Chair Senate Bill No. 759, entitled:

An Act to amend section one of the act, approved the seventh day of May, one thousand nine hundred and twenty-three (P. L. 158), entitled "An act creating a Legislative Reference Bureau; providing for the election of a director by the General Assembly; designating the officers and employes of such bureau, defining their duties; fixing their salaries; abolishing the present Legislative Reference Bureau; and making an appropriation" providing for the location of the bureau.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 760, entitled:

An Act to further amend section two of the act, approved the first day of May, one thousand nine hundred and seven (P. L. 135) entitled "An act relating to the appointment of stenographers and assistant stenographers to report proceedings in the several courts of common pleas and orphans' courts, courts of oyer and terminer and general jail delivery, and courts of quarter sessions of the peace of the Commonwealth, as well as before commissioners, masters, and special masters in chancery, referees, examiners, auditors, and other officers; prescribing their powers and duties, and when such reports shall be evidence of the facts reported; prescribing their compensation and allowances for expenses, when the same shall be paid by the county wherein such stenographers or assistant stenographers are employed, and when by the parties to such proceedings; and repealing an act entitled 'An act directing the appointment of official stenographers in the several civil courts of this Commonwealth, authorizing the appointment of stenographers by examiners, masters, references, commissioners, and auditors; authorizing the appointment of assistant stenographers;' repealing 'An act to authorize the appointment of stenographers in

the several courts of this Commonwealth, prescribing their duties and fixing their compensation; approved May fifteenth, one thousand eight hundred and seventy-four; repealing 'An act to authorize the appointment of stenographers in the several courts of this Commonwealth, prescribing their duties and fixing their compensation,' approved May eighth, one thousand eight hundred and seventy-six, and repealing 'An act defining the duty of court stenographers in the several counties in this State,' approved June tenth one thousand eight hundred and eighty-one, approved the twenty-fourth day of May, one thousand eight hundred and eighty-seven; but such repeal not to revive any law repealed by the said act of twenty-fourth of May, one thousand eight hundred and eighty-seven;" by providing further regulations for the furnishing of copies of testimony.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 761, entitled:

An Act to further amend clause six of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes; defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," further defining State employes.

Which was committed to the Committee on State Government.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. FARRELL. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 398, (House Bill No. 567), entitled:

An Act to amend section one of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (P. L. 275) entitled "An act fixing the salary of sheriffs in counties of the eighth class providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county and prescribing penalties" increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 414, entilted:

An Act authorizing school districts of the first class to fund floating indebtedness, incurred prior to December 31, 1939, for current expenses and debt service and to issue and sell bonds for this purpose.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 415, entitled:

An Act to amend and reenact section five hundred and twenty-four of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue, and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended by limiting the total annual school tax for any one year in school districts of the first class and prescribing the method of fixing the levy of school taxes in such districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 416, entitled:

An Act to amend and reenact section five hundred and thirty-two of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by empowering school boards in districts of the first class to make for any year such general reductions in salaries fixed by law as will enable the district to keep its estimated annual expenditures within the estimate of funds available to the district for that year and by, in such instances, so regulating the discretionary power vested in the Superintendent of Public Instruction, to withhold requisitions for moneys payable by the Commonwealth to School Districts which have not made provision for full payment of minimum salaries and increments, that the exercise of such power shall not interfere with the operation of this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 424, entitled:

An Act to repeal the act, approved the fourth day of June, one thousand nine hundred and thirty-seven (P. L 1539), entitled "An act providing for the creation, incorporation, organization, and government of county public utility administrations in counties of the second class; providing for referendums to ascertain the will of the electors; authorizing such administrations to incur bonded indebtedness for the purpose of the construction of works, the acquisition of property, and the operation of public utilities, to contract for the payment therefor, or to have the price fixed by the Public Utility Commission; conferring the power of eminent domain; providing for the powers, duties, functions, and immuniities of such administrations; imposing certain duties and functions in connection with such administrations upon certain county officers; conferring power to enter into agreements with the United States and its instrumentalities, political subdivisions, and municipalities of the Commonwealth, and

others, providing for a system of civil service and collective bargaining; and providing penalties; and for other purposes."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 425, entitled:

An Act to amend sections 2601, 2602, 2603, and 2604 of the act approved the eighteenth day of May, one thousand nine hundred eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the election or appointment of auditors in merged and other union school districts, fixing the terms of office and manner of filling vacancies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 428, (House Bill No. 386), entitled:

An Act to amend section four hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local or any parts thereof, that are or may be inconsistent therewith," as amended, providing that boards of school directors may become members of the State School Directors Association, and bear a proportionate part of the expenses of such association.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 446, (House Bill No. 268), entitled:

An Act to add section six hundred and two and one-tenth to article six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof, providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws, general, special or local or any parts thereof that are or may be inconsistent therewith" further regulating the sale of unused and unnecessary land and buildings by boards of school directors.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 459, entitled:

An Act relating to the recognizances and official bonds of present and future sheriffs and coroners and to their sureties thereon; imposing the expense of corporate suretyships on such obligations upon the several counties and various duties upon the Courts of Common Pleas and county officers thereof; authoriziing the substitution of approved surety companies for individual or corporate sureties upon such obligations and the release of any surety upon any such recognizance by such Court upon certain conditions; dispensing with sureties on such recognizances but providing for the acknowledgment, recording and indexing of same as liens on certain real estate; regulating such liens and releases therefrom; providing for refunds to sheriffs and coroners of certain premiums paid to sureties on their official bonds and recognizances; and repealing inconsistent laws, except as to existing claims or pending suits thereunder, subject to certain limitations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 513, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authoriziing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," as amended, by modifying, changing and clarifying the provisions of the act relating to the corporate name.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 515, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditiions on which such corporatione may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," as amended, by modifying, changing, and clarifying certain provisions of the act relating to the corporate name.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate. April 27, 1939, by His Excellency, the Governor of the Commonwealth.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 27, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

William S. Tindall, Homstead.

BUCK COUNTY

Mrs. Elizabeth J. DeLacey, New Hope.

LEBANON COUNTY

Miss Priscilla E. Evans, Lebanon.

NORTHAMPTON COUNTY

Albert P. Ginouves, Bethlehem.

PHILADELPHIA COUNTY

Antonio Panepinto, Phila., 4999 W. Thompson Street.

WASHINGTON COUNTY

Chas. M. Hull, Canonsburg.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. OWLETT and Mr. FARRELL

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. OWLETT and Mr. FARRELL

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Bartlett,	Edmonds,	Letzler,	Shapiro,
Chapman	Eroe,	Mallery,	Snowden,
Coleman,	Farrell,	McGinnis,	Stevenson,
Crowe,	Gelder,	Miller,	Tallman,
Dando,	Geltz,	Mundy,	Thomas,
Deitrick	Heyburn	Owlett,	Walker,
Dent,	Homsher,	Pierson,	Wolfenden,
DiSilvestro	James,	Ruth,	Woodward,
Ealy,	Kunkel,	Scarlett,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. OWLETT. Mr. President, I move that the Executive Session do now rise.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Monday, May 1, 1939 at 8:00 o'clock, p. m. E. S. T.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 3:58 o'clock, p. m. until Monday, May 1, 1939, at 8:00 o'clock, p. m., E. S. T.

HOUSE OF REPRESENTATIVES

THURSDAY, April 27, 1939.

The House met at 11 a. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplin, Rev. Thomas George Baxter, offered the following prayer:

Our Heavenly Father, we rejoice to know that the heavens brood over us to grant us our needs, to supply us our comforts, to give us vigor for every pure thought and to abet us in every righteous aspiration.

O God, we pray Thee to defeat our greedy purposes, our narrow prejudices, our false ambitions. Make us alive to every duty which gives sanctity to home, stability to society and permanence to the tenets of representative government.

Enable us to spread the Kingdom of righteousness and to never falter or weaken in our endeavors to fulfill all our obligations to our home, to our country, and to our God.

We pray in the name of Jesus. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. HERBERT B. COHEN, the further reading was dispensed with and the Journal approved.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 291

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 27, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 291, Printer's No. 147, entitled "An act to amend section one of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2681) entitled 'An act relating to and regulating the manufacture storing and possession of explosives requiring permits for magazines and prescribing permit fees and providing penalties' by excluding from the provisions of said act explosives used in clay mining or in rock or stone quarries."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 639

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 26, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 639, Printer's No. 163, entitled, An act to repeal certain obsolete acts relating to military history records and historical works.

ARTHUR H. JAMES.

COMMUNICATIONS

The SPEAKER said before the House the following communications which were read by the Clerk.

RELIEF

A resolution from the American Federation of Teachers, Local 474, opposing House Bill No. 867.

Referred to the Committee on Welfare.

EQUAL RIGHTS

A resolution from the State, County and Municipal Workers of America, Local 46, supporting House Bill No. 103.

Referred to the Committee on Judiciary Special.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 375.

An Act to amend paragraph (c) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended, "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates, including the appointment, bonds, rights, powers, duties liabilities, accounts, discharge and removal of executors, administrators, guardians and trustees herein designated as fiduciaries, the administration and distribution of the estates of presumed decedents, widow's and children's exemptions, debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor and the discharge of real estate from the lien thereof, contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land, the discharge of residuary estates and of real estate from the lien of legacies and other charges, the appraisement of real estate devised at a valuation, the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein, the survival of causes of action and suits thereupon by or against fiduciaries, investments by fiduciaries, the organization of corporations to carry on the business of decedents, the audit and review of accounts of fiduciaries, refunding bonds transcripts to the court of common pleas of balances due by fiduciaries, the rights, powers, and liabilities of non-resident and foreign fiduciaries, the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia, the recording and registration of decrees, reports and other proceedings and the fees therefor, appeals in certain cases and also generally dealing with the jurisdiction, powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended, by permitting foreign fiduciaries representing the estates of decedents, minors and legal incompetents to foreclose on mortgages to enter judgment on mortgage bonds to sell the property bound thereby to take title to property so sold and to resell such property

HOUSE BILL No. 610.

A Supplement to the act, approved the second day of July, one thousand nine hundred and thirty-seven (Appropriation Acts page 74), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation and re-appropriating such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin.

Whereupon,

The SPEAKER, in the presence of the House signed the same.

LEAVES OF ABSENCE

Mr. BRETHERICK asked and obtained leave of absence for himself for Monday night's session.

Mr. TARR asked and obtained leave of absence for himself for Monday night's session.

Mr. Balliet asked and obtained leave of absence for for Mr. JOHN N. HOFFMAN for the balance of the week.

Mr. Sollenberger asked and obtained leave of absence for Mr. AUKER for the balance of the week.

REPORTS FROM COMMITTEES

Mr. CARPENTER from the Committee on Public Health and Sanitation reported as committed, House Bill No. 1105, entitled:

An Act providing for and regulating the State licensing of nurses of several classes, the biennial recording of licenses, regulating the profession of nursing, imposing penalties, and repealing certain existing laws.

Mr. CARPENTER from the Committee on Forestry reported as committed, House Bill No. 1075, entitled:

An Act to repeal the act, approved the fourteenth day of April, one thousand nine hundred and thirty-seven (P. L. 297), entitled "An act to provide for the leasing of land within the beds of streams, lakes, and other bodies of water, wholly or partly within, or forming part of, the boundary of this Commonwealth, when such land is owned by the Commonwealth; conferring powers and imposing duties upon the Water and Power Resources Board; requiring lessees to establish an amortization fund for improvements placed or erected upon such land; granting certain preference and exemption rights to municipalities of the Commonwealth and prescribing penalties," saving existing leases until terminated or revoked in accordance with their terms.

Mr. HENRY from the Committee on Ways and Means reported as committed, House Bill No. 528, entitled:

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by modifying and further defining certain exemptions from said taxes by including specifically employers' thrift or savings association whether operated by employees or the employer.

Mr. DAVID P. REESE from the Committee on Counties reported as committed, House Bill No. 1013, entitled:

An Act to repeal the act approved the fourth day of June, one thousand nine hundred and thirty-seven, (P. L. 1595), entitled, "An act relating to peace officers; providing for the qualifications and appointments of deputy sheriffs; regulating the manner of their selection and compensation; regulating the source of compensation for other peace officers; declaring void certain contracts inconsistent with the provisions hereof; providing penalties; and repealing inconsistent acts."

Mr. DAVID P. REESE from the Committee on Workmens Compensation reported as amended, House Bill No. 1030, entitled:

An Act to further reenact and amend the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," changing maximum and minimum rates, periods, total amounts and aggregate of compensation; changing the system of computation of wages for compensation purposes; changing practice and rules of evidence; defining earning power after accident; authorizing the board to terminate compensation in certain cases; changing the classes of dependents entitled to compensation in case of death; increasing powers and duties of the board; and imposing additional penalties, and generally amending, clarifying and changing the provisions of said act.

Mr. DAVID P. REESE from the Committee on Workmens Compensation reported as committed, House Bill No. 1031, entitled:

An Act to repeal the act, approved the second day of July, one thousand nine hundred thirty-seven (P. L. 2714), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws, seven hundred thirty-six), entitled, as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing a system and schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties,' as amended and re-enacted, providing for the inclusion of occupational diseases within the scope thereof, and providing definitions, provisions, and procedure related to such diseases; and making an appropriation."

Mr. DAVID P. REESE from the Committee on Workmens Compensation reported as committed, House Bill No. 1301, entitled:

A Supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," as reenacted and amended, providing for the payment of compensation to volunteer firemen or their dependents.

Mr. DAVID P. REESE from the Committee on Workmens Compensation reported as committed, House Bill No. 1302, entitled:

A Supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled, as amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," as reenacted and amended; to exempt domestic servants and agricultural workers from the provisions thereof, except in certain cases.

Mr. DAVID P. REESE from the Committee on Workmens Compensation reported as committed, House Bill No. 1401, entitled:

An Act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating medical boards to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties:

Mr. McKINNEY from the Committee on Appropriations reported as committed, House Bill No. 961, entitled:

An Act authorizing transfers of sums of money from the General Fund to the State Stores Fund under certain conditions, providing for subsequent transfers of equal sums from the State Stores Fund to the General Fund; and making appropriations necessary to effect such transfers.

Mr. McKINNEY from the Committee on Appropriations reported as committed, House Bill No. 1249, entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

Mr. GILLETTE from the Committee on Appropriations reported as committed, House Bill No. 1246, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

Mr. STOCKHAM from the Committee on Appropriations reported as committed, House Bill No. 1103, entitled:

An Act authorizing the Secretary of Highways to pay portions of judgments heretofore recovered against employes of the department for personal injuries or property damage or both where the insurance provided by the Commonwealth was insufficient to pay such judgments in full; and making an appropriation out of the Motor License Fund.

Mr. STOCKHAM from the Committee on Appropriations reported as committed, House Bill No. 792, entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about one hundred and ten and six hundred and ninety-eight thousandths (110.698) acres of land in Caln Township, Chester County, Pennsylvania for use in the care and treatment of discharged, sick and disabled soldiers or for other uses of the United States and ceding jurisdiction over such land, and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with United States on such land for the service of legal process thereupon.

Mr. SCHROCK from the Committee on Appropriations reported as committed, House Bill No. 1172, entitled:

An Act making an appropriation form the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund.

Mr. SCHROCK from the Committee on Appropriations reported as committed, House Bill No. 1173, entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund.

Mr. SCHROCK from the Committee on Appropriations reported as committed, House Bill No. 1174, entitled:

An Act makin an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

Mr. SCHROCK from the Committee on Appropriations reported as committed, House Bill No. 1175, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

Mr. SCHROCK from the Committee on Appropriations reported as committed, House Bill No. 1176, entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

Mr. SCHROCK from the Committee on Appropriations reported as committed, House Bill No. 1177, entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

Mr. SCHROCK from the Committee on Appropriations reported as committed, House Bill No. 1178, entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

Mr. VAN ALLSBURG from the Committee on Appropriations reported as committed, House Bill No. 913, entitled:

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing, and for the purpose of matching additional federal funds.

Mr. VAN ALLSBURG from the Committee on Appropriations reported as committed, House Bill No. 1129, entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase, or gift, or lease on behalf of the Commonwealth of Pennsylvania the real estate and personal property of the Seventh Day Baptists of Ephrata in whole or in part; to provide for the control, management and supervision of the property when acquired by the Pennsylvania Historical Commission; authorizing the Commission to make and enforce rules and regulations for its preservation and visitation and to charge a fee for admission thereto and exhibition thereof.

Mr. SNYDER from the Committee on Appropriations reported as committed, House Bill No. 1170, entitled:

An Act providing for practical arts and vocational agriculture, home economics, industrial and commercial schools and classes, through public school districts and in cooperation with employment offices for the training, retraining, instruction, and adjustment to out-of-school, unadjusted individuals in order to enable them to enter, reenter, or continue employment under changing conditions; conferring powers and imposing duties upon the Superintendent of Public Instruction, and making an appropriation.

Mr. SNYDER from the Committee on Appropriations reported as committed, House Bill No. 1244, entitled:

An Act making an appropriation to the Department of Welfare to pay any claims against the Commonwealth for improvement to State property at the Western State Penitentiary at Rockview.

Mr. WEBSTER from the Committee on Appropriations reported as committed, House Bill No. 1382, entitled:

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and thirty-one, and prior sessions, and at its sessions of one thousand nine hundred and thirty-three, and one thousand nine hundred and thirty-five.

Mr. WEBSTER from the Committee on Appropriations reported as committed, House Bill No. 1127, entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers, sailors, marines, female field clerks, yeomen (female), and nurses who were killed in action or died during the World War; and conferring certain duties upon the State Veterans' Commission.

Mr. IMBRIE from the Committee on Appropriations reported as committed, House Bill No. 1266, entitled:

An Act making an appropriation to the State Treasurer for the payment of costs in the matter of contested election in Butler County, Pennsylvania.

Mr. FISS from the Committee on Ways and Means reported as committed, House Bill No. 321, entitled:

An Act to amend section three of the act, approved the twentieth day of April, one thousand nine hundred and twenty-seven (P. L. 322) entitled "An act to amend, revise, consolidate, and change the laws relating to bonus, and providing for the imposition, computation, and collection of bonus for State purposes on the capital stock, stated capital, or capital of domestic corporations, banks and trust companies, and certain partnerships," as amended, by providing that foreign corporations becoming domestic corporations shall be entitled to a credit on the bonus to which it is liable equal to the amount of bonus theretofore paid by such foreign corporation.

Mr. CLEARWATER from the Committee on Public Health and Sanitation reported as committed, House Bill No. 1104, entitled:

An Act to create and provide for the Fund of the Board of Nurse Examiners, involving moneys paid by nurses, licensed attendants or others and collected under the laws administered by the State Board of Examiners for Registration of Nurses, and regulating the handling and disposition thereof.

Mr. JAMES from the Committee on Appropriations reported as committed, House Bill No. 1245, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

Mr. BRETHERICK from the Committee on Ways and Means reported as committed, House Bill No. 832, entitled:

An Act to further amend section four hundred and six of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State Government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivision, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by changing the method and mode of appointment of mercantile appraisers and the terms therof, in cities of the first class; authorizing the appointment of deputies, clerks and employes, and providing rules and regulations therefor.

Mr. BRETHERICK from the Committee on Ways and Means reported as committed, House Bill No. 824, entitled:

An Act to further amend section one of the act approved the seventeenth day of July, one thousand nine hundred and nineteen, (P. L. 1025), entitled "A supplement to an act approved the second day of May, one thousand eight hundred and twenty-nine, (Pamphlet Laws, one hundred and eighty-four), entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods, wares and merchandise, and providing for the collection of said tax,'" by changing the method and mode of appointment of mercantile appraisers and the terms therof, in cities of the first class; authorizing the appointment of deputies, clerks, investigators and other employes, and providing rules and regulations.

Mr. COOK from the Committee on Townships reported as amended, House Bill No. 1072, entitled:

An Act to amend clause (III) of section seven hundred two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto;" further regulating contracts and tax levies for fire purposes.

Mr. HEWITT from the Committee on Ways and Means reported as committed, House Bill No. 1320, entitled:

An Act to amend the act, approved the fifteenth day of July, one thousand nine hundred nineteen (Pamphlet Laws, nine hundred fifty-four), entitled "An act providing for the collection and payment over to the Commonwealth by private and public corporations of State taxes on scrip, bonds, certificates, and evidences of indebtedness issued or assumed by such corporations, and requiring certain reports in connection therewith," conforming said act to existing law relating to the payment and collection of the State tax on corporate indebtedness.

Mr. DALRYMPLE from the Committee on Public Health and Sanitation reported as committed, House Bill No. 1108, entitled:

An Act to further amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An Act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency therof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies therof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency therof, every State depository and every debtor or creditor of the Commonwealth," as amended, establishing a Fund of the Board of Nurse Examiners by adding clause twenty-one to section three hundred two of said act.

Mr. BALLIET from the Committee on Public Health

and Sanitation reported as committed, House Bill No. 1106, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined" as amended by making certain changes in the powers and duties of the Board and providing for the election of a Director of Nursing Education who shall also be Secretary and Executive Officer of the Board, and an Assistant Director of Nursing Education who shall also be Assistant Secretary and Assistant Executive Officer of the Board.

Mr. LICHTENWALTER from the Committee on Counties reported as committed, House Bill No. 1310, entitled:

An Act authorizing county commissioners to prepare and issue to justices of the peace and aldermen at the cost of the county, forms used in criminal proceedings before them.

Mr. SETH W. BROWN from the Committee on Forestry reported as committed, House Bill No. 1204, entitled:

An Act to amend sections two, three, four, five and six of the act, approved the eighth day of April, one thousand nine hundred thirty-seven (P. L. 258), entitled "An act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof; declaring void certain condemnations and appropriations of waters by municipalities, corporations, copartnerships or persons; providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities, corporations, copartnerships or persons, and appeals therefrom; conferring jurisdiction on the court of common pleas of Dauphin County in relation thereto; providing for future condemnations and appropriations of waters by and allocation of waters to municipalities, corporations, copartnerships or persons, and for compensation for waters hereafter to be taken for public water supply purposes; and conferring powers and imposing duties upon the Water and Power Resources Board," exempting riparian owners in certain cases from the provisions of said act; changing the provisions of said act which declare void certain condemnations and appropriations of waters; and further regulating the condemnation appropriation and acquisition of streams and waters by municipalities, corporations, quasi municipal corporations, districts, authorities, partnerships and persons.

Mr. WILKINSON from the Committee on Counties reported as committed, House Bill No. 951, entitled:

An Act to further amend section one, and to amend section sixteen of the act approved the seventeenth day of June, one thousand nine hundred and thirteen, (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes;" imposing taxes on additional classes of personal property; excluding from taxation certain classes of personal property heretofore taxed; making such taxes liens; and providing for their entry in the prothonotary's office, and the exoneration of tax collectors in such cases.

Mr. SLOAN from the Committee on Forestry reported as committed, House Bill No. 941, entitled:

An Act to amend section seven of the act, approved the eighth day of April, one thousand nine hundred and thirty-seven (P. L. 258), entitled "An act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof; declaring void certain condemnations and appropriations of waters by municipalities, corporations, copartnerships or persons; providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities, corporations, copartnerships or persons, and appeals therefrom; conferring jurisdiction on the court of common pleas of Dauphin County in relation thereto; providing for future condemnations and appropriations of waters by and allocation of waters to municipalities, corporations, copartnerships or persons, and for compensation for waters hereafter to be taken for public water supply purposes; and conferring powers and imposing duties upon the Water and Power Resources Board;" eliminating the board's power to fix charges for water condemned or acquired for public water supply purposes; and fixing certain filing fees.

Mr. FOOR from the Committee on Forestry reported as amended, House Bill No. 909, entitled:

An Act to amend sections nine, ten, twelve and sixteen of the act approved the seventh day of August, one thousand nine hundred and thirty-six (P. L. 106), entitled, as amended, "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," as reenacted and amended; regulating the use of impounded waters in Federal flood control works and improvements; restricting the power of eminent domain; providing for the payment of the cost of Federal works and improvements; conferring powers on the Water and Power Resources Board; and further preserving rights of landowners, persons and municipalities.

Mr. FOOR from the Committee on Labor reported as amended, House Bill No. 1384, entitled:

An Act to amend the act, approved the fifth day of December, one thousand nine hundred thirty-six (P. L. 2897, 1937) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and adminis-

trative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," redefining "benefit year"; eliminating contractor liability and the definition of "full-time weekly wage"; taking away the right of probationery employes of the department to appeal from dismissal; providing additional remedies for the collection and for compromises of contributions and interest; imposing duties on prothonotaries; changing the qualifications for, and the rate and duration of compensation; authorizing certain payments without administration or the appointment of a guardian or committee; and extending and further regulating the provisions for appeal.

Mr. DENMAN from the Committee on Appropriations reported as committed, House Bill No. 956, entitled:

An Act making an appropriation to the State Veterans' Commission, for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war, or their dependents.

Mr. DENMAN from the Committee on Appropriations reported as committed, House Bill No. 1148, entitled:

An Act making an appropriation to the Department of Revenue, to defray the expenses of investigation and litigation in the estate of Henrietta E. Garrett, deceased.

Mr. BOWER from the Committee on Appropriations reported as committed, House Bill No. 1215, entitled:

An Act making an appropriation to the Department of Welfare, to pay for the care, treatment, removal, and maintenance of the indigent insane in county and institution district hospitals.

Mr. LOVETT from the Committee on Labor reported as amended, House Bill No. 690, entitled:

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties;" excepting employment covered by certain Federal unemployment compensation or insurance systems from the provisions thereof; providing for cooperation with Federal, local or private agencies in connection with free public employment offices; making further provision for reciprocal arrangements and compacts with agencies of other states and the Federal Government; further defining ineligibility for compensation: authorizing transfers from the Commonwealth's Unemployment Compensation Fund in the Unemployment Trust Fund of the United States Treasury to Railroad Unemployment Insurance Account; and terminating certain compensation rights hereunder.

Mr. LOVETT from the Committee on Appropriations reported as committed, House Bill No. 1335, entitled:

An Act making an appropriation to The General State Authority, to defray the costs and expenses of the said Authority in connection with the organization, administration, and operation thereof.

Mr. LOVETT from the Committee on Appropriations reported as committed, House Bill No. 1336, entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with The General State Authority, for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority, or for the services rendered by the Authority or its projects.

Mr. O'NEILL from the Committee on Appropriations reported as committed, House Bill No. 1243, entitled:

An Act making an appropriation to the Department of Welfare for the payment of claims against the Commonwealth arising from construction contracts at the Coaldale State Hospital which have been cancelled.

Mr. O'NEILL from the Committee on Appropriations reported as committed House Bill No. 623, entitled:

An Act to further amend section one of the act, approved the seventeenth day of April, one thousand eight hundred and ninety-three (P. L. 21), entitled "An act to facilitate the labors of the judges of the court of common pleas of the county in which the seat of government is or may be located, in the disposition of the business of the Commonwealth, by providing suitable clerical assistance," by providing for the employment and compensation of clerical assistance for the judges of the orphans' court in such county.

Mr. O'NEILL from the Committee on Insurance reported as committed, House Bill No. 1130, entitled:

An Act to amend section two of an act approved the twenty-fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred eighty-one) entitled "An act prohibiting the publication printing or radio broadcasting of advertisements or notices of insurance companies associations exchanges or persons not authorized to do business in this Commonwealth requiring certificates from the Insurance Department before accepting insurance advertisements or broadcasting the same by radio and fixing penalties" by permitting the use of copies of certificates.

Mr. BAKER from the Committee on Ways and Means reported as committed, House Bill No. 1262, entitled:

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," excluding proceeds of life insurance policies from the provisions thereof.

Mr. BAKER from the Committee on Ways and Means reported as committed, House Bill No. 1260, entitled:

An Act to further amend section three of the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; confer-

ring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," excluding proceeds of life insurance policies from the provisions thereof.

Mr. HARBESON from the Committee on Forestry reported as amended, House Bill No. 1062, entitled:

An Act relating to the acquisition of rights to divert water from rivers, streams, natural lakes and ponds, or other surface waters within the Commonwealth or partly within and party without the Commonwealth by defining various words and phrases; vesting in the Water and Power Resources Board certain powers and authorities for the conservation, control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth; making available for public water supply purposes water rights heretofore or hereafter acquired but not used; providing for hearings by the Water and Power Resources Board and for appeals from its decisions; fixing fees; granting to all public water supply agencies heretofore or hereafter created the right of eminent domain as to waters; repealing all acts or parts of acts inconsistent herewith including Act No. 109, P. L. 152, approved April 13, 1905, Act No. 307, P. L. 455, approved June 7, 1907, Act No. 64, P. L. 258, approved April 8, 1937.

Mr. BOOSE from the Committee on Insurance reported as committed, House Bill No. 1397 (Senate Bill No. 260), entitled:

An Act to further amend section four hundred four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one, (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth.

RESOLUTION INTRODUCED AND REFERRED

By Mr. DENMAN. RESOLUTION No. 74.

In the House of Representatives, April 26, 1939.

Whereas, Under the present system of fixing the price of milk in the various districts of the Commonwealth, the producer who bears most of the risk and expense and burden of production, receives but a small part of the profit arising out of the final sale of milk to the consumer; and

Whereas, The farmer and dairyman who assumes this risk and expense and burden of production should in all fairness be entitled to receive proper compensation for his work and efforts; therefore be it

Resolved, By the House of Representatives of the General Assembly of this Commonwealth, that it is the opinion of this House that the Milk Control Commission in fixing the prices to be paid by the consumer for the various grades of milk in the different districts of the Commonwealth, shall fix such prices so that the producer shall in all cases receive at least half of the price fixed by the said board, for payment by the consumer; and be it further

Resolved, That a copy of this resolution shall be immediately transmitted by the Chief Clerk of the House to the Chairman of the Milk Control Commission of the Commonwealth.

Referred to the Committee on Dairy Industries.

RESOLUTION

REPORT FROM SLATE COMMITTEE

Mr. WINNER asked and obtained unanimous consent to offer a resolution from the Slate Committee which was twice read as follows:

In the House of Representatives, April 27, 1939.

Resolved, That William C. Buell, 595 South 7th Street, Indiana, Indiana County, Pennsylvania, be appointed as Clerk of Committee in the place of J. T. Stewart, Jr., resigned, effective April 24, 1939.

On the question,

Will the House adopt the resolution?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Montgomery, Mr. Winner.

The SPEAKER. Will the gentleman from Montgomery permit himself to be interrogated?

Mr. WINNER. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Montgomery, due to the fact that the celebration of last night has also affected my memory, how many clerks of committees are now established by the Slate Committee?

Mr. WINNER. The full quota, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, we also had the full quota, but I desire to know numerically just how many are allowed by the Act of 1919?

Mr. WINNER. Mr. Speaker, I think it is twelve.

Mr. HERBERT B. COHEN. Thank you, it is fifteen.

The SPEAKER. For the information of the gentleman from York and for the information of the House, the resolution before the House does not make any additional appointments. This resolution is to fill a vacancy caused by a resignation.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

BILLS ON THIRD READING

The SPEAKER. Due to the fact that all of the bills have not been delivered by the printer, if there be no objections, the Chair will take up at this time the third reading calendar.

The chair hears none and we will proceed with the bills on third reading.

BILL PASSED OVER

There being no objection House Bill No. 979, Printer's No. 417 was passed over at the request of Mr. WILKINSON.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 731, entitled:

An Act to amend the act approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," as amended, by adding Section 1035.1, limiting budget and report forms.

On the question,

Will the House agree to the bill on third reading?

BILL DROPPED FROM CALENDAR

Mr. FISHER. Mr. Speaker, I move that this bill be dropped from the calendar.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 1288, Printer's No. 382, was passed over at the request of Mr. HOMER S. BROWN.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1167, entitled:

An Act relating to the superannuated members of the State Employes' Retirement System and preserving retirement rights in case of sudden and unexpected death.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Dauphin County, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman as to the amount of the additional moneys that will be necessary to allocate and to appropriate to the State Employes' Retirement Fund in order to take care of the increased payments necessitated by the passage of this act.

Mr. WOODSIDE. Mr. Speaker, I am advised by the Secretary of the Commonwealth who has made inquiry of actuaries that the amount will be so small that they do not consider any additional appropriations necessary.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—153

Achterman,	Ely,	Madden,	Seif,
Ackermann,	Ewing,	Malloy,	Serrill,
Alspach,	Falkenstein,	Marr,	Shaw,
Atkins,	Fauset,	Matthews,	Shearer,
Baker,	Fisher,	McClester,	Simons,
Balliet,	Fiss,	McGarrity,	Sloan,
Balthaser,	Fleming,	McKinney,	Snyder,
Bardes,	Foor,	McNally,	Sollenberger,
Bennett,	Freed,	McVay,	Stambaugh,
Boies,	Fullerton,	Melchiorre,	Stewart,
Boney,	Gillan,	Montgomery,	Stockham,
Boorse,	Goll,	Mooney,	Tarr,
Boose,	Habbyshaw,	Moser, J. L.,	Taylor,
Bower,	Haines,	Muir,	Thistle,
Bretherick,	Hall,	Munley,	Thompson, G. R.
Broad,	Harbeson,	O'Dare,	Tiemann,
Bronson,	Haudenshield,	O'Keefe,	Trout,
Brown, H. S.,	Henry,	O'Neill,	VanAllsburg,
Brown, S. W.,	Hess,	Peacock,	Voorhees,
Brunner,	Hewitt,	Peale,	Wagner,
Burris,	Hoyt,	Preston,	Watkins,
Cadwalader,	Huntley,	Readinger,	Webster,
Carpenter,	Imbrie,	Reagan,	Weiss,
Check,	James,	Reese, D. P.,	Welsh, E. B.,
Christler,	Johnston,	Rhodes,	Welsh, M. J.,
Clearwater,	Jones,	Riley,	Wilkinson,
Cohen, H. B.,	Kline,	Rooney,	Williams,
Cooper,	Kowalski,	Rose,	Wilson,
Cordier,	Krise,	Roseberry,	Winner,
Cortese,	Lee,	Rosenfeld,	Wood, H. M.,
Curran,	Leisey,	Rothenberger,	Wood, L. H.,
Dalrymple,	Levy,	Royer,	Wood, N.,
Dick,	Leydic,	Sarge,	Woodside,
Dix,	Lichtenwalter,	Scanlon,	Yeakel,
Donahue,	Lovett,	Schrock,	Turner,
Downey,	Lyons,	Schrope,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 701, as follows:

An Act to further amend clause (c) of section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" restoring after a certain period the exemption of that portion of the capital stock of certain corporations joint-stock associations limited partnerships and companies which were formerly exempt

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (c) of section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" as last amended by the act approved the eighth day of April one thousand nine hundred thirty-seven (Pamphlet Laws 239) is hereby further amended to read as follows

Section 21

* * * * *

(c) It shall be the duty of the treasurer or other officers having charge of any such corporation joint-stock association or limited partnership upon which a tax is imposed by this section to transmit the amount of said tax to the Treasury of the Commonwealth within the time prescribed by law Provided That for the purposes of this act interest in limited partnerships or joint-stock associations shall be deemed to be capital stock and taxable accordingly Providing further That corporations limited partnerships and joint-stock associations liable to a tax under this section shall not be required to pay any further tax on the mortgages bonds and other securities owned by them and in which the whole body of stockholders or members as such have the entire equitable interest in remainder but corporations limited partnerships and joint-stock associations owning or holding such securities as trustees executors administrators guardians or in any other manner than for the whole body of stockholders or members thereof as sole equitable owners in remainder shall return and pay the tax imposed by this act upon all securities so owned or held by them as in the case of individuals Provided further That the tax of five mills imposed by this section on reports filed for the calendar years [one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six and for each calendar year thereafter or for the fiscal years beginning in the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six and for each fiscal year thereafter] one thousand nine hundred and thirty-nine and one thousand nine hundred and forty or for the fiscal years beginning in the calendar years one thousand nine hundred and thirty-nine and one

thousand nine hundred and forty shall apply to the taxation of the capital stock of corporations limited partnerships and joint-stock associations organized for laundering for the processing and curing of meats their products and by-products and for manufacturing purposes excepting companies engaged in the distilling of liquors Provided further That after said two year period the provisions of this section shall not apply to the taxation of the capital stock of corporations limited partnerships and joint-stock associations organized for laundering for the processing or curing of meats their products and by-products or for manufacturing purposes which is invested in and actually and exclusively employed in carrying on laundering the processing or curing of meats their products and by-products or manufacturing within the State excepting companies engaged in the distilling of liquors and such as enjoy and exercise the right of eminent domain but every corporation limited partnership or joint-stock association organized for the purpose of laundering or processing or curing meats their products and by-products or manufacturing shall pay the State tax of five mills herein provided upon such proportion of its capital stock if any as may be invested in any property or business not strictly incident or appurtenant to the laundering or manufacturing business or the business of processing or curing meats their products and by-products in addition to the local taxes assessed upon its property in the district where located it being the object of this proviso to relieve from State taxation only so much of the capital stock as is invested purely in the laundering or manufacturing plant and business or the plant and business used in the processing or curing of meats their products and by-products Provided further That in case of fire and marine insurance companies the tax imposed by this section shall be at the rate of five mills upon each dollar of the actual value of the whole capital stock Provided That nothing in this act shall be so construed as to apply to building and loan associations chartered by the State of Pennsylvania

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WEBSTER. Mr. Speaker and members of the House. I should like to make this brief explanation of House Bill 701, now before us.

This Bill in no way affects the Budget or the anticipated revenues for the current biennium.

In no way does it alter or disturb the Capital Stock Tax as it now stands.

All that this Bill does do, is to provide that the exemption from the Capital Stock Tax which for fifty years prior to 1935 applied to capital actually and exclusively engaged in laundering, in the processing and curing of meats, and in manufacturing, shall be restored after the end of the calendar year 1940.

This Bill merely records the intent of this Legislature, side by side with the Governor, to reduce taxes in Pennsylvania as soon as that is practicable; and to begin with that Tax which is a fixed charge against the wages that a concern can pay, which applies irrespective of whether the concern has operated at a profit or a loss, and which, therefore, strikes most directly and destructively at the employment of our people.

The Bill would make this phase of the Capital Stock Tax what it was when the exemption was first removed in 1935. That is, one of the Emergency Taxes, and not a part of the permanent tax structure of the State.

It is a matter of the keenest regret that no tax reduction can be put through at this time. All of us recognize the urgent necessity for it. But the hard realities just make it impossible, and the situation is so well understood that no further discussion of it is necessary here.

But I think we do owe it to the industry of Pennsylvania, and to our unemployed people whose hopes of jobs and economic independence lie in the revival of industry, to show clearly, to the extent that is within our power at this time, that the State proposes to extend practical co-operation in the form of reduced taxes, just as soon as that can be done.

We record ourselves to that effect in this Bill, and I sincerely trust that it will receive the approval of this House.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, House Bill No. 701 is the most definite return to the pre-1934 days that this Legislature is presently enacting. House Bill 701 in the first place is a pure unadulterated fake; it is an attempt to tie up the next session of the Legislature; it accomplishes nothing; as far as the present budget is concerned, and it encumbers the future study of the taxation problem. It is a futile gesture and an attempt to impress upon Pennsylvania industry that this session of the Legislature has done something to reduce taxes.

After the subtleties of last night, how a group would have the brazen face to vote "aye" on this piece of legislation, I cannot conceive. I sat on the Ways and Means Committee and I heard the State Chambers of Commerce of the Commonwealth of Pennsylvania give their taxation program and they never recommended this. I heard Mr. Fuller's organization, The State Emergency Council recommend a taxation program, and they never recommended this.

This bill out "chamber of commerces" the Chamber of Commerce. This bill goes further than any of the hidebound reactionaries of Pennsylvania even think they want to go, for this simple reason, for the forty years referred to by Mr. Webster, Pennsylvania has had this unwarranted exemption in its Pennsylvania Captial Stock Tax Act. Every expert of fair and equitable taxation has recommended the contination of the tax but in a reduced millage. If you enact House Bill 701 the five mills on capital stock will never be reduced in millage, and those industries, those corporations in Pennsylvania that apparently are not represented by a well-organized lobby will have to assume the full burden of the five mills, while those of us who want to take one step farther even than the Chamber of Commerce or the State Emergency Council will exempt those favored industries. Every man who studied the situation recommends the continuation of the capital stocks tax and recommends that when, as and if it is possible the millage should be reduced from five mills to four mills. They recommend that industry pays a portion of the State's obligation in the form of this particular tax. They recommend that the exemption should never be reenacted. I say to the members of this House, to pass this act is counter to the advice of even men whom you on the other side are supposed to represent. Of course, if it is the desire of you in the majority to again allow to creep into Pennsylvania law inevitable exemptions, you will pass this act, but if you in the majority feel that only through an honest, equitable tax program can the welfare of the Commonwealth as a whole be adequately served, you will vote against this bill. You won't ham-string the 1941 Legislature, you

won't pass a bill that is a fake and a fraud because it accomplishes nothing now, and in the future will place upon the shoulders of the next Legislature the burden of removing it, in an effort to secure honest government and honest legislation enacted by honest legislators. I ask the members of this House not to degenerate to the position where we are telling our constituents we have done something for you, when in reality we have done nothing for them but have only imposed an inequitable, unwarranted and unscrupulous—and somebody said un-American—exemption in our laws.

Members of the House, I sincerely hope that this House is responsive to its duties to the Commonwealth of Pennsylvania and that our taxation laws will not be hampered by the passage of this obnoxious legislation.

Mr. WOODSIDE. Mr. Speaker and members of the House, "Hatred, hatred, trouble, trouble, boil and bubble," the theme of the industry haters. This hatred for industry about which we hear from the other side is a thing which is driving industry from the Commonwealth of Pennsylvania. This act holds out a hope to industry so that it will not continue its flight from this state. As a result of the situation in which we find ourselves today we cannot remove the taxes from the people immediately, but as a result of economies which are being made in government and the effort which is being made to have an efficient administration, giving to the people the least possible expense necessary to carry on the important functions of the government, we hope in the near future we will be able to relieve industry from some of the burden of taxes. One of the things which has been driving industry out of this state has been the attitude of hatred and dislike to industry, which has been evidenced by the other side of this House.

I say to the members of this House that although this bill does not give any substantial immediate relief, it does hold out the hope that industry which does not flee the state will have some relief from taxes in the future.

Mr. GATES. Mr. Speaker, and members of the House, it is my intention to cast my vote for this bill, but early in the session there was another bill introduced in this House, House Bill No. 407, which would have given not any particular special class of industrial exemption, but which would have removed the five mill capital stock tax.

After listening to the arguments presented to the Ways and Means Committee by the gentleman referred to by Mr. Cohen, I immediately offered an amendment to that bill, which would have reduced the deduction from five to two mills. It was my intention and I think it was the intention of every member of this House to show industry in the state of Pennsylvania that we did appreciate that some relief should be given to them and that unemployment should be absorbed. However, I think this bill should have gone farther than Mr. Webster has anticipated. It should have said it was the intention of this House in the next session of the Legislature to reduce the capital stock tax from five to two mills on every business that is compelled to pay a capital stock tax, both small and large.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, both the gentleman from Dauphin and the gentleman from Armstrong have specifically called to the attention of this House my objections to the passage of this bill.

The gentleman from Dauphin said that it accomplishes no immediate relief. The gentleman from Armstrong says that his proposition is to reduce the capital stock tax on all industry and not to give it to a favored few. How can this House, exercising its intelligence, assume a position that they are going to do two things, one, pass a bill that does not mean anything, and two, pass a bill that does not accomplish the purposes as indicated by the gentleman from Armstrong, Mr. Gates? Is this House willing to enact a bill with those two apparent defects? Members of the House, this bill, one hundred per cent, bears the name not of the sponsor, Mr. Webster, but it is a one hundred per cent Joe Grundy measure, and just as sure as the membership of this House vote in favor of this catchy fake legislation, just that sure each one of you will share that Joe Grundy tag.

Mr. GATES. Mr. Speaker and members of the House, I am sorry to rise a second time, but I must confess that I agree with Mr. Cohen, my colleague, that the banquet last night did not stop at eleven o'clock.

MOTION TO RECOMMIT

Mr. LOVETT. Mr. Speaker, I move that this bill be re-committed to the Committee from whence it came for a public hearing on December 1, when we expect to be in special session.

The SPEAKER. The motion is out of order.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—111

Ackermann,	Fiss,	Leisey,	Shearer,
Alspach,	Fleming,	Leydic,	Simons,
Balliet,	Foor,	Lichtenwalter,	Sloan,
Bardes,	Freed,	Lyons,	Snyder,
Bennett,	Fullerton,	Madden,	Sollenberger,
Boorse,	Gates,	Marr,	Stambaugh,
Boose,	Gillan,	Matthews,	Stewart,
Bower,	Gillette,	McClester,	Stockham,
Bretherick,	Goll,	McGarrity,	Taylor,
Bronson,	Habbyshaw,	McKinney,	Thistle,
Brown, S. W.,	Haines,	McNally,	Thompson, G. R.,
Brunner,	Hall,	McVay,	Tiemann,
Cadwalader,	Harbeson,	Moser, J. L.,	Trout,
Calvin,	Haudenshield,	Muir,	VanAllsburg,
Christler,	Henry,	O'Dare,	Voorhees,
Clearwater,	Hewitt,	Peacock,	Wagner,
Cooper,	Hocke,	Peale,	Watkins,
Cordier,	Hoyt,	Reagan,	Webster,
Cortese,	Huntley,	Reese, D. P.,	Wilkinson,
Curran,	Imbrie,	Rhodes,	Wilson,
Dalrymple,	James,	Riley,	Winner,
Denman,	Johnston,	Robertson,	Wood, H. M.,
Dick,	Jones,	Roseberry,	Wood, L. H.,
Dix,	Kane,	Royer,	Wood, N.,
Donahue,	Kline,	Sarge,	Woodside,
Ely,	Knoble,	Schrock,	Yeakel,
Ewing,	Kowalski,	Seif,	Turner,
Fisher,	Lee,	Serrill,	Speaker.

NAYS—40

Achterman,	Harkins,	Moran,	Rothenberger,
Allen,	Hess,	Munley,	Scanlon,
Baker,	Hindman,	O'Keefe,	Schrope,
Balthaser,	Holland,	O'Neill,	Schwab,
Broad,	Kenehan,	Powers,	Tarr,
Brown, H. S.,	Kilroy,	Readinger,	Walsh,
Burns,	Levy,	Regan,	Weiss,
Carpenter,	Lovett,	Rider,	Welsh, E. B.,
Check,	Malloy,	Rooney,	Welsh, M. J.,
Cohen, H. B.,	Mihm,	Rosenfeld,	Williams,
Flanagan,	Mooney,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 771, entitled:

An Act to amend sections one and two of the act approved the second day of March one thousand nine hundred and thirty-three (Pamphlet Laws 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" as amended further changing fees and agencies from whom borrowings may be made

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ELY. Mr. Speaker and members of the House, the bill before the House is essentially a farmers bill, and is of great importance to the agricultural sections of the Commonwealth. We have on our farms many progressive tenants who do not own real estate, but who do own their livestock and farming equipment.

Under the present law our State and National banks, which includes nearly all of the rural financial institutions, are unable to loan these tenant farmers the money they need to buy seed, lime and fertilizer in the springtime, or feed, cattle or equipment at any time of the year, except on the signature of the man and his wife as the only security for the loan.

The passage of this bill would enable all State and National banks to loan this much needed money and take as security a chattel mortgage on livestock and machinery, which mortgage would be recorded and constitute satisfactory security.

This measure would not only bring additional business to the country banks, but would accommodate a deserving group of people and stimulate business.

I ask all members to help pass this worthwhile piece of legislation.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—157

Achterman,	Fisher,	Matthews,	Serrill,
Ackermann,	Fiss,	McClester,	Shaw,
Alspach,	Fleming,	McGarrity,	Shearer,
Baker,	Foor,	McKinney,	Simons,
Balliet,	Freed,	McNally,	Sloan,
Balthaser,	Fullerton,	McVay,	Snyder,
Bardes,	Furman,	Melchiorre,	Sollenberger,
Bennett,	Gates,	Montgomery,	Stambaugh,
Bohn,	Gillan,	Mooney,	Stank,
Boney,	Gillette,	Moran,	Stewart,
Boorse,	Goll,	Moser, F. S.,	Stockham,
Boose,	Habbyshaw,	Moser, J. L.	Sweeney,
Bower,	Haines,	Muir,	Tahl,
Bretherick	Hall,	Munley,	Tarr,
Broad,	Harbeson,	O'Dare,	Taylor,
Bronson,	Harkins,	O'Keefe,	Terry,
Brown, H. S.,	Haudenshield,	O'Neill,	Thistle,
Brown, S. W.,	Henry,	Peacock,	Thompson, G.R.,
Brunner,	Hewitt,	Peale,	Tiemann,
Cadwalader,	Hindman,	Preston,	Trout,
Calvin,	Hocke,	Readinger,	VanAllsburg,
Check,	Holland,	Reagan,	Voorhees,
Christler,	Hoyt,	Reese, D. P.,	Wagner,
Clearwater,	Huntley,	Rhodes	Watkins,
Cohen H. B.,	Imbrie,	Rider,	Webster,
Cooper,	James,	Riley,	Weiss,
Cordier,	Johnston,	Robertson,	Welsh, E. B.,
Cortese,	Jones,	Rooney,	Welsh, M. J.,
Curran,	Kline,	Rose,	Wilkinson,
Dalrymple,	Kowalski,	Roseberry,	Williams,
Denman,	Krise,	Rosenfeld,	Wilson,
Dick,	Lee	Rothenberger,	Winner,
Dix	Leisey,	Royer,	Wood, H. M.,
Donahue,	Leydic,	Sarge,	Wood, L. H.,
Downey,	Lichtenwalter,	Scanlon,	Wood, N.,
Eckels,	Lovett,	Schrock,	Woodside,
Ely,	Lyons,	Schrope,	Yeakel,
Ewing,	Madden,	Schwab,	Turner,
Falkenstein,	Malloy,	Seif,	Speaker.
Fauset,	Marr,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 222, entitled:

An Act to promote interstate cooperation for the conservation and protection of water resources in the Delaware River Basin

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—117

Ackermann,	Freed,	Marr,	Sollenberger,
Alspach,	Fullerton,	Matthews,	Stambaugh,
Balliet,	Gates,	McClester,	Stewart,
Bardes,	Gillan,	McGarrity,	Stockham,
Bennett,	Gillette,	McKinney,	Sweeney,
Boorse,	Goll,	McNally,	Taylor,
Boose,	Habbyshaw,	McVay,	Thistle,
Bower,	Haines,	Moran,	Thompson, G.R.,
Bretherick,	Hall,	Moser, F. S.,	Tiemann,
Bronson,	Harbeson,	Moser, J. L.,	Trout,
Brown, S. W.,	Haudenshield,	Muir,	VanAllsburg,
Brunner,	Henry,	O'Dare,	Voorhees,
Calvin,	Hewitt,	Peacock,	Wagner,
Christler,	Hocke,	Peale,	Walsh,
Clearwater,	Hoyt,	Reagan,	Watkins,
Cooper,	Huntley,	Reese, D. P.,	Webster,
Cordier,	Imbrie,	Rhodes	Weiss,
Cortese,	James,	Riley,	Welsh, E. B.,
Curran,	Johnston,	Robertson,	Wilkinson,
Dalrymple,	Jones,	Roseberry,	Williams,
Denman,	Kane,	Royer,	Wilson,
Dick,	Kline,	Sarge,	Winner,
Dix,	Kowalski,	Schrock,	Wood, H. M.,
Donahue,	Krise,	Seif,	Wood, L. H.,
Ely,	Lee,	Serrill,	Wood, N.,
Ewing,	Leisey,	Shearer,	Woodside,
Fisher,	Leydic,	Simons,	Yeakel,
Fiss,	Lichtenwalter,	Sloan,	Turner,
Fleming,	Lyons,	Snyder,	Speaker.
Foor,	Madden,		

NAYS—12

Achterman,	Balthaser,	Harkins,	Readinger,
Allen,	Carpenter,	Lovett,	Rothenberger,
Baker,	Check,	Malloy,	Tarr,

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 322, entitled:

An Act to repeal the act approved the second day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1193) entitled "An act to protect the public against fraud and deception regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof conferring powers and imposing duties on the Department of Revenue and prescribing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—156

Achterman,	Ely,	Lichtenwalter,	Sarge,
Ackermann,	Ewing,	Lovett,	Scanlon,
Alspach,	Fauset,	Lyons,	Schrock,
Andrews,	Fisher,	Madden,	Schrope,
Atkins,	Fiss,	Malloy,	Schwab,
Baker,	Fleming,	Marr,	Seif,
Balliet,	Foor,	Matthews,	Serrill,
Balthaser,	Freed,	McClester,	Shearer,
Bardes,	Fullerton,	McGarrity,	Simons,
Bennett,	Furman,	McKinney,	Sloan,
Bohn,	Gates,	McNally,	Snyder,
Boney,	Gillan,	McVay,	Sollenberger,
Boorse,	Gillette,	Melchiorre,	Stambaugh,
Boose,	Goll,	Montgomery,	Stank,
Bower,	Gorski,	Mooney,	Stewart,
Boyd,	Habbyshaw,	Moran,	Stockham,
Bretherick,	Haines,	Moser, J. L.,	Tarr,
Broad,	Hall,	Muir,	Taylor,
Bronson,	Harbeson,	Munley,	Terry,
Brown, H. S.,	Harkins,	O'Dare,	Thistle,
Brown, S. W.,	Haudenshield,	O'Keefe,	Thompson, G.R.,
Brunner,	Henry,	O'Neill,	Tiemann,
Burris,	Hess,	Peacock,	Trout,
Cadwalader,	Hewitt,	Peale,	Van Allsburg,
Calvin,	Hocke,	Powers,	Voorhees,
Carpenter,	Holland,	Preston,	Wagner,
Christler,	Hoyt,	Readinger,	Watkins,
Clearwater,	Huntley,	Reagan,	Webster,
Cohen, H. B.,	Imbrie,	Reese, D. P.,	Welsh, E. B.,
Cooper,	James,	Regan,	Welsh, M. J.,
Cordier,	Johnston,	Rhodes,	Wilkinson,
Cortese,	Jones,	Rider,	Wilson,
Curran,	Kenehan,	Riley,	Winner,
Dalrymple,	Kline,	Robertson,	Wood, H. M.,
Denman,	Kowalski,	Rooney,	Wood, L. H.,
Dick,	Krise,	Rose,	Wood, N.,
Dix,	Lee,	Roseberry,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Leydic,	Royer,	Turner,

Speaker.

NAYS—1

Weiss,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1212, entitled:

An Act providing for the refund of certain moneys by the Pennsylvania Turnpike Commission to the Department of Internal Affairs for the payment of salaries of employes heretofore or hereafter loaned to the said commission.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—157

Achterman,	Fisher,	Malloy,	Schwab,
Ackermann,	Fiss,	Marr,	Seif,
Alspach,	Flanagan,	Matthews,	Serrill,
Atkins,	Fleming,	McClester,	Shearer,
Baker,	Foor,	McGarrity,	Simons,
Balliet,	Freed,	McKinney,	Sloan,
Balthaser,	Fullerton,	McNally,	Snyder,
Bardes,	Furman,	McVay,	Sollenberger
Bennett,	Gates,	Melchiorre,	Stambaugh,
Bohn,	Gillan,	Mooney,	Stank,
Boney,	Gillette,	Moran,	Stewart,
Boorse,	Goll,	Moser, J. L.	Stockham,
Boose,	Habbyshaw,	Muir,	Tarr,
Bower,	Haines,	Munley,	Taylor,
Bretherick,	Hall,	O'Dare,	Thistle,
Broad,	Harbeson,	O'Keefe,	Thompson, G.R.,
Bronson,	Harkins,	O'Neill,	Tiemann,
Brown, H. S.,	Haudenshield,	Peacock,	Trout,
Brown, S. W.,	Henry,	Peale,	Van Allsburg,
Brunner,	Hess,	Powers,	Van Belle,
Burris,	Hewitt,	Preston,	Voorhees,
Cadwalader,	Hindman,	Readinger,	Wagner,
Carpenter,	Hocke,	Reagan,	Walsh,
Christler,	Holland,	Reese, D. P.,	Watkins,
Clearwater,	Hoyt,	Regan,	Webster,
Cohen, H. B.,	Huntley,	Rhodes	Weiss,
Cooper,	Imbrie,	Rider	Welsh, E. B.,
Cordier,	James,	Riley,	Welsh, M. J.,
Cortese,	Johnston,	Robertson,	Wilkinson,
Curran,	Jones,	Rooney,	Williams,
Dalrymple,	Kline,	Rose,	Wilson,
Denman,	Kowalski,	Roseberry,	Winner,
Dick,	Krise,	Rosenfeld,	Wood, H. M.,
Dix,	Lee,	Rothenberger	Wood, L. H.,
Donahue,	Leisey,	Royer,	Wood, N.,
Downey,	Leydic,	Sarge,	Woodside,
Ely,	Lichtenwalter,	Scanlon,	Yeakel,
Ewing,	Lovett,	Schrock,	Turner,
Falkenstein,	Lyons,	Schrope,	
Fauset,	Madden,		

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 872, entitled:

An Act to amend section seven of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws 1319) entitled "An act to establish a State village for feeble-minded women providing for the appointment of a board of managers to select a tract of land for that purpose in the State forest reserve and to erect and furnish buildings on the same and to manage said institution and providing for the commitment thereto of feeble-minded females between the ages of sixteen and forty-five years defining the powers and duties of the board of managers and making an appropriation for the purposes aforesaid also for the expenses of maintenance until June one one thousand nine hundred and fifteen" changing the qualifications of the superintendent of said State village

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—157

Achterman,	Flanagan,	Marr,	Schwab,
Ackermann,	Fleming	Matthews,	Seif,
Alspach,	Foor,	McClester,	Serrill,
Baker,	Freed,	McGarrity,	Shaw.
Balliet,	Fullerton,	McKinney,	Shearer,
Balthaser,	Furman,	McNally,	Simons,
Bardes,	Gates,	McVay,	Sloan,
Bennett,	Gillan,	Melchiorre,	Snyder,
Boney,	Gillette,	Mihm,	Sollenberger,
Boorse,	Goll,	Montgomery,	Stambaugh,
Boose,	Gorski,	Mooney,	Stank,
Bower,	Habbyshaw,	Moran,	Stewart,
Bretherick,	Haines,	Moser, J. L.	Stockham,
Broad,	Hall,	Muir,	Tarr,
Bronson,	Hamilton,	Munley,	Taylor.
Brown, H. S.,	Harbeson,	O'Dare,	Thistle,
Brown, S. W.,	Harkins,	O'Keefe,	Thompson, G.R.
Brunner,	Haudenshield,	O'Neill,	Tiemann,
Burris,	Henry,	Peacock,	Trout,
Cadwalader,	Hess,	Peale,	VanAllsburg,
Calvin,	Hewitt,	Powers,	Van Belle,
Carpenter,	Hindman,	Preston,	Voorhees,
Check,	Hocke,	Readinger,	Wagner,
Christler,	Holland,	Reagan,	Walsh,
Clearwater,	Hoyt,	Reese, D. P.,	Watkins,
Cohen, H. B.,	Huntley,	Regan,	Webster,
Cooper,	Imbrie,	Rhodes,	Weiss,
Cordier,	James,	Rider,	Welsh, E. B.,
Cortese,	Johnston,	Riley,	Welsh, M. J.,
Curran,	Jones,	Robertson,	Wilkinson,
Dalrymple,	Kline,	Rooney,	Williams,
Denman,	Kowalski,	Rose,	Wilson,
Dick,	Krise,	Roseberry,	Winner,
Dix,	Lee,	Rosenfeld,	Wood, H. M.,
Donahue,	Leisey,	Rothenberger,	Wood, L. H.,
Downey,	Leydic,	Royer,	Wood, N.,
Ely,	Lichtenwalter,	Sarge,	Woodside,
Ewing,	Lovett,	Scanlon,	Yeakel,
Fauset,	Lyons,	Schrock,	Turner,
Fisher,	Madden,	Schrope,	Speaker.
Fiss,	Malloy,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 266, entitled:

An Act to further amend section two of the act approved the fourth day of June one thousand nine hundred and fifteen (Pamphlet Laws 828) entitled "An act to provide revenue by imposing a State tax upon sales or agreements to sell or memoranda of sales of stock and upon deliveries or transfers of shares or certificates of stock in domestic and foreign corporations copartnership associations and joint-stock associations providing the manner of collecting such tax and prescribing penalties" by further extending the exemptions from the tax imposed by the said act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—155

Achterman,	Fiss,	Madden,	Schrock,
Ackermann,	Flanagan,	Malloy,	Schrope,
Alspach,	Fleming,	Marr,	Schwab,
Baker,	Foor,	Matthews,	Seif,
Balliet,	Freed,	McClester,	Serrill,
Balthaser,	Fullerton,	McGarrity,	Shaw.
Bardes,	Furman,	McKinney,	Shearer,
Bennett,	Gates,	McNally,	Simons,
Bohn,	Gillan,	McVay,	Sloan,
Boney,	Gillette,	Melchiorre,	Snyder,
Boorse,	Goll,	Montgomery,	Sollenberger,
Boose,	Gorski,	Mooney,	Stambaugh,
Bower,	Habbyshaw,	Moran,	Stank,
Bretherick,	Haines,	Moser, J. L.,	Stewart,
Broad,	Hall,	Muir,	Stockham,
Bronson,	Harbeson,	Munley,	Tarr,
Brown, H. S.,	Harkins,	O'Dare,	Taylor,
Brown, S. W.,	Haudenshield,	O'Keefe,	Thistle,
Brunner,	Henry,	O'Neill,	Thompson, G.R.,
Burris,	Hess,	Peacock,	Tiemann,
Cadwalader,	Hewitt,	Peale,	Trout,
Calvin,	Hindman,	Powers,	VanAllsburg,
Check,	Hocke,	Preston,	Van Belle,
Christler,	Holland,	Readinger,	Voorhees,
Clearwater,	Hoyt,	Reagan,	Wagner,
Cooper,	Huntley,	Reese, D. P.,	Watkins,
Cordier,	Imbrie,	Regan,	Webster,
Cortese,	James,	Rhodes,	Weiss,
Curran,	Johnston,	Rider,	Welsh, M. J.,
Dalrymple,	Jones,	Riley,	Wilkinson,
Denman,	Kline,	Robertson,	Wilson,
Dick,	Kowalski,	Rooney,	Winner,
Dix,	Krise,	Rose,	Wood, H. M.,
Donahue,	Lee,	Roseberry,	Wood, L. H.,
Downey,	Leisey,	Rosenfeld,	Wood, N.,
Ely,	Leydic,	Rothenberger,	Woodside,
Ewing,	Lichtenwalter,	Royer,	Yeakel,
Fauset,	Lovett,	Sarge,	Turner,
Fisher,	Lyons,	Scanlon,	Speaker.

NAYS—2

Cohen, H. B., Levy,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 968, Printer's No. 385, was passed over at the request of Mr. VOORHEES.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 896, entitled:

An Act to amend section 2504 of the act approved June twenty-third one thousand nine hundred thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing a method for the valuation of real property for taxation purposes

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to superficially interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Chester permit himself to be interrogated?

Mr. WEBSTER. I shall, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman just what effect the passage of this bill will have upon the budgets of the various muni-

cipalities that depend upon income from taxes received from real estate.

Mr. WEBSTER. Mr. Speaker, as I understand this bill it stabilizes the budget.

Mr. HERBERT B. COHEN. Mr. Speaker, will this bill allow an increase in valuations to the extent that the borrowing capacity of the various municipalities will also be increased.

Mr. WEBSTER. Mr. Speaker, I do not understand it that way.

Mr. HERBERT B. COHEN. Mr. Speaker, does this bill in any manner decrease the income that the municipalities will receive from taxes on real estate?

Mr. WEBSTER. Mr. Speaker, that is not my understanding.

Mr. HERBERT B. COHEN. Mr. Speaker, then just what does the bill do?

Mr. WEBSTER. Mr. Speaker, it does this, if the gentleman will turn to page two of the bill, it specifically states:

> "In all cases he shall value or cause to be valued the property at the actual value thereof. In arriving at such value the price for which any property would separately bona fide sell or the price at which any property may bona fide actually have been sold shall be considered but shall not be controlling. Instead such selling price estimated or actual shall be subject to revision by increase or decrease to accomplish equalization with other similar property within the taxing district."

As I understand it, this means if in a block of houses that are valued at approximately, we will say, ten thousand dollars, one house should be sold at a distress sale, we will say, for five thousand dollars, the valuation of that house for taxing purposes cannot be reduced disproportionately with the other houses in that section.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—139.

Ackermann,	Fauset,	Lovett,	Sarge,
Alspach,	Fisher,	Lyons,	Schrock,
Balliet,	Fiss,	Madden,	Schwab,
Balthaser,	Fleming,	Malloy,	Seif,
Bardes,	Foor,	Marr,	Shearer,
Bennett,	Freed,	Matthews,	Simons,
Boney,	Fullerton,	McClester,	Sloan,
Boorse,	Gates,	McGarrity,	Snyder,
Boose,	Gillan,	McKinney,	Sollenberger,
Bower,	Gillette,	McNally,	Stambaugh,
Boyd,	Goll,	McVay,	Stewart,
Bretherick,	Habbyshaw,	Melchiorre,	Stockham,
Bronson,	Haines,	Mihm,	Taylor,
Brown, S. W.,	Hall,	Montgomery,	Thistle,
Brunner,	Harbeson,	Mooney,	Thompson, G.R.,
Burris,	Haudenshield,	Moser, J. L.,	Tiemann,
Cadwalader,	Henry,	Muir,	Trout,
Calvin,	Hess,	Munley,	VanAllsburg,
Carpenter,	Hewitt,	O'Dare,	Van Belle,
Check,	Hindman,	O'Neill,	Voorhees,
Christley,	Hocke,	Peacock,	Wagner,
Clearwater,	Holland,	Peale,	Walsh,
Cook,	Hoyt,	Readinger,	Watkins,
Cooper,	Huntley,	Reagan,	Webster,
Cordier,	Imbrie,	Reese, D. P.,	Weiss,
Cortese,	James,	Regan,	Wilkinson,
Curran,	Johnston,	Rhodes,	Wilson,
Dalrymple,	Jones,	Rider,	Winner,
Denman,	Kline,	Riley	Wood, H. M.,
Dick,	Kowalski,	Robertson,	Wood, L. H.,
Dix,	Krise,	Rose,	Wood, N.,
Donahue,	Lee,	Roseberry,	Woodside,
Downey,	Leisey,	Rosenfeld,	Yeakel,
Ely,	Leydic,	Rothenberger,	Turner,
Ewing,	Lichtenwalter,	Royer,	Speaker.

NAYS—18

Achterman,	Harkins,	Preston,	Stank,
Allen,	Keenan,	Rooney,	Tarr,
Baker,	Levy,	Scanlon,	Welsh, E. B.,
Broad,	Moran,	Shaw,	Welsh, M. J.,
Falkenstein,	Powers,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1287, as follows:

An Act to further amend sections one and two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1286) entitled as amended "An act empowering cities boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" authorizing the imposition and collection of ready to serve charges and extending the purposes for which rentals and charges may be made

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1286) entitled as amended "An act empowering cities boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" as amended by section one of the act approved the fourteenth day of May one thousand nine hundred and thirty-seven (P. L. 630) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any city borough incorporated town or township either singly or jointly with other municipalities or townships or both has wholly or partially constructed or shall hereafter wholly or partially construct or complete any sewer or sewage system or sewage treatment works either wholly or partially at public expense or shall have acquired or shall hereafter acquire the same either wholly or partially at public expense or whenever any city borough incorporated town or township shall singly or jointly with other municipalities or townships or both enter into any contract with any authority established in accordance with law or with any private corporation for the furnishing of sewer or sewage treatment services or both for its or their benefit and the benefit of the inhabitants thereof such city borough incorporated town or township may provide by ordinance or resolution enacted either before or after the acquisition or construction thereof or the entry into such contract for the imposition and collection of an annual rental or charge for the use of such sewer sewage system or sewage treatment works from the owners of the property served [or to be served] by it and a reasonable annual charge in the nature of a ready to serve charge from the owners of property for which service is available whether such property is located within or without the corporate limits of such city borough town or township

The annual rental or charge so imposed shall be a lien on the properties served and such liens may be filed in the office of the prothonotary and collected in the manner provided by law for the filing and collection of municipal claims

Section 2 Any such annual rental or charge may be such sum as may be sufficient to meet any or all of the

following classes of expense (a) the amount expended annually by the city borough incorporated town or township in the operation maintenance repair alteration inspection depreciation enlargements additions extensions or other expenses in relation to such sewer sewage system or sewage treatment works (b) such annual amount as may be necessary to provide for the amortization of the indebtedness incurred or the non-debt revenue bonds issued by the city borough incorporated town or township in the construction or acquisition or in the enlargement addition to or extension of such sewer sewage system or sewage treatment works and interest thereon and any taxes covenanted to be paid by the municipalities on the principal of and interest on said bonds in order that said improvements may become self-liquidating or as may be sufficient to pay the amount agreed to be paid annually under the terms of any contract with any authority or private corporation furnishing sewer or sewage treatment services to such city borough town or township and (c) sufficient to establish a margin of safety of ten per centum Any unused surplus from any preceding year shall be paid into the fund accruing from said rentals or charges and whenever the amount in said fund exceeds the said margin of safety of ten per centum the excess shall be paid into the sinking fund The amount required for sinking fund and interest shall be paid into the sinking fund and the amount so paid including any excess as above provided shall not be used for any other purpose The said annual rental or whatever charge shall be decided upon by the city borough incorporated town or township shall be apportioned equitably among the properties served and for which service is available by the said sewer sewage system or sewage treatment works

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, as I read this bill, it again reinstitutes in our legislative philosophy a system that has been discarded. Advanced utility legislation, as well as advanced utilities, have been uniformly against the imposition of a ready-to-serve charge. There is not in the Commonwealth of Pennsylvania an outstanding utility which has not of its own accord, and the other utilities which have been subsequently forced to do so by the Utility Act of 1937, abandoned the ready to serve charge philosophy in utility legislation.

As I understand this bill, this would allow municipalities to institute a ready to serve charge for the utility service which they are furnishing either to their own constituents or adjacent municipalities. I feel that this bill should be amended to conform with advanced thought, and if there is a necessity for a charge, the charge should be a minimum charge rather than a ready to serve charge. For those reasons I oppose the enactment of this legislature.

BILL PASSED OVER

There being no objection House Bill No. 1287, Printer's No. 416, was passed over at the request of Mr. BRETHERICK.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1064, entitled:

An Act to repeal section eight of the act approved the twelfth day of July one thousand nine hundred and nineteen (Pamphlet Laws 941) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reporters expert typewriters clerks and other employes and providing for their compensation and mileage providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts or parts of acts inconsistent herewith" in so far as it relates to the preparation printing binding and distribution of the Separate Journal of the House of Representatives

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—158

Achterman,	Fisher,	Malloy,	Schwab,
Ackermann,	Fiss,	Marr,	Seif,
Alspach,	Fleming,	Matthews,	Serrill,
Andrews,	Foor,	McClester,	Shaw,
Baker,	Freed,	McGarrity,	Shearer,
Balliet,	Fullerton,	McKinney,	Simons,
Balthaser,	Furman,	McNally,	Sloan,
Bardes,	Gates,	McVay,	Snyder,
Bennett,	Gillan,	Melchiorre,	Sollenberger,
Bohn,	Gillette,	Montgomery,	Stambaugh,
Boney,	Goll,	Mooney,	Stank,
Boorse,	Habbyshaw,	Moran,	Stewart,
Boose,	Haines,	Moser, J. L.,	Stockham,
Bower,	Hall,	Muir,	Tarr,
Bretherick,	Harbeson,	Munley,	Taylor,
Broad,	Harkins,	O'Dare,	Thistle,
Bronson,	Haudenshield,	O'Keefe,	Thompson, G. R.,
Brown, H. S.,	Henry,	O'Neill,	Tiemann,
Brown, S. W.,	Hess,	Peacock,	Trout,
Brunner,	Hewitt,	Peale,	VanAllsburg,
Burris,	Hindman,	Powers,	Van Belle,
Cadwalader,	Hocke,	Preston,	Voorhees,
Calvin,	Holland,	Readinger,	Wagner,
Check,	Hoyt,	Reagan,	Watkins,
Christler,	Huntley,	Reese, D. P.,	Webster,
Clearwater,	Imbrie,	Regan,	Weiss,
Cohen, H. B.,	James,	Rhodes,	Welsh, E. B.,
Cooper,	Johnston,	Rider	Welsh, M. J.,
Cordier,	Jones,	Riley,	Wilkinson,
Cortese,	Kline,	Robertson,	Williams,
Curran,	Kowalski,	Rooney,	Wilson,
Dalrymple,	Krise,	Rose,	Winner,
Denman,	Lee,	Roseberry,	Wood, H. M.,
Dick,	Leisey,	Rosenfeld,	Wood, L. H.,
Dix,	Levy,	Rothenberger,	Wood, N.,
Donahue,	Leydic,	Royer,	Woodside,
Downey,	Lichtenwalter,	Sarge,	Yeakel,
Ely,	Lovett,	Scanlon,	Turner,
Ewing,	Lyons,	Schrock,	Speaker.
Fauset,	Madden,	Schrope,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 492, entitled:

An Act to amend Section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to pro-

vide revenue for State and County purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by excluding stages omnibuses hacks cabs and other vehicles used in transporting passengers for hire owned used or possessed within this Commonwealth by any person or persons or by any corporate body or bodies from the provisions thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—157

Achterman,	Fauset,	Madden,	Schrope,
Ackermann,	Fisher,	Malloy,	Schwab,
Andrews,	Fiss,	Marr,	Seif,
Baker,	Flanagan,	Matthews,	Serrill,
Balliet,	Fleming,	McClester,	Shaw,
Balthaser,	Foor,	McGarrity,	Shearer,
Bardes,	Freed,	McKinney,	Simons,
Bennett,	Fullerton,	McNally,	Sloan,
Bohn,	Furman,	McVay,	Snyder,
Boney,	Gates,	Melchiorre,	Sollenberger,
Boorse,	Gillan,	Mihm,	Stambaugh,
Boose,	Gillette,	Montgomery,	Stank,
Bower,	Goll,	Mooney,	Stewart,
Bretherick,	Habbyshaw,	Moran,	Stockham,
Broad,	Haines,	Moser, J. L.,	Tarr,
Bronson,	Hall,	Muir,	Taylor,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Haudenshield,	O'Dare,	Thompson, G. R.,
Brunner,	Henry,	O'Keefe,	Tiemann,
Burris,	Hess,	O'Neill,	Trout,
Cadwalader,	Hewitt,	Peacock,	VanAllsburg,
Calvin,	Hindman,	Powers,	Van Belle,
Carpenter,	Hocke,	Preston,	Voorhees,
Check,	Holland,	Readinger,	Wagner,
Christler,	Hoyt,	Reagan,	Watkins,
Clearwaters	Huntley,	Reese, D. P.,	Webster,
Cohen, H. B.,	Imbrie,	Rhodes,	Welsh, E. B.,
Cooper,	James,	Rider,	Welsh, M. J.,
Cordier,	Johnston,	Riley	Wilkinson,
Cortese,	Jones,	Robertson,	Williams,
Curran,	Kline,	Rooney,	Wilson
Dalrymple,	Kowalski,	Rose,	Winner,
Denman,	Krise,	Roseberry,	Wood, H. M.,
Dick,	Lee,	Rosenfeld,	Wood, L. H.,
Dix,	Leisey,	Rothenberger	Wood, N.,
Donahue,	Levy,	Royer,	Woodside,
Downey,	Leydic,	Sarge,	Yeakel
Ely,	Lichtenwalter,	Scanlon,	Turner
Ewing,	Lovett,	Schrock,	Speaker,
Falkenstein,	Lyons,		

NAYS—1

Weiss,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 870, entitled:

An Act to further amend the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" further defining State employes and original members and making further exception to compulsory membership in the system

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire just how much additional money the enactment of this bill will necessitate being appropriated to the State Employees' Retirement Fund.

Mr. WOODSIDE. Mr. Speaker, that would depend entirely upon how many people were taking advantage of it. It would be open only for thirty days. I feel, however, that there will be very few people who will take advantage of it. If everybody would take advantage of it, it would necessitate a rather substantial sum, perhaps one hundred thousand dollars, but the probabilities are that very few will take advantage of it, and as a result the cost will not be very high.

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand this bill takes out or exempts the legislative employees from the benefit of this act?

Mr. WOODSIDE. Mr. Speaker, no, that is not the intent of the bill.

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand that this bill removes the exemption that has heretofore been applicable to legislative employees?

Mr. WOODSIDE. That is correct. This permits legislative employees who are on a per diem basis during the legislative session to take advantage of the benefits of this act. We feel they should be included. Many of them for many years have rendered faithful service and should be entitled to take advantage of it.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I feel until we know the extent of the additional burden that will probably be placed upon the Fund, it is a dangerous bill to enact. It necessitates, as the gentleman has indicated, a possible contribution into the State Retirement Fund of one hundred thousand dollars, and I am not sure that we should expose ourselves to that possibility or to the probability of a sum of that approximate amount. I feel that some actuarial study should be made before we expose the fund to that situation. I realize the desires of this bill, as far as they apply to particular individuals, but the bill should be more particularized. I do not think we should dangerously expose this fund, because in a short period of thirty days, enough applications might be made to hamper the actuarial studies of the present State Employment Retirement Fund.

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to know whether the gentleman from York thinks the bill would be satisfactory if the time limit were reduced from thirty days to five days?

Mr. HERBERT B. COHEN. Mr. Speaker, my advisors tell me I shall tell you, "yes."

BILL PASSED OVER

There being no objection House Bill No. 870, Printer's No. 372 was passed over at the request of Mr. WOODSIDE.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 93, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell seven lots of ground with the messuages thereon if any and providing for the disposition of the proceeds derived as a result of sale of such lots

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—158

Achterman,	Fauset,	Malloy,	Schrope,
Ackermann,	Fisher,	Marr,	Schwab,
Andrews,	Fiss,	Matthews,	Seif,
Baker,	Flanagan,	McClester,	Serrill,
Balliet,	Fleming	McGarrity,	Shaw,
Balthaser,	Foor,	McKinney,	Shearer,
Bardes,	Freed,	McNally,	Simon,
Bennett,	Fullerton,	McVay,	Sloan,
Bohn,	Furman,	Melchiorre,	Snyder,
Boney,	Gates,	Mihm,	Sollenberger,
Boorse,	Gillan,	Montgomery,	Stambaugh,
Boose,	Gillette,	Mooney,	Stank,
Bower,	Goll,	Moran,	Stewart,
Bretherick,	Habbyshaw,	Moser, J. L.	Stockham,
Broad,	Haines,	Muir,	Tarr,
Bronson,	Hall,	Munley,	Taylor,
Brown, H. S.,	Harbeson,	O'Dare,	Thistle,
Brown, S. W.,	Haudenshield,	O'Keefe,	Thompson, G.R.,
Brunner,	Henry,	Peacock,	Tiemann,
Burris,	Hess,	Peale,	Trout,
Cadwalader,	Hewitt,	Powers,	VanAllsburg,
Calvin,	Hocke,	Preston,	Van Belle,
Carpenter	Holland,	Readinger,	Voorhees,
Check,	Hoyt,	Reagan,	Wagner,
Christler,	Huntley,	Reese, D. P.,	Walsh,
Clearwater,	Imbrie,	Regan,	Watkins,
Cohen, H. B.,	James,	Rhodes,	Webster,
Cooper,	Johnston,	Rider,	Weiss,
Cordier,	Jones,	Riley,	Welsh, E. B.,
Cortese,	Kline,	Robertson,	Welsh, M. J.,
Curran,	Kowalski,	Rooney,	Wilkinson,
Dalrymple	Krise,	Rose,	Wilson,
Denman,	Lee,	Roseberry,	Winner,
Dick,	Leisey,	Rosenfeld,	Wood, H. M.,
Dix,	Levy,	Rothenberger,	Wood, L. H.,
Donahue,	Leydic,	Royer,	Wood, N.,
Downey,	Lichtenwalter,	Sarge,	Woodside,
Ely,	Lovett,	Scanlon,	Yeakel,
Ewing,	Lyons,	Schrock,	Turner,
Falkenstein,	Madden,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 283, Printer's No. 361, was passed over at the request of Mr. WOODSIDE.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 197, entitled:

An Act providing that officers and employes of the Commonwealth who are members of the Officers' Reserve Corps of the United States Army United States Navy or United States Marine Corps shall be entitled to leaves of absence without loss of pay time or rating while engaged in active service or in field training

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—159

Achterman,	Fiss,	Marr,	Schwab,
Ackermann,	Flanagan,	Matthews,	Seif,
Andrews,	Fleming,	McClester,	Serrill,
Baker,	Foor,	McGarrity,	Shaw,
Balliet,	Freed,	McKinney,	Shearer,
Balthaser,	Fullerton,	McNally,	Simons,
Bardes,	Furman,	McVay,	Sloan,
Bennett,	Gates,	Melchiorre,	Snyder,
Bohn,	Gillan,	Mihm,	Sollenberger,
Boney,	Gillette,	Montgomery,	Stambaugh,
Boorse,	Goll,	Mooney,	Stank,
Boose,	Habbyshaw,	Moran,	Stewart,
Bower,	Haines,	Moser, J. L.,	Stockham,
Bretherick,	Hall,	Muir,	Tarr,
Broad,	Harbeson,	Munley,	Taylor,
Bronson,	Harkins,	O'Dare,	Thistle,
Brown, H. S.,	Haudenshield,	O'Keefe,	Thompson, G.R.,
Brown, S. W.,	Henry,	O'Neill,	Tiemann,
Brunner,	Hess,	Peacock,	Trout,
Burris,	Hewitt,	Peale,	VanAllsburg,
Cadwalader,	Hocke,	Powers,	Van Belle,
Calvin,	Holland,	Preston,	Voorhees,
Carpenter,	Hoyt,	Readinger,	Wagner,
Check,	Huntley,	Reagan,	Walsh,
Christler,	Imbrie,	Reese, D. P.,	Watkins,
Clearwater,	James,	Regan,	Webster,
Cohen, H. B.,	Johnston,	Rhodes,	Weiss,
Cooper,	Jones,	Rider,	Welsh, E. B.,
Cordier,	Kline,	Riley	Welsh, M. J.,
Cortese,	Kowalski,	Robertson,	Wilkinson,
Curran,	Krise,	Rooney,	Williams,
Dalrymple,	Lee,	Rose,	Wilson,
Denman,	Leisey,	Roseberry,	Winner,
Dick,	Levy,	Rosenfeld,	Wood, H. M.,
Dix,	Leydic,	Rothenberger	Wood, L. H.,
Donahue,	Lichtenwalter,	Royer,	Wood, N.,
Ely,	Lovett,	Sarge,	Woodside,
Ewing,	Lyons,	Scanlon,	Yeakel,
Fauset,	Madden,	Schrock,	Turner,
Fisher,	Malloy,	Schrope,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 721 Printer's No. 360 was passed over at the request of Mr. SCHROCK.

There being no objection House Bill No. 720 Printer's No. 359 was passed over at the request of Mr. SCHROCK.

There being no objection House Bill No. 718 Printer's No. 358 was passed over at the request of Mr. SCHROCK.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 962, entitled:

An Act permitting railroad corporations to fix in their by-laws the time for annual and other meetings and the election of directors

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, as I read this bill it permits railroad companies to fix in their by-laws the time for the annual meeting for the election of directors.

Mr. Speaker, I desire to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Lancaster permit himself to be interrogated?

Mr. ALSPACH. I shall, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman how this bill changes the existing law.

Mr. ALSPACH. Mr. Speaker, as I understand the existing law, railroad companies do not have the privilege of deciding for themselves when and where they shall have their annual meetings of stockholders. The time is fixed otherwise than by the railroad directors themselves.

Mr. HERBERT B. COHEN, I desire to inquire of the gentleman by what act of Assembly that particular restriction is imposed upon the railroad companies.

Mr. ALSPACH. Mr. Speaker, I do not have the reference at my finger tips in answer to the gentleman's question, as to just what particular act imposes this restriction.

Mr. HERBERT B. COHEN. Mr. Speaker, I will ask the gentleman if he does not think it would be better procedure to amend the act that fixes the time rather than pass a general repealer, which would add to the confusion?

Mr. ALSPACH. Mr. Speaker, not necessarily. This act is a very short one, it is very concise, and to the point. It specifically states just what is desired to be accomplished thereby.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate Mr. McGarrity, the gentleman from Philadelphia, an exponent of the railroad situation, who is not a lawyer.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. McGARRITY. I shall, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, not having had the opportunity or the pleasure to be chief counsel for any of the railroad companies of the Commonwealth of Pennsylvania—

The SPEAKER. The gentleman is out of order.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman whether or not—

Mr. McGARRITY. Mr. Speaker, maybe one of these days Mr. Cohen will be a consulting lawyer for one of our railroad companies.

Mr. HERBERT B. COHEN. Mr. Speaker, in order to advise the membership of the House, will the gentleman please explain to the membership what act of assembly restricted the railroad corporations from having an annual meeting at their own discretion?

Mr. McGARRITY. Mr. Speaker, way back in 1868 a law was passed that railroads and utilities had to set a certain date, and the Pennsylvania Railroad and all the railroads of Pennsylvania have the first of the year. However, in 1935 it was changed so that the utilities, outside of the railroads, could set their own date. At the present time the railroads have to abide by the first of the year. In other words, if a director should die in the interim we would have to wait until the first of the year to have a meeting of the directors. Now is that satisfactory to the gentleman from York, Mr. Cohen?

Mr. HERBERT B. COHEN. Mr. Speaker, in view of the lucid exposition of the law by the gentleman from Philadelphia, Mr. McGarrity, I respectfully move that Mr. James McGarrity be made a member of the bar.

Mr. McGARRITY. Mr. Speaker, I have been a member of many bars.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I have no objection to the thought that the sponsor of this bill seeks to accomplish. However, there are certain good precepts of legislation that should be followed. In the first place I understand that the constitution of 1868 imposed this imposition and that the subsequent constitution of 1874 possibly reenacted that particular phase. There is a question in my mind whether we can by a mere act of assembly destroy substantive law, and if the legal minds of this House are certain that this particular type of legislation will cure the defect, I have no objection to it. However, I feel that before the final passage of this bill, at least in the Senate, additional members of the bar should be consulted to determine the constitutionality of this enactment.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—160

Achterman,	Falkenstein,	Lichtenwalter,	Schrock,
Ackermann,	Fauset	Lovett,	Schrope,
Alspach,	Fisher,	Lyons,	Schwab,
Andrews,	Fiss,	Madden,	Seif,
Baker,	Flanagan,	Malloy,	Serrill,
Balliet,	Fleming,	Marr,	Shaw,
Balthaser,	Foor,	Matthews,	Shearer,
Bardes,	Freed,	McClester,	Simons,
Bennett,	Fullerton,	McGarrity,	Sloan,
Bohn,	Furman,	McKinney,	Snyder,
Boney,	Gates,	McNally,	Sollenberger,
Boorse,	Gillan,	McVay,	Stambaugh,
Boose,	Gillette,	Melchiorre,	Stank,
Bower,	Goll,	Mihm,	Stewart,
Bretherick,	Gorski,	Montgomery,	Stockham,
Broad,	Habbyshaw,	Mooney,	Tarr,
Bronson,	Haines,	Moran,	Taylor,
Brown, H. S.,	Hall,	Moser, J. L.,	Thistle,
Brown, S. W.,	Harbeson,	Muir,	Thompson, G.R.,
Brunner,	Haudenshield,	Munley,	Tiemann,
Burris,	Henry,	O'Dare,	Trout,
Cadwalader,	Hess,	Peacock,	Van Allsburg,
Calvin,	Hewitt,	Peale,	Van Belle,
Carpenter,	Hindman,	Powers,	Voorhees,
Check,	Hocke,	Readinger,	Wagner,
Christler,	Holland,	Reagan,	Watkins,
Clearwater,	Hoyt,	Reese, D. P.,	Webster,
Cohen, H. B.,	Huntley,	Regan,	Weiss,

Cooper,	Imbrie,	Rhodes,	Welsh, E. B.,
Cordier,	James,	Rider,	Welsh, M. J.,
Cortese,	Jirolanio,	Riley,	Wilkinson,
Curran,	Johnston,	Robertson,	Williams,
Dalrymple,	Jones,	Rooney,	Wilson,
Denman,	Kline,	Rose,	Winner,
Dick,	Kowalski,	Roseberry,	Wood, H. M.,
Dix,	Krise,	Rosenfeld,	Wood, L. H.,
Donahue,	Lee,	Rothenberger,	Wood, N.,
Downey,	Leisey,	Royer,	Woodside,
Ely,	Levy,	Sarge,	Yeakel,
Ewing,	Leydic,	Scanlon,	Turner,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. FLEMING.

The House resumed the consideration on final passage of House Bill No. 674, as follows:

An Act requiring justices of the peace and aldermen to use only the forms of warrants notices writs and processes as furnished by the county commissioners through the county controllers requiring that records of the issuance thereof be kept and returns be made quarterly thereon to the county controllers and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The county commissioners may prepare and furnish through the controller's office of each county all forms of warrants notices writs and processes relating to or incident to (1) desertion and non-support (2) surety of peace (3) violations of vehicle code (4) criminal offenses (5) juvenile court cases and (6) miscellaneous summary offenses not specifically enumerated above These forms may be prepared and distributed in pads containing fifty forms each and each attached to a stub and consecutively numbered Upon each such form there shall be in addition to the specific number the name of the county and of the offense The county controller shall keep a record of the number of each such form delivered and the specific number thereon and the name of the justice of the peace or alderman to whom delivered

Section 2 No justice of the peace or alderman shall issue in any county where such forms are prepared and issued by the county commissioners any warrant notice writ or process covering any of the enumerated offenses as above set forth unless he shall use the forms of warrants notices writs and processes as supplied to him by the controller of the county in which he is a justice of the peace or alderman Each justice of the peace and alderman shall upon preparing such a warrant notice writ or process enter on the stub of such form which stub shall remain in the pad the name and address of the person for whom such warrant notice writ or process was issued and the dates of such issuance and the return thereof

Section 3 Each justice of the peace and alderman in any county which has accepted the provisions of this act shall on the first day of each January April July and October of each year file a report with the county controller of the number of forms the type of offense and the numbers thereon

Section 4 Any justice of the peace or alderman in any county which has accepted the provisions of this act who issues any form of warrant notice writ or process other than that supplied by the county controller or who fails to enter upon the stub of each form as issued the record as required by this act or who fails to file the reports as required and at the times specified upon conviction thereof shall be sentenced to pay a fine of three hundred dollars ($300) or to undergo an imprisonment of thirty (30) days or both in the discretion of the court

Section 5 This act shall become effective the first day of January one thousand nine hundred and forty

On the question recurring,

Shall the bill pass finally?

BILL RECOMMITTED

Mr. FLEMING. Mr. Speaker, due to the very grave question of constitutionality raised by my colleague from Allegheny, Mr. Brown; the decision of the Supreme Court in the McNair Case, and not wishing to place any acts on the statute books of Pennsylvania which would be unconstitutional, I move Mr. Speaker, that this bill be recommitted to the Committee on Counties for further consideration.

The motion was agreed to.

COMMITTEE MEETINGS

There will be meetings of the Committees on
Dairy Industry during the recess in Room 325.
Judiciary Special during the recess in Room 335.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 1:40 p. m. Are there objections? The Chair hears none and declares a recess until 1:40 p. m.

AFTER RECESS

The House reconvened at 1:40 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a further recess until 2:10 p. m. Are there objections? The Chair hears none and declares a recess until 2:10 p. m.

AFTER RECESS

The House reconvened at 2:10 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

SENATE MESSAGES

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 431. (HOUSE BILL No. 1412).

An Act to amend sections one and six of the act, approved the nineteenth day of July, one thousand nine hundred and thirty-five (P. L. 1356), entitled "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of Internal Affairs; and providing penalties," by providing for reciprocal recognition of weight certificates for solid fuel between the Commonwealth of Pennsylvania and bordering states requiring such certificates; and defining the term "licensed weighmaster".

Referred to the Committee on State Government.

SENATE BILL No. 432. (HOUSE BILL No. 1413).

An Act authorizing the Department of Property and Supplies, with the consent of the Department of Military

Affairs and the approval of the Governor, to sell or exchange and convey the property of the Pennsylvania State Arsenal at Harrisburg; appropriating the proceeds thereof to the Department of Military Affairs; and providing for the construction of an arsenal or warehouse on the military reservation at Indiantown Gap, and for the removal of State and Federal supplies thereto.

Referred to the Committee on Appropriations.

SENATE BILL No. 518. (HOUSE BILL No. 1414).

An Act to further amend section one, and a part of section two of the act approved the thirteenth day of June, one thousand eight hundred and eighty three, (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies," changing the membership of the board and the functions of the Secretary of Health with reference thereto; requiring audits by the Auditor General, and reports of the activities of the board; and increasing the maximum amount that may be expended for burial of unclaimed bodies unfit for anatomical purposes.

Referred to the Committee on State Government.

SENATE BILL No. 543. (HOUSE BILL No. 1415).

An Act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Board of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties

Referred to the Committee on Cities—Second Class.

SENATE BILL No. 544. (HOUSE BILL No. 1416).

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits shall be assessed levied and collected upor the basis of the county assesements imposing duties on county taxing authorities abolishing the department of assessors in cities of the second class and transferring certain property to county taxing authorities

Referred to the Committee on Cities—Second Class.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 363.

An Act to amend section six of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 603) entitled "An act concerning conditional sales and to make uniform the law relating thereto" by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 2, at the beginning of line 6, by striking out the heavy-faced bracket before the word "of"; also same line by striking out the heavy-faced bracket after the word "thereof"; also in lines 6 and 7 by striking out the words "having jurisdiction of the subject matter thereof."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—162

Achterman,	Ewing,	Lovett,	Schrock,
Ackermann	Fisher,	Lyons,	Schrope,
Alspach,	Fiss,	Madden,	Schwab,
Andrews,	Flanagan.	Malloy,	Seif,
Atkins,	Fleming,	Marr,	Serrill,
Baker,	Foor,	Matthews,	Shaw.
Balliet,	Freed,	McClester,	Shearer,
Balthaser,	Fullerton,	McGarrity,	Simons,
Bardes,	Furman,	McKinney,	Sloan,
Bennett,	Gates,	McNally,	Snyder,
Bohn.	Gillan,	McVay,	Sollenberger,
Boney,	Gillette,	Melchiorre,	Stambaugh,
Boorse,	Goll,	Mihm,	Stank,
Boose.	Gorski,	Montgomery,	Stewart,
Bower,	Habbyshaw,	Mooney,	Stockham,
Bretherick,	Haines.	Moran,	Tarr,
Broad.	Hall,	Moser, J. L.	Taylor,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins.	Munley,	Thompson, G.R.,
Brown, S. W.,	Haudenshield,	O'Dare,	Tiemann,
Brunner,	Henry,	O'Keefe,	Trout.
Burns,	Hess,	O'Neill.	VanAllsburg,
Burris,	Hewitt,	Peacock,	Van Belle,
Cadwalader,	Hindman,	Peale,	Voorhees,
Calvin,	Hocke,	Preston,	Wagner.
Carpenter,	Holland,	Readinger,	Watkins,
Check,	Hoyt,	Reagan,	Webster,
Christler,	Huntley,	Reese, D. P.,	Weiss,
Clearwater,	Imbrie,	Rhodes,	Welsh, E. B.,
Cohen, H. B.	James,	Rider,	Welsh, M. J.,
Cook,	Jirolanio,	Riley,	Wilkinson,
Cooper,	Johnston,	Robertson,	Williams,
Cordier,	Jones,	Rooney,	Wilson,
Cortese,	Kline,	Rose,	Winner.
Curran,	Kowalski,	Roseberry,	Wood, H. M.,
Dalrymple,	Krise,	Rosenfeld,	Wood, L. H.,
Denman,	Lee,	Rothenberger,	Wood, N.,
Dick,	Leisey,	Royer,	Woodside,
Donahue,	Levy,	Sarge,	Yeakel,
Downey,	Leydic,	Scanlon,	Turner,
Ely,	Lichtenwalter,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 363.

An Act to amend section six of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 603) entitled "An act concerning sales and to make uniform the law relating thereto" by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, whicih was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 546

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 25, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 546, Printer's No. 268, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. TAYLOR. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. DAVID P. REESE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Daupin, Mr. Taylor, vote on the final passage of this bill

Mr. TAYLOR. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Dauphin, Mr. Reese, vote on the final passage of this bill?

Mr. DAVID P. REESE. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. TAYLOR. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend page 1, line 8 of the title, by inserting at the end of the line the following: "and making further provision for the appointment of an Adjutant General."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL ON THIRD READING

Mr. WOODSIDE. Mr. Speaker, I desire to call up House Bill No. 870, Printer's No. 372, entitled:

An Act to further amend the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" further defining State employes and original members and making further exception to compulsory membership in the system.

on page 35 of today's calendar, bill on third reading, which was passed over.

RECONSIDERATION OF VOTE

Mr. WOODSIDE. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. HABBYSHAW. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Dauphin, Mr. Woodside, vote on the third reading of this bill?

Mr. WOODSIDE. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Dauphin, Mr. Habbyshaw, vote on the third reading of this bill?

Mr. HABBYSHAW. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. WOODSIDE. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 1 (Sec. 1, Cl. 9), page 6, line 4, by striking out with heavy-face brackets the word "thirty" and inserting in lieu thereof: "five"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instruction of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

REPORTS FROM COMMITTEES

Mr. DAVID P. REESE, from the Committee on Judiciary Special, reported as committed, House Bill No. 1203, entitled:

An Act making an appropriation to the Department of Justice for the purpose of defraying expenses heretofore or hereafter incurred by any county, or department, in connection with, or incidental to, any grand jury investigation or trial of State officers, or former State officers, and others.

Mr. McGARRITY, from the Committee on Labor, reported as amended, House Bill No. 1374, entitled:

An Act to amend section two, and clause (a) of section four of the act, approved the first day of June, one thousand nine hundred thirty-seven (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to

organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the broad; prescribing certain penalties," restating the findings and policy in respect thereto; and prescribing further qualifications for members of the Pennsylvania Labor Relations Board.

Mr. CURRAN, from the Committee on Judiciary Special, reported as amended, House Bill No. 1144, entitled:

An Act to amend the title and Section 3 of the Act approved the 12th day of May 1897 (P. L. 63) entitled: "To prevent and punish the loan, gift, sale or distribution of indecent and immoral writings, printings, pictures, photographs, or representations of all matters of an indecent or immoral character, and of all articles, drugs, recipes, et cetera, to prevent conception, or to produce unlawful abortion, or intended or purporting to be used for such purposes, or either of them, and also to prevent the advertisement, exhibition or publication of the same, and to authorize the seizure and destruction of all such matter," by extending provisions thereof to include the sale, loan, gift, and distribution of printed matter extolling crimes and deeds of violence, and imposing certain duties upon the District Attorneys.

Mr. TARR, from the Committee on Judiciary Special, reported as committed, House Bill No. 1248, entitled:

An Act to amend section one of the act approved the thirteenth day of April, one thousand eight hundred and sixty-seven, (P. L. 78), entitled "An act for the relief of wives and children, deserted by their husbands and fathers, within this Commonwealth;" designating the counties in which prosecutions may be brought.

Mr. TARR, from the Committee on Judiciary Special, reported as committed, House Bill No. 1250, entitled:

An Act to amend section two of the act approved the twelfth day of July, one thousand nine hnudred and nineteen, (P. L. 939), entitled "An act making it a misdemeanor for a husband or father to desert or neglect to support his wife or children; prescribing a penalty therefor; and making the wife or any person having the care custody or control of minor children a competent witness;" designating the counties in which proescutions may be brought.

Mr. ROSENFELD, from the Committee on Judiciary Special, reported as committed, House Bill No. 642, entitled:

An Act to amend the title and section one of the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-one (P. L. 1364), entitled "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines; and providing a penalty," as amended by including the use of other fraudulent methods and artifices to procure the operation of such instruments or machines.

Mr. TAYLOR, from the Committee on Insurance, reported as amended, House Bill No. 1405, (Senate Bill No. 317), entitled:

An Act to amend sections four hundred fifteen and four hundred sixteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended further defining group life insurance to include additional classes of persons

The SPEAKER. The Chair requests the gentleman from Lancaster, Mr. Trout, to preside.

MR. TROUT IN THE CHAIR

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1337, entitled:

An Act limiting the number of licenses for the retail sale of liquor and malt or brewed beverages or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board defining hotels and prescribing the accommodations required of hotels in certain municipalities.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. CURRAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Liquor Control for the purpose of further study.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1125, entitled:

An Act to further amend Sections 2 202 203 305 402 403 404 407 408 409 410 411 paragraph (14) of Section 602 paragraph (e) of Section 609 Sections 610 and 701 of and to add Section 204 and paragraph (31) to Section 602 and paragraph (f) to Section 611 to the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the

receipts from State stores and of fees and imposing penalties" by defining "district" establishing the force of regulations of the board creating district boards regulating the appointment of members thereof and defining their duties and powers requiring the further advertising of applications for licenses the issuance thereof and appeals from the decisions of the board providing for hearings by the district boards increasing fees for licenses further regulating the revocation and suspension of licensees and providing for the disposition thereof providing for the giving of a bond in order to make any appeal a supersedeas prohibiting the illegal use of purchase permit cards changing the hours during which clubs may sell liquor or malt and brewed beverages regulating licensees interlocking business and the issuance of permits for entertainment protecting the interests of holders of bailment leases and conditional sale contracts prescribing additional penalties for sales to minors and imposing duties upon municipalities

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. CURRAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Liquor Control for the purpose of further study.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 925, entitled:

An Act to further amend sections two five six seven thirteen fourteen sixteen nineteen twenty-one clauses twelve and thirty-three of section twenty-three and section thirty of the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" further regulating distributors providing for hearings and recommendations on retail dispensers' licenses by district boards vesting additional powers and discretion in the Pennsylvania Liquor Control Board prohibiting the grant of licenses in certain territory and to places where stores are operated providing for the advertisement of license applications regulating appeals from the action of the board and denying appeals in certain cases regulating the grant renewal transfer and revocation and suspension of licenses and amusement permits increasing retail dispensers' and club license fees and prescribing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. BRETHERICK. Mr. Speaker, I move that this bill be recommitted to the Committee on Liquor Control for the purpose of further study.

On the question.

Will the House agree to the motion?

Mr. HERBERT B. COHEN. Mr. Speaker, I am heartily in favor of this and the preceding motion to recommit these bills. I sincerely request the cooperation of the Committee to which these bills are returning so that the Democratic minority members on that Committee may also have an opportunity to join in the legislative deliberations to which these bills are going to be exposed when they are returned to the Committee.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 704, entitled:

An Act to amend the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 242) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers conferring powers and duties upon the Department of public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" changing the eligibility requirements for examination increasing the minimum required ages eliminating the exemption from examination of persons engaged in beauty culture prior to one thousand nine hundred and thirty-three increasing the hours and length of time required for training for students and teachers and managers changing the requirements of beauty culture schools increasing the number of necessary teachers changing the places and dates of examination changing the powers and duties of the Department of Public Instruction increasing the period of notice of hearings and eliminating preliminary notices

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 631, entitled:

An Act to provide for the protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons engaging in the care preparation and embalming of the bodies of deceased persons and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 465, entitled:

An Act to amend article three by adding thereto section three hundred and twenty and to amend sections nine hundred and one one thousand one hundred and five and one thousand one hundred and eleven of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain

State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by providing for the arrangement and reorganization of business organizations under the National Bankruptcy Act for the further merger and consolidation of certain corporations and further regulating the dissolution of such corporations and the survival of remedies after dissolution

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 910, entitled:

An Act to amend section three and clause (a) of section seven of the act approved the first day of June one thousand nine hundred and thirty-seven (P. L. 1168) entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representative of all the employes authorizing the board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the board prescribing certain penalties" defining "current labor dispute" and prescribing qualifications for representatives for the purpose of collective bargaining and of officers of labor organizations

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 330, entitled:

An Act to further amend subsection A of section one thousand six of the act approved the fifteenth day of May one thousand nine hundred thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by providing further with regard to limitations upon loans to one corporation or person

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 763, entitled:

An Act to amend subdivision (a) of article eleven and section one thousand one hundred and eleven of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" changing the procedure for laying out opening widening straightening vacating and relaying roads streets et cetera wholly within said townships

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1407, entitled:

An Act to further amend section eight hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" requiring certain contracts to be awarded to the lowest bidder and eliminating requirement that certain contracts be approved by the Department of Highways of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1112, entitled:

An Act authorizing the council of cities of the second class A to fix the salaries of members of the fire department and establishing minimum salaries

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 658, entitled:

An Act to add clause forty-six to section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by authorizing appropriations for the support maintenance discipline and training of units of the National Guard and regulating the expenditure and accounting of such moneys

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 697, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of

the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments board and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating the State Board of Barber Examiners as a departmental administrative board in the Department of Public Instruction

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 700, entitled:

An Act to further amend the act approved the nineteenth day of June one thousand nine hundred and thirty-one (P. L. 589) entitled as amended "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops and barber schools and apprentices and students therein regulating compensation for services rendered conferring certain powers and duties on the Department of Public Instruction and providing penalties" by changing the provisions as to fees charged apprentices and students prohibiting advertising by registrants requiring all barber shops to be registered and transferring the administration of the provisions of this act to the State Board of Barber Examiners

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1140, entitled:

An Act to amend section nine of the act approved the second day of June one thousand nine hundred and thirty-seven (P. L. 1198) entitled "An act relating to employes and organizations thereof defining labor disputes prescribing the procedure by which and the conditions under which injunctions may be granted in such disputes and the scope thereof declaring certain undertakings and promises between employers and employes contrary to public policy and void prescribing the nature of proof necessary in actions arising out of labor disputes against persons or associations prescribing the terms and conditions for bonds to be furnished prior to the issuance of injunctions prescribing the procedure in case of appeal from granting injunctions; limiting the duration of temporary and permanent injunctions in case of labor disputes; and providing for the payment of costs; and repealing all acts or parts of acts inconsistent herewith" providing for additional cases where restraining orders and temporary and permanent injunctions may be granted

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1232, entitled:

An Act regulating the appointment promotions suspension reduction and reinstatement of employees (except superintendent of police and assistant superintendent of police) in bureaus of police detectives signal operators assistant signal operators police telephone operators police radio operators and assistant radio operators police women and police matrons in cities of the second class defining the powers and duties of civil service commissions for such purpose in said cities and repealing inconsistent legislation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1093, entitled:

An Act to further amend section one of the act approved the tenth day of May one thousand nine hundred twenty-seven (P. L. 879) entitled "An act regulating the sale in bulk of fifty-one per centum or more of the stock of goods wares or merchandise of any kind fixtures machinery equipment or real estate by every corporation joint-stock association limited partnership or company providing certain requirements therefor and imposing certain duties upon the seller and buyer and fixing penalties" by requiring certain matters to be filed with, or obtained from the Department of Revenue instead of the Auditor General in order to conform said act to existing law.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 848, entitled:

An Act to amend section one of the act approved the eleventh day of May one thousand eight hundred ninety-three (P. L. 42) entitled "An act to authorize corporations organized for profit under the laws of Pennsylvania to make allowances or pensions to employes for faithful and long continued service who in such service have become old infirm or disabled" by extending its provisions to include directors and officers of such corporations

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 169, entitled:

An Act to amend subsection eighteen as added to paragraph one of clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators there-

in the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripit to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilitiees of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans court in all matters relating to fiduciaries concerned with the estates of decedents" by further providing for additional investments of trust funds by fiduciaries

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1164, entitled:

An Act to amend clause (b) two of section eight of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by authorizing the omission of certain parts of accounts and auditors' reports from the dockets of such courts

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 737, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the merger of school districts and parts of school districts with other districts changing the terms of officers of conventions of school directors and the method of selecting members of county boards of school directors providing for filling vacancies empowering the county boards of school directors to employ an attorney and fix his compensation granting certain powers and imposing certain duties on members of the county board of school directors providing limitations on the appointment of district superintendents requiring the filing of copies of auditor's reports with the county board of school directors and validating previous mergers

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 907, entitled:

An Act to amend the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended by adding thereto section one thousand one hundred and ninety-seven regulating the expenditure of funds allocated by any agency or department of the Commonwealth to townships of the second class in which the public roads and bridges are opened made amended and repaired by taxpayers

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 887, entitled:

An Act to amend section twenty of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt return to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violation of this act" as amended by providing for the payment of all fees to local registrars of vital statistics by the Commonwealth

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No 1060, entitled:

An Act defining the liability of persons signing instruments in writing in a fiduciary capacity regulating actions on such instruments and execution on judgments obtained in such actions and excepting certain actions from the provisions of said act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1285, entitled:

An Act to amend section two thousand four hundred thirteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" assigning certain rooms in the Senate Capitol to the General Assembly

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1366, entitled:

An Act to amend section three hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for the alteration of township lines and boundaries

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 948, entitled:

An Act to amend section eight hundred and four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" further restricting payments out of township treasuries and giving township treasurers discretion to refuse payments

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 714, entitled:

An Act to amend section four of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 289) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended extending the provisions of said act to permit corporations to be formed for beneficial and protective purposes to the widows and families of policemen and firemen under and in accordance with such provisions

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1162, entitled:

An Act to amend section forty-nine by adding thereto clause (g) and to further amend clause (k) of section fifty-nine of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees, herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by providing for the appointment of substitute fiduciaries to execute decrees of distribution in certain cases and by altering the procedure and requirements for the appointment of guardians ad litem

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1388, entitled:

An Act to amend section three of the act approved the second day of May one thousand nine hundred five (P. L. 351) entitled "An act authorizing the Attorney General to retain and employ attorneys to represent the Commonwealth in criminal proceedings in the various courts of oyer and terminer general jail delivery and quarter sessions if requested to do so by the president judge of the district having jurisdiction thereof providing for the compensation of such attorneys and defining their duties and powers" by making counties liable for the payment of the compensation and expenses of attorneys appointed by the Attorney General

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1256, entitled:

An Act to amend subdivision (b) of article three of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for a State association for recorders of deeds and allowing expenses in attending annual meetings

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 297, entitled:

An Act authorizing women who have been divorced from the bonds of matrimony to retake and use their maiden names and making certified copies of their election evidence in all cases

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 673, entitled:

An Act to amend subsection (7) of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in pubic utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by enlarging the definition of the phrase "Contract Carrier by Motor Vehicle" to include persons or corporations who furnish transportation of school children exclusively

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1076, entitled:

An Act to amend the act approved the first day of June one thousand nine hundred and thirty-seven (P. L. 1168) entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employes to be unfair further providing that representatives of a majority of the employes be the executive representatives of all the employes authorizing the board to conduct hearings and elections and cretify as to representatives of employes for purposes of collective bargaining empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the board prescribing certain penalties" broadening the definition of "labor dispute" further defining the rights of employes further defining and limiting unfair labor practices making further provision for designation and selection of representatives for the purpose of collective bargaining changing the practice before the Pennsylavnia Labor Relations Board and limiting its powers in certain cases and requiring investigations of labor disputes and issuance of subpoenas on the application of either party to a controversy.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 993, entitled:

An Act relating to sheriff sales of real estate heretofore or hereafter made changing the rule of evidence that the price at which a plaintiff on the list bids in real estate at sheriff sale is conclusive providing a procedure by which the actual value of real estate so purchased by the plaintiff on the list may be established and credited against the judgment or debt to collect which the sheriff sale was had and providing a limitation of time within which such procedure may be invoked.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 996, entitled:

An Act to amend section three hundred eight and section seven hundred two as amended of the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 289) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penaltiies and repealing certain acts and parts of acts relating to corporations" by facilitating the procedure to borrow money and to acquire or dispose of real estate and to facilitate the approval of amendments by members.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1038, entitled:

An Act to regulate the practice of chiropody in the Commonwealth of Pennsylvania to provide for the establishment of a State Board of Chriopody Examiners in the Department of Public Instruction to define the duties and powers of said board to provide for examining and registering of chiropodists in this State and to provide penalties for the violation of this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 482, entitled:

An Act assenting to the provisions of the Act of Congress entitled "An act to provide that the United States shall aid the states in wildlife-restoration projects and for other purposes" approved September second one thousand nine hundred and thirty-seven and conferring certain powers and duties on the Pennsylvania Game Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1171, entitled:

An Act to amend Section 1109-1 as added and section one thousand one hundred and eleven of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" further providing for the powers and limitations upon powers of corporations with fiduciary powers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 842, entitled:

An Act to amend sections one thousand three hundred and fourteen and section one thousand three hundred and ftfieen as amended of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by providing further for the registration and recording of deeds

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1399, (Senate Bill No. 433), entitled:

An Act to amend section seven of the act approved the eleventh day of May one thousand nine hundred and five (Pamphlet Laws 442) entitled "An act for the appointment and maintenance of a board to be known as the Armory Board of the State of Pennsylvania and for the payment of its expenses and for providing managing and caring for armories for the use of the National Guard of Pennsylvania throughout the Commonwealth of Pennsylvania and making an appropriation for the same authorizing the State Armory Board to receive from counties cities municipalities and other sources donations or contributions for the purpose of this act" authorizing the Armory Board to accept donations and contributions from boroughs and townships and authorizing boroughs and townships to make such donations and contributions

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1392, (Senate Bill No. 268), entitled:

An Act to amend paragrah (c) of section four hundred nine and paragraphs (a) and (c) of section four hundred eleven of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulating of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities included to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicles conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof of public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations of municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the

provisions of this act and regulations and orders of the commission and the procedure for enforcing such liens and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by providing a more equitable method for the apportionment of damages and expenses occasioned by or resulting from the construction relocation alteration protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways limiting in certain cases the amount to be borne by the public utilities concerned and providing for the recovery by the commission on behalf of the Commonwealth of the amount of expenses occasioned by or resulting from such crossing improvement, as well as the amount of damages or compensation awarded to the owners of adjacent property.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 670, (Senate Bill No. 206), entitled:

An Act requiring all applications for licenses or permits to be accompanied by a per capita school tax receipt for the last calendar year preceding the year in which the application is made and making exceptions as to applicants residing without the Commonwealth or in school districts where no such tax is imposed or those exempt by law or action of the tax levying authorities.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1393, (Senate Bill No. 375), entitled:

An Act authorizing the Commonwealth, political subdivisions and certain institutions to purchase blind-made commodities and services from organizations for the blind without contracts or advertisement; providing for the fixing of fair market prices for such commodities and services by a committee composed of heads of certain departments and representatives of institutions where blind-made commodities are manufactured; and imposing certain duties upon the Department of Property and Supplies and the State Council for the Blind.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 26, 1939.

Resolved (if the Senate concur), that House Bill No. 444, Printer's No. 60, entitled "An act to amend section nine of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1050) entitled 'An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created,' by changing the amount and method of contributions for, and payment of death benefits," be recalled from the Governor for the purpose of amendment.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, April 26, 1939.

Resolved (if the Senate concur), that House bill No. 28, Printer's No. 36. entitled "An act to regulate the sale of sulfanilamide and its derivatives in the interest of public health," be recalled from the Governor for the purpose of amendment.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Lancaster, Mr. Trout.

BILL ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 924, as follows:

An Act to further amend clause (a) of section two hundred one of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by eliminating the provision requiring the approval of purchases by the Auditor General

The first section was read as follows:

The General Assembly of the Commowealth of Pennsylvania hereby enacts as follows

Section 1 Clause (a) of section two hundred one of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1762) is hereby further amended to read as follows

(a) To buy import or have in its possession for sale and sell liquor and alcohol in the manner set forth in this act

[Provided however That all purchases shall be made subject to the approval of the Auditor General or his designated deputy]

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be recommitted to the Committee on Liquor Control, for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 333, as follows:

A Joint Resolution proposing an amendment to section eight article five of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section eight of article five of the Constitution of Pennsylvania is hereby amended to read as follows

Section 8 The Commonwealth of Pennsylvania respectively shall from time to time in turn detail one or more of their judges to hold the courts of oyer and terminer and the courts of quarter sessions of the peace of the said counties in such manner as may be directed by law but the General Assembly may by law provide for the establishment of separate courts of criminal jurisdiction in counties having the jurisdiction of courts of oyer and terminer and courts of quarter sessions of the peace

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1327, as follows:

An Act to amend section one thousand three hundred and one of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" prohibiting the issuance of certificates to teach to persons not citizens except in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand three hundred and one of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 1301 Every teacher in the public schools of this Commonwealth must hold a provisional professional or State certificate which shall set forth the branches which its holder is entitled to teach and which shall be issued as herein provided but no teacher shall teach in any public school in this Commonwealth any branch which he has not been properly certificated to teach

A certificate to teach shall not be granted or issued to any person not a citizen of the United States except in the case of exchange teachers not permanently employed and teachers employed for the purpose of teaching foreign languages

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1201, as follows:

An Act to amend section one of the act approved the fourteenth day of May one thousand nine hundred and thirty-three (P. L. 796) entitled "An act providing for the preservation of the records of banks bank and trust companies trust companies savings banks and private banks and imposing penalties for violations" to permit the preservation of photographic film reproduction or photographs or photostatic copies of certain original records

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 796) entitled "An act providing for the preservation of the records of banks bank and trust companies trust companies savings banks and private banks and imposing penalties for violations" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every bank bank and trust company trust company and savings bank incorporated under the laws of this Commonwealth and every private bank transacting business within this Commonwealth shall preserve in such form and manner that they may be readily produced upon proper demand all its records of original or final entry including cards used under the card system and deposit slips or tickets for a period of seven years from the date of making the last entry on the same provided however that this act shall not be construed to prevent the preservation of photographic film reproduction or photographic or photostatic copies of ledger records of depositors' accounts in lieu of the originals of such ledger records

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Banking, for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. MUIR. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN Mr. Speaker, I shall.

Mr. MUIR. Mr. Speaker, I desire to ask the gentleman from York why he desires to have this bill recommitted.

Mr. HERBERT B. COHEN. Mr. Speaker, I think this bill is a pernicious imposition upon the banks and trust companies of the Commonwealth. It allows the preservation of photostatic films, reproductions and photographs of original records. I cannot see the necessity for this par-

ticular type of legislation. The occasions that require it are few and far between. In addition, the cost to which the banks are exposed in instituting this type of service will impose an additional hardship upon our banking institutions. Possibly one bank in a community will resort to this method and thus make it almost imperative that every bank in that community resort to this particular method of keeping their records, with the result that the banks that are today not making any return upon the moneys deposited by the depositors will have imposed upon them additional overhead in cost.

Mr. MUIR. Mr. Speaker and members of the House, I think the gentleman from York is wrong on that point. This does increase the expense of banks slightly, but it does on the other hand save them money. I think that this motion should be voted down.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to interrogate the gentleman from Warren, Mr. Muir.

The SPEAKER. Will the gentleman from Warren permit himself to be interrogated?

Mr. MUIR. I shall, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, will the gentleman explain to the House how this saves the bank money.

Mr. MUIR. Mr. Speaker, it saves the bank money in this way, in the number of employees.

Mr. HERBERT B. COHEN. Mr. Speaker, may I inquire of the gentleman, what will be saved to the institution by this system?

Mr. MUIR. Mr. Speaker, I cannot answer that, but I have been informed by some of the banks that this is something that they have wanted for several years. The national banks have it and the state banks do not, as I understand. They would like very much to have this system.

Mr. HERBERT B. COHEN. Mr. Speaker, will the gentleman explain to the members of the House what is the cost of this additional service and how much of a financial burden will be imposed upon the banking institutions.

Mr. MUIR. Mr. Speaker, I cannot give the figures on that.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I feel that the answers of the gentleman from Warren, Mr. Muir, have clearly indicated to the House that we do not know what we are doing on this bill and I recommend that it go back to the committee until we find out.

Mr. KANE. Mr. Speaker and members of the House, this is not my bill, but it happens to be a bill that I have heard about from bankers, and if the gentleman from York is willing I will explain to him briefly why I am opposed to his motion to recommit.

This bill has been in committee for a long time, it has been reported out by the Chairman of the Committee, and I presume it has had ample consideration. It happens that one of the banks that I have discussed the matter with is located in the town from which the Chairman of the Committee comes. My understanding of it is precisely what the previous speaker, Mr. Muir stated, that the national banks do have this privilege. This legislation is permissive in nature and not mandatory. No bank has to adopt it if it does not care to. This bill would permit the making of very small permanent records from the actual records which may be preserved and at any time they may produce a full size enlarged picture of the actual document, in any number of copies that they wish to have for persons who need them.

I think this is very satisfactory evidence that modern science is at last penetrating through the solid stone wall of the bank, and anything that would encourage such a movement should certainly be favored by this Legislature. I think there is no reason why we should restrict the banks in their method of preserving records. This Legislature has already, I believe, by previous acts, permitted recorders of deeds and others to adopt a photostatic system. Since this bill has been in committee for a long time, and as the gentleman from York, Mr. Cohen apparently has no amendment to offer to this bill, I would like to oppose the recommittal because this Legislature is gradually drawing to a close and we must vote on these things "yes" or "no". I therefore oppose the recommittal of this bill to the committee from which it has just been reported out.

Mr. GATES. Mr. Speaker and members of the House, Mr. Kane set forth some matters which I wished to explain to the House. This bill is not a "must" bill. Various banks in the Commonwealth of Pennsylvania have different methods of keeping books and records. Mr. Muir stated that no savings banks or state banks have this system. Many trust companies in the state of Pennsylvania have a system by which they keep records in this way. This is only to permit those records to be construed as legal in the State of Pennsylvania. It is not a "must" bill, it is a "may" bill, for those banks that desire to keep the records in a most up-to-date and modern manner.

Mr. ANDREWS. Mr. Speaker, I would like to interrogate the gentleman from Warren, Mr. Muir.

The SPEAKER. Will the gentleman from Warren permit himself to be interrogated?

Mr. MUIR. I Will, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, does the measure provide for the preservation of films in duplicate?

Mr. MUIR. Mr. Speaker, I do not know that it does, in duplicate, but it provides for the preservation of the film.

Mr. ANDREWS. Mr. Speaker, the preservation of records by means of films where there are not two depositories is a very unsafe method of preservation. Newspapers are now preserving their files by means of films. Every time they make a film there is a copy deposited, for instance, with the Eastman Kodak Company, so there is one film that is in the custdy of the newspaper and another film that is preserved against accident. So I say if this measure does not require the preservation of films in duplicate, one film in the possession of the bank and other film in some other place supposedly safe, it is a very insecure and loose way of preserving records.

I certainly think, Mr. Speaker, that the bill should go back to committee and be amended in conformity with what Mr. Gates stated, so as to have a modern up to date method of preserving records.

Mr. WOODSIDE. Mr. Speaker and members of the House, I do not know a whole lot about this bill but from what I have gathered from the arguments on the other side, they are, first, that the bill goes too far, and, second, it does not go far enough. It seems to me we might be walking in the middle of the road, which is usually a

pretty safe way. I think that we ought to vote down this motion.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1257, as follows:

An Act to amend the title Section 1 as amended and Sections 5 11 12 13 14 16 17 18 20 21 and 22 of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (P. L. 587) entitled "An act to protect the public health by regulating the manufacture preparation handling storage sale transportation and possession of meat and meat-food products prescribing the powers and duties of the State livestock Sanitary Board incidental thereto" by transferring administration of the act to the Department of Agriculture defining "Department" and changing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (P. L. 587) entitled "An act to protect the public health by regulating the manufacture preparation handling storage sale transportation and possession of meat and meat-food products prescribing the powers and duties of the State Livestock Sanitary Board incidental thereto" is hereby amended to read as follows

An Act to protect the public health by regulating the manufacture preparation handling storage sale transportation and possession of meat and meat-food products prescribing the powers and duties of the [State Livestock Sanitary Board] Department of Agriculture incidental thereto

Section 2 Section one of the said act as amended by the act approved the fifth day of July one thousand nine hundred and seventeen (P. L. 682) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "meat" and "meat-food products" wherever used in this act shall include the carcasses or parts of carcasses of cattle sheep goats other ruminants swine horses mules and the meat of such animals and the meat-food products of such animals

The term "unfit for food" shall be construed to include the carcasses or parts of carcasses of horses and mules and the meat of such animals and the meat-food products of such animals

Section 3 Section 5 11 12 13 14 16 17 18 20 21 and 22 of said act are hereby amended to read as follows

Section 5 The word "person" shall include individuals partnerships corporations and associations Masculine words shall include the feminine or neuter The singular shall include the plural

The word ["Board"] "Department" shall mean the ["State Livestock Sanitary Board"] Pennsylvania Department of Agriculture

Section 11 The [Board] Department in enforcing the provisions of this act may appoint employees of the United States Department of Agriculture engaged in the examination of animals meats or meat-food products as agents under the provisions of this section [who] The Department may also appoint duly qualified veterinarians licensed by this Commonwealth other than regular employees to act as agents in the examination of animals meats or meat-food products under the provisions of this section Such agents shall receive no compensation as such agents

In addition to the agents provided for above in this section the [Board] Department may in enforcing this act assign any employe of the [Board] Department to perform duties as agent under this act

Each employe assigned to serve as agent under this act shall have knowledge of the diseases of meat-producing animals and shall be versed in the conditions that affect the wholesomeness of animal food products An appropriate standard of fitness for such agents shall be maintained by the [Board] Department

The appointment qualifications powers and duties of each such agent shall be governed by the provisions of this act by such rules and regulations for the enforcement of this act as may be adopted and promulgated by the [Board] Department Each such agent may be dismissed at any time by the [Board] Department

Section 12 Any duly authorized agent or employe of the [Board] Department may at any time enter any establishment and examine the same to ascertain whether the provisions of this act are being observed

Section 13 It is unlawful to hinder impede or prevent any duly authorized agent or employe of the [Board] Department from entering any establishment in the performance of his duty or from making any examination duly ordered in enforcing this act

Section 14 Any agent authorized under this act to examine may under the rules and regulations prescribed by the [Board] Department mark stamp or otherwise designate any animals or meat or meat-food products found on examination to be wholesome and fit for food

Section 16 If upon examination it is found that any establishment or any part of an establishment or any equipment is in an unclean or unsanitary condition or is being conducted or used in such a manner as to make it probable that the meat or meat-food products therein or produced therein may be rendered unwholesome or is being conducted or used in violation of this act the agent making such examination shall report the unlawful condition to the [Board] Department and shall at the same time notify in writing the owner lessee or manager of the establishment

Upon receipt of such report the [Board] Department by its executive officer or otherwise as it may direct shall notify the proper owner lessee or manager of the result of the examination and direct that the unlawful condition be remedied within the time specified in the notice Provided That the time so specified shall be not less than twenty-four hours unless the unlawful condition mentioned in said notice if of such character and nature as in the opinion of the [Board] Department its executive officer or its agent can be removed immediately

If upon the expiration of the time specified in the notice the condition so reported to exist shall not have been remedied the [Board] Department by its executive officer may order the establishment closed It is unlawful to operate an establishment or any part thereof which has been closed by order of the executive officer of the [Board] Department until the unlawful condition reported to exist has been remedied to the satisfaction of said officer of the [Board] Department

The closing of an establishment or any part thereof shall not preclude prosecution for violation of this act

Section 17 It is unlawful for any agent of the [Board] Department or any [special] meat hygiene agent

1 To approve or pass any diseased animal intended to be slaughtered for food or any unwholesome meat or any unwholesome meat-food product

2 To fail to condemn and mark and cause to be rendered unfit for food any diseased animal unwholesome meat or unwholesome meat-food product found on examination of an establishment to be unfit for food

3 To fail to report as required any violation of this act

4 Directly or indirectly to accept or agree to accept any thing of value monetary or otherwise given or offered to such agent to influence him in the discharge of his duties

Section 18 It is unlawful to give or offer to give directly or indirectly to an agent or employe of the [Board] Department or to a special meat hygiene agent anything

of value monetary or otherwise with intent to influence such agent or employe in the discharge of his duties under the provisions of this act

Section 20 This act shall be enforced by the [Board] Department To that end it may adopt and promulgate such rules and regulations as it may deem necessary So far as practicable the regulations of the meat hygiene service of the United States Department of Agriculture shall be included in the rules and regulations of the [Board] Department

Section 21 Any person who shall violate any of the provisions of this act [shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceding five hundred dollars or to undergo an imprisonment not exceeding one year or both If the violation shall be by a corporation partnership or association the directors of such corporation or the members of such partnership or association its agents or employes with guilty knowledge of the fact shall also be guilty of a misdemeanor and on conviction thereof shall be punished as aforesaid

The fines imposed as aforesaid shall be for the use of the Commonwealth shall be paid to a duly authorized agent of the Board and shall be by the Board paid into the State Treasury] or any rule regulation or order made pursuant to this act shall for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution and in default of payment of such fine and costs shall be sentenced to undergo imprisonment in the county jail for not more than thirty days and for a third or subsequent offense shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars or to undergo imprisonment not exceeding one year or both in the discretion of the court

All fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid into the State Treasury through the Department of Revenue and credited to the General Fund

Secion 22 Any duty imposed upon or power given to the [Board] Department by this act may be done or exercised as the [Board] Department may by standing or special order direct

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1147, as follows:

An Act to amend Section fifteen hundred and nine of the act approved the eighteenth day of May one thousand nine hundred nd eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing that the board of directors of any school district may appropriate funds to pay for medical examinations for tuberculosis for pupils teachers janitors or other employees

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1509 of Article XV of the Act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to stablish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 1509 No person having tuberculosis of the lungs shall be a pupil teacher janitor or other employe in any public school unless it be a special school carried on under the regulations made for such schools by the Commissioner of Health The board of directors of any school district may appropriate such funds as may be necessary to pay for X-ray or other medical examinations to determine the presence or absence of tuberculosis in such pupil teacher janitor or other employe

Sction 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 601, entitled:

An Act to amend clause six of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended changing the minimum salaries of certain teachers in junior high schools of third class districts

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause six of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealinig all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the twenty-third day of May one thousand nine hundred and twenty-three (Pamphlet Laws 328) is hereby further amended to read as follows

Six Districts of the third class Elementary teachers and elementary principals who devote less than one-half of their time to supervision and administration minimum annual salary one thousand dollars ($1,000) minimum annual increment one hundred dollars ($100) minimum number of increments four (4) high shool teachers and high school principles who devote less than one-half of their time to supervision and administration minimum annual salary one thuosand two hundred dollars ($1,200) minimum annual increment one hundred dollars ($100) minimum number of increments four (4) provided that where teachers in junior high schools have the [qualifications by the local school board for teachers of the senior high school] minimum qualifications required by the State Department of Public Instruction for teachers of a senior high school they shall be placed upon the senior high school schedule otherwise they shall be placed upon the elementary school schedule supervisors minimum salary one thousand two hundred dollars ($1,200) minimum annual increment one hundred dollars ($100) minimum number of incremnets four (4) elementary principals who devote one-half or more of their time to supervision and administration annual salary one thousand four hundred

dollars ($1,400) minimum annual increments four (4) high school principals who devote one-half or more of their time to supervision and administration minimum annual salary two thousand dollars ($2,000) minimum annual increment one hundred twenty-five dollars ($125) minimum number of increments four (4) superintendents minimum annual salary three thousand five hundred dollars ($3,500)

On the question,

Will the House agree to the section?

Mr. WEISS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1 (Cl. six), page 2, line 19, by striking out the word: "principles" and inserting in lieu thereof: "principals"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows

An Act to amend clause six of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended changing the minimum salaries of certain teachers in junior high schools of third class districts

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 99, as follows:

An Act to amend section one of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and e-penses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" as amended by permitting the court to suspend sentence and place defendants on probation in cases of conviction of any crime under certain conditions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentence the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" as amended by the act approved the seventh day of May one thousand nine hundred and twenty-five (Pamphlet Laws 554) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any person shall be convicted in any court of this Commonwealth of any crime [except murder administering poison kidnapping incest sodomy buggery rape assault and battery with intent to ravish arson robbery or burglary] and it does not appear to the said court that the defendant has ever before been imprisoned for crime either in this State or elsewhere (but detention in an institution for juvenile delinquents shall not be considered imprisonment) and where the said court believes that the character of the defendant and the circumstances of the case such that he or she is not likely again to engage in an offensive course of conduct and that the public good does not demand or require that the defendant should suffer the penalty imposed by law the said court shall have the power to suspend the imposing of the sentence and place the defendant on probation for a definite period on such terms and conditions including the payment of money for the use of the county not exceeding however the fine fixed by law for conviction of such offense as it may deem right and proper said terms and conditions to be duly entered of record as a part of the judgment of the court in such case No such condition for the payment of money shall be considered as the imposition of a fine or a sentence nor prevent the court from thereafter sentencing any defendant under the act under which he or she was convicted upon violation of his or her parole

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1371, as follows:

An Act to amend the title and further amend and reenact the act approved the twenty-second day of March one thousand eight hundred and sixty-two (Pamphlet Laws 164) entitled "An act to provide for the destruction and to prevent the spread of Canada Thistles" by extending the provisions of the act to include other weeds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title of the act approved the twenty-second day of March one thousand eight hundred and sixty-two (Pamphlet Laws 164) entitled "An act to provide for the destruction and to prevent the spread of Canada Thistles" is hereby amended to read as follows

An Act to provide for the destruction and to prevent the spread of Canada Thistles Chicory and Marihuana and imposing certain powers and duties upon supervisors and constables in relation thereto

Section 2 Sections one and two of said act as last amended by the act approved the twenty-third day of April one thousand nine hundred and twenty-three (Pamphlet Laws 83) are hereby further amended to read as follows

Section 1 That from and after the passage of this act it shall be the duty of every person or persons and of every copartnership association or corporation holding land or lands in any county or counties of this Commonwealth either by lease or otherwise on which any Canada thistles or weeds commonly known as Canada Thistles or Chichorium intybus the weed commonly known as chicory or succory or blue daisy or the weed known as marihuana may be growing to cut the same so as to prevent such weeds from going to seed and the seed of the same from ripening and every person or persons or copartnership association or corporation as aforesaid who shall or may have land as aforesaid and who shall neglect or refuse to comply with the provisions of this act shall forfeit and pay a fine of fifteen dollars to the treasurer of the school

district in which such land may be situated to be recovered the same as debts of like amount are now by law recoverable

Section 2 That if any person or persons or copartnership association or corporation so holding lands as aforesaid on which any Canada thistles or the weeds commonly known as such or Chichorium intybus the weed commonly known as chicory or succory or blue daisy or the weed known as marihuana shall be growing and likely to ripen seed thereon shall neglect or refuse to cut and destroy the same so as to prevent the seed thereof from ripening it shall and may be lawful for any person or persons who may consider themselves aggrieved or about to be injured by such neglect or refusal to inform by written notice any constable or supervisor of the township or district in which the said weeds may be growing whose duty it shall then be to give five days' notice in writing to such person or persons or copartnership association or corporation to cut and destroy such weeds and on their neglect or refusal to cut and destroy the same at the end of five days it shall be the duty of the officer giving such notice to enter upon such premises with such person or persons as he may employ and cut down and destroy such weeds and the said officer or other persons so employed shall be entitled to recover from such person or persons or copartnership association or corporation owning or holding land as aforesaid compensation for necessary man labor horse labor and machinery at the same rate as paid by the township or district for similar work on the roads and the officer serving such notice shall likewise be entitled to a fee of fifty cents together with six cents mileage for each mile circular necessarily traveled to be recovered as debts of like amount before any justice or court in said counties

Section 3 Section three of said act as added by the act approved the twenty-fourth day of April one thousand eight hundred and eighty-five (Pamphlet Laws 9) and amended by the act approved the twenty-third day of April one thousand nine hundred and twenty-three (Pamphlet Laws 83) is hereby reenacted to read as follows

Section 3 It shall be the duty of the supervisor or supervisors of the public roads or highways in every township or district as aforesaid to cut and destroy in the same manner all such weeds on or along such roads and in case of unseated or mountain lands whenever it shall come to the knowledge of either the supervisor or constable of the existence of any such weeds thereon it shall be his duty to notify the owner or owners or agents of said lands in writing giving ten days' notice to cut and destroy the same as aforesaid and upon failure to comply at the end of ten days such officer or any person or persons employed by him shall proceed in the manner hereinbefore provided with like fees and compensation and if any such constable or supervisor shall neglect or refuse to perform his duties as prescribed by this act he shall be liable to a fine of ten dollars the same to be sued for and recovered as aforesaid by the party or parties aggrieved or about to be injured by such neglect or refusal

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 293, as follows:

An Act providing for the exclusions from the court room and the segregation of certain witnesses in criminal cases imposing restrictions on such witnesses providing for their maintenance at the expense of the county and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Upon the trial of any person accused of the commission of any crime in any court of record of this Commonwealth either the prosecuting attorney or the defendant or his attorney may either before any testimony is taken or at any time during the course of the trial apply to the court for an order that any or all of the witnesses on either or both sides be sworn and placed in the custody of an officer and removed out of the court room to some place where they cannot hear the testimony given by any other witness in the cause Such proceeding shall be known and is hereinafter referred to as placing witnesses under rule

Section 2 The party making application to have witnesses placed under rule may designate such of the witnesses as he desires placed under rule It shall be within the sole discretion of the court whether or not any witnesses and if any what witnesses shall be placed under rule except in cases of trial for homicide in which all applications shall be granted as made Provided however That in no case shall any witness called to give expert or opinion testimony only be placed under rule

Section 3 Witnesses when placed under rule shall be instructed by the court that they shall not while under rule converse with each other or with any person about the case except by permission of the court and except that defendant's witnesses may at any time and without leave of court converse about the case with the defendant and his attorney and Commonwealth witnesses may at any time and without leave of court converse about the case with the prosecuting attorney and that they shall not read any report of or comment upon the testimony in the case The officer who attends the witnesses under rule shall report to the court at once any violation of its instructions Any person violating any such instructions and any officer attending any witnesses under rule who converses with such witness about the case or who knowingly permits or fails to report any violation of such instructions shall be in contempt of court and punishable as such

Section 4 All witnesses under rule shall at all times be attended by an officer and all their reasonable wants shall be provided for at the expense of the county unless the court in its discretion directs that they be allowed to go at large but in no case shall any witness under rule be allowed to hear any testimony in the case

Section 5 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Orddered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1402, (Senate Bill No. 259), entitled:

An Act to amend section thirty-eight of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws 382) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" by permitting the trial for the offense of fornication and bastardy to be held either where the child was begotten or where it was born

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LICHTENWALTER. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 702, (Senate Bill No. 134), entitled:

An Act requiring aliens to register with the Department

of Labor and Industry and to carry and upon proper demand to exhibit identification cards prohibiting the issuing of certain registrations and licenses to or the employment of aliens under certain circumstances and prescribing penalties

The second section was read as follows:

Section 2 For each original registration and for each annual registration thereafter the person registered shall pay to the department a registration fee of One Dollar ($1.00), and shall receive an alien identification card which he or she shall carry at all times and shall exhibit upon demand by any police officer or agent of the Department of Labor and Industry displaying evidence of his authority

On the question,

Will the House agree to the section?

The SPEAKER. When this bill was before the House, the House had agreed to section 1, as amended. We are now proceeding on section 2.

PARLIAMENTARY INQUIRY

Mr. ANDREWS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Cambria will state his parliamentary inquiry.

Mr. ANDREWS. Mr. Speaker, was this bill not referred to the Judiciary General Committee?

The SPEAKER. It was.

Mr. ANDREWS. Which bill are we considering, Mr. Speaker? Has the Judiciary General Committee reported the bill?

The SPEAKER. For the information of the gentleman from Cambria, the Judiciary General Committee re-reported the bill as committed yesterday, April 26th, 1939.

Mr. ANDREWS. As committed, Mr. Speaker?

The SPEAKER. As committed.

Mr. ANDREWS. Mr. Speaker, why then must we not consider a bill which bears the imprint of having been reported from the Judiciary General Committee? We are considering a bill which on the face of the record and on the print does not show it has ever been before the Judiciary General Committee.

The SPEAKER. The official record shows that it has been before the Judiciary General Committitee.

Mr. ANDREWS. But, Mr. Speaker, the bill that the House is considering does not so show.

The SPEAKER. It is not necessary for the bill to show it.

The Chair would inquire of the gentleman whether the question in his mind is whether the print of the bill that is on the desks of the members should show that information?

Mr. ANDREWS. That is exactly the question, whether the print of the bill must not show that it has been in the custody of the Judiciary General Committee.

The SPEAKER. For the information of the gentleman from Cambria, the bill having been re-reported from the Committee on Judiciary General as committed, the bill has not been reprinted and there is therefore no reason to place upon the bill the notation that the bill has been re-reported from the committee. Such a notation is only for the convenience of the members, but is not a requirement, either under the law or the rules of the House. The official bill itself and the journal, which is the official record of the House, shows the course of the bill.

PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from York will state his parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand the bill now being considered by the House was amended as to section one?

The SPEAKER. Yes, by the House, on the floor of the House.

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand that after the insertion of those amendments by the House that the bill was then committed to the Committee on Judiciary General?

The SPEAKER. Before the second section of the bill was agreed to and before the bill was agreed to.

Mr. HERBERT B. COHEN. Mr. Speaker, I inquire of the Chair whether or not the bill as presently before the House represents a completed printed copy of the bill as committed to the Committee on Judiciary General and re-reported by this committee?

The SPEAKER. This bill was recommitted to the Committee while we were in the process of reading it for the second time. The bill having been re-reported by the committee as it was committed, we are therefore at this time at the place where we left off with the bill in its course through second reading.

Mr. HERBERT B. COHEN. Mr. Speaker, I inquire of the Chair whether the Constitution does not provide that bills before the House shall be printed for the benefit of the members of the House?

The SPEAKER. The Chair will, for the information of the gentleman, read Article III, Section 4 of the Constitution, which is as follows:

> "Every bill shall be read at length on three different days in each House. All amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law unless upon its final passage the vote be taken by yeas and nays."

Mr. HERBERT B. COHEN. Mr. Speaker, the first section of the bill had been read and then it was recommitted to the Committee on Judiciary General—where were the amendments, inserted by the House, at the time they were considering the bill?

The SPEAKER. They were fastened to the bill. They were returned by the Committee attached to the official copy of the bill. In addition to that it seems to the Chair, in view of the fact that it was amended and the record shows it was amended, the Chair would have to take official notice that the amendments were before the Committee. The Chair would further call the attention of the gentleman from York to the fact that in the Legislative Journal on page 1347 and following, the procedure and the amendments are printed.

PARLIAMENTARY INQUIRY

Mr. ANDREWS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will please state his parliamentary inquiry.

Mr. ANDREWS. Mr. Speaker, do I understand the Chair to rule that this bill having been referred to the Committee and reported back without change, now has the

same status as though the bill had been laid upon the table?

The SPEAKER. The Chair does not rule it would have the same status, but it would be analogous in that we are taking it up at the place where we left off. If it were laid upon the table after the first section had been agreed to as amended, and we were on the second section, we would then take up the second section after it was taken from the table. Having been recommitted to the Committee it has returned to the same status.

Mr. ANDREWS. Then I understand it is in order to reoffer or to present to this House amendments that have been formerly presented before the bill was referred to the committee?

The SPEAKER. Amendments to Section 2 and the following sections and to the title would be permissible at the present time. The Chair would call to the attention of the gentleman, of course, that rejected amendments could not be reoffered, but as we are only on Section 2, unless amendments were offered to Section 2 and rejected before the bill was recommitted, then amendments can be offered. The Chair again calls to the attention of the House that the question is, Where shall we start? We start at the place where we left off when it was recommitted, and all that happened before that is finished business.

Mr. TAYLOR. Mr. Speaker, I was just wondering whether this bill has been called up and whether the remarks heretofore made are in order?

The SPEAKER. It is a Senate bill and it does not have to be called up.

MOTION TO RECOMMIT

Mr. ROSENFELD. Mr. Speaker, I move that this bill be recommitted to the Committee on Labor for the purpose of a public hearing.

On the question,

Will the House agree to the motion?

Mr. TAYLOR. Mr. Speaker and members of the House, I rise to object to this motion and ask the members of the House to vote it down.

Mr. ANDREWS. Mr. Speaker, I also object to this motion but I would point out to the membership of the House that the members of this House interested in amending other sections of this bill are unfortunately not present in the House. The procedure has been a bit unusual, even though parliamentary, but as a matter of sportsmanship, if for nothing else, the House should pass this bill over in order and give to those members of the House, who had they known this bill was coming up, would have been on hand with a number of amendments.

Mr. McKINNEY. Mr. Speaker and members of the House this bill was recommitted to the Committee on Judiciary General on April 26. It has been in the Committee for two weeks, and the gentlemen who wished to introduce amendments had plenty of opportunity to put them into the hands of the Chairman of that Committee. No such amendments have been introduced, and the bill was reported out as committed. I see no further need for delay.

The SPEAKER. For the information of the House, I will state to the gentleman from Venango, that the bill was recommitted to the Committee on Judiciary General on April 11, 1939.

Mr. McKINNEY. I would further say that no demand, Mr. Speaker, was made on the Chairman of the Judiciary General Committee for a public hearing on this bill.

Mr. LLOYD H. WOOD. Mr. Speaker and members of the House, in reply to the statement or the charge or the request of the gentleman from Cambria, Mr. Andrews, I have personal knowledge as to the actual number of men who opposed this measure when it was up for consideration the last time, when it was recommitted to the Committee on Judiciary General. I know that one member who was very much opposed to this bill has gone home because we agreed to amend this bill to comply with his wishes. I also know as a matter of personal knowledge that several other members who are present have amendments that we have agreed to put in this bill. For that reason I ask the members of the House to vote down this motion.

MOTION TO RECOMMIT WITHDRAWN

Mr. ROSENFELD. Mr. Speaker, I wish to withdraw my motion at this time, with the privilege of renewing it later on in the proceedings.

The SPEAKER. The Chair thanks the gentleman from Philadelphia.

On the question recurring,

Will the House agree to the section?

The SPEAKER. The Chair requests that all amendments to Section 2 be sent to the desk.

Amendments were offered by Mr. TAYLOR to Section 1 and by Mr. LONG to Section 2.

The SPEAKER. If there is no objection the bill will be passed over for the present. The Chair hears none and the bill is passed over.

HOUSE BILL No. 867 MADE A SPECIAL ORDER

Mr. WOODSIDE. Mr. Speaker, I move that House Bill No. 867, Printer's No. 476, entitled:

An Act to amend the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board;" defining responsibility for burial providing for separate administration, by county boards of assistance, of certain types of public assistance, designated "general assisitance and pensions"; regulating the employment and dismissal of employes therefor; authorizing the employment and dismissal of an executive director of general assistance and pensions; changing the system of allocation of funds by the Department of Public Assistance; changing the powers and duties of county boards; authorizing appointment of sub-committees for certain purposes; providing for immediate return to assistance rolls of persons accepting temporary employment; authorizing appointment of labor review boards to pass on eligibility for assistance of persons refusing offered employment; regulating the granting of assistance to aliens, and the use of credit

agencies; changing the definition of dependent children the maximum property allowances for pensions to blind persons, and the general qualifications for assistance; and changing and adding to penal provisions.

on page 28 of today's calendar, bill on second reading, be made a special order of business on Monday, May 1, 1939, at 8:45 p. m.

The motion was agreed to.

MOTION TO RECOMMIT

Mr. TAYLOR. Mr. Speaker I move that House Bill No. 702, Senate Bill No. 134, Printer's No. 55 be recommitted to the Committee on Military Affairs for further study.

On the question,

Will the House agree to the motion?

Mr. HOMER S. BROWN. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Taylor.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. TAYLOR. Mr. Speaker, I will.

Mr. HOMER S. BROWN. Mr. Speaker, may I ask the gentleman from Dauphin, Mr. Taylor, why this bill should be referred to the Committee on Military Affairs?

Mr. TAYLOR. Mr. Speaker, because we have reason to believe it will never come out of J. G.

The SPEAKER. The Chair feels that the answer of the gentleman from Dauphin was not what he intended it to be in the way it sounded. It is not a proper answer to the interrogation.

Mr. TAYLOR. Mr. Speaker, I will withdraw my answer.

The SPEAKER. The Chair feels that the gentleman's purpose in re-committing this bill is to avoid a lot of entanglements on the floor and consuming the time of the members, a great many of whom are remaining here at a personal sacrifice this afternoon. The opportunity of these members to put their amendments in the bill will be greater in committee where they will receive at least favorable and considerate attention.

PARLIAMENTARY INQUIRY

Mr. HOMER S. BROWN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Allegheny will state his parliamentary inquiry.

Mr. HOMER S. BROWN. Mr. Speaker, is the Chair answering the interrogation for the gentleman from Dauphin?

The SPEAKER. The Chair is merely trying to advise the gentleman from Allegheny, Mr. Brown.

Mr. HOMER S. BROWN. Mr. Speaker and members of the House, I see no objection to the bill going back to committee, but I cannot for the life of me see why the bill ought to go back to the Committee on Military Affairs, and I think it is a reflection on the members of the Committee on Judiciary General who had this bill, who brought this bill out in a week's time. For the gentleman from Dauphin to be able to pick the committees to which bills should be referred, seems to me to be reaching a new low in this House. I say this without any reflection upon the gentleman from Dauphin.

The gentleman from Cambria, Mr. Andrews, made the motion that this bill be re-referred to the Committee on Judiciary General because of the constitutional question involved. I am sure that the Chairman of the Judiciary General Committee and the members of the sub-committee that were appointed by him must feel some reflection when they hear of the bill being referred to a committee that has nothing in the world to do with it. If it is a reflection upon the Committee on Judiciary General or any other committee of the House, I feel we ought defeat the motion and send the bill back either to the Committee on Labor from which it first came or to the Committee on Judiciary General. Therefore, I am opposed to the motion to recommit this bill back to the Committee on Military Affairs.

BILL RECOMMITTED

Mr. HOMER S. BROWN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. TAYLOR. Mr. Speaker and members of the House, if this bill is to go back to any Committee it ought to go back to the original Committee that brought it out. Therefore I oppose the motion made by Mr. Homer S. Brown.

PARLIAMENTARY INQUIRY

Mr. McVAY. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Allegheny will state his parliamentary inquiry.

Mr. McVAY. Mr. Speaker, I would like the Chair to advise me, please, why this bill could not remain on the calendar?

The SPEAKER. That is a question for the House to decide.

Mr. McVAY. Mr. Speaker, I would like to be informed as to whether or not the bill could not be held over until Monday?

The SPEAKER. The Chair asks the indulgence of the House just for a moment on the position of the presiding officer, to say to the members of the House, as he tried to say to the Gentleman from Allegheny, Mr. Homer S. Brown, that there are, as the Chair understands, a number of amendments that have been offered to this bill, some of which have been agreed upon. Amendments were offered to section 1 which had considerable discussion by the gentleman from Cambria, and which would necessitate a reconsideration of the vote on section 1 in order to offer amendments to that section.

In order to conserve the time of the members of the House the Chair felt that the best thing to do was to let the bill go to Committee where the amendments that were agreed upon could be placed in the bill, and the bill returned to the floor of the House. The matter, however, is entirely one for the House to decide. The Chair is not trying to force its will upon the House, but merely making a suggestion.

Mr. McVAY. Mr. Speaker, as I understand it, this bill was referred to the Committee on Judiciary General about a week ago?

The SPEAKER. Two weeks ago. April 11th.

MOTION TO PASS BILL OVER

Mr. McVAY. Mr. Speaker and members of the House, in the meantime it seems to me that the members of the House had plenty of opportunity to have prepared any amendments that they intended to offer at this time. Furthermore, I might say if this bill is again re-referred to another Committee and if the proposed amendments cannot be agreed upon in Committee we will be confronted with the same thing when the bill again comes on the floor. Let us make up our minds and get rid of the bill, once and for all even if we have to stay here for a week.

Therefore, Mr. Speaker if it is in order at this time, I move that this bill be passed over.

The SPEAKER. The motion is not in order. The motion before the House is to recommit the bill to the Committee on Judiciary General.

Mr. ANDREWS. Mr. Speaker and members of the House, I am very sorry to be forced to disagree with the gentleman from Allegheny. This bill was referred to the Committee on Judiciary General for the purpose of curing if possible obvious constitutional defects. The bill came back from the Judiciary General committee, the head and seat and front of Judicial learning in this House, without those constitutional defects being cured. Consequently there is no other course left for the House, I believe, except to tackle this job itself, and therefore I must oppose the motion of the gentleman from Allegheny, and again move that the bill go over in its order, to permit those who have amendments to get them in shape and come before the House next Monday evening prepared to argue here on the floor of the House the constitutionality of the questions which the Judiciary General committee has failed to solve.

The SPEAKER. The Chair wishes to advise the gentleman from Cambria that his motion cannot be entertained until the question on the motion before the House to recommit the bill to the Judiciary General Committee is determined.

Mr. KANE. Mr. Speaker and members of the House, this is not strictly a legal argument. The hour is getting late. I know that there are people who have given this bill consideration, and there are people who have had no chance to give it any consideration because they have been engaged in important affairs. The Judiciary General Committee, however. I must say, as one of those who is on that Committee, gave the matter quite earnest consideration. I might say to the gentleman from Cambria and to the members of the House that one of the greatest difficulties in this thing is that while the bill might be within the letter of the Constitution, it is, in the opinion of a great many members of the House, contrary to the spirit of the Constituntion. Now, it is a rather difficult thing to amend a bill in such a way as to correct the constitutionality, when the constitutional question is whether or not the bill is in the spirit of the Constitution rather than the letter.

I think it would be a good idea, Mr. Speaker, to vote down this motion to recommit and entertain a motion to carry the bill over until Monday night and let the members who have amendments that they have worked out and for which they think they can get the vote, present them at that time when we have a full membership here.

Mr. WILSON. Mr. Speaker and members of the House, having been Chairman of the sub-committee of the Judiciary General Committee and having held this bill for several days in an effort to try to get the contending factions to agree upon amendments, and not having received one suggestion in writing from anyone in favor of the bill or against the bill, I feel that this matter could be now handled in the Judiciary General Committee probably better than any other place, provided those people who have really at heart an interest in the bill will cooperate with the committee and submit a proposition insteading of standing on the plan that the bill must stand as it is now introduced. The Judiciary General Committee has been in sympathy with the motives behind this bill. They realize that there are constitutional objections to it. I want to say to this House and to the Speaker that I would not now make any kind of a talk on this bill because I have refrained from making talks to the House but this rather involves work in which I was concerned. I exerted every effort to get even the gentleman from Allegheny to prepare a suggested amendment. I could see that he was opposed to the bill in its entirety. His suggestions were very helpful and I think they will still be helpful. On account of the time that has been taken up this afternoon I am rather inclined to give the gentleman a second chance at it and others who have proposed amendments that will be helpful and who in good faith wish to amend the bill. If that is the proposition now, I am in favor of its going back to the Judiciary General Committee, but if, on the other hand, there is no intention to offer amendments or propositions for amendments that would help the passage of this bill and put it in better shape to meet the objections, then I am perfectly willing that it shall go to any other committee that the members who are sponsoring this bill might suggest. So, it is a question of good faith. If they wish to get results and desire the assistance of the Judiciary General Committee, and the assistance of the gentlemen who have already talked on the matter, who are members of the committee, alright, we are perfectly willing to receive it. We want suggestions but we want them to be given to us in good faith. I resent the idea that the bill was not given attention. We gave it special attention but nobody helped us from the outside, nobody had a written suggestion, we had to take it as it was.

I have some suggestions myself but I do not want to take the responsibility. If the bill goes back to the Committee on Judiciary General I will be glad to render assistance to those who are in favor of the bill. I want to say right here and now that I am in favor of the motivating sentiments behind this bill but I am not sure that the present bill is quite fair.

Mr. ALSPACH. Mr. Speaker and members of the House, I think we are becoming a little bit "iffy" an expression frequently used by a certain gentleman from Washington. As Mr. McKinney, chairman of the Judiciary General Committee has stated, this bill was before the Committee for two whole weeks, and during that time not a single person came to him with any amendments and no one requested a public hearing on the matter. I think the best way to dispose of this matter is to oppose the motion to re-commit; let the bill remain on the floor of the House and let the House decide what they wish to do with it, rather than twiddle and fool with motions to re-commit the bill to this committee or that committee

or any other committee. I think we ought to defeat this motion.

On the question recurring,

Will the House agree to the motion?

Whereupon, a division was called for, eighty-seven members having voted in the affirmative and forty-nine in the negative, the question was determined in the affirmative and the motion was agreed to.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 576, as follows:

An Act to further amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war bewteen the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" as amended extending the time during which application may be filed for veterans' compensation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section sever of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" as last amended by the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (P. L. 543) is hereby further amended to read as follows

Section 7 Application for compensation shall be made to the Adjutant General on such forms and in such manner as he shall prescribe

All applications shall be made (1) personally by the veteran or (2) in case of death or mental incompetency preventing the making of a personal application then by such representative of the veteran as the Adjutant General shall by regulation prescribe An application made by a representative other than one authorized by such regulation shall be held void

The Adjutant General shall not accept or consider any application filed with him after the first day of July one thousand nine hundred and [fourty] fourty-two

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Consitution the yeas and nays were taken and were as follows, viz:

YEAS—164

Achterman,	Fauset,	Lovett,	Schrock,
Ackermann,	Fisher,	Lyons,	Schrope,
Alspach,	Fiss,	Madden,	Schwab,
Andrews,	Flanagan,	Malloy,	Seif,
Atkins,	Fleming,	Marr,	Serrill,
Baker,	Foor,	Matthews,	Shaw,
Balliet,	Freed,	McClester,	Shearer,
Balthaser,	Fullerton,	McGarrity,	Simons,
Bardes,	Furman,	McKinney,	Sloan,
Bennett,	Gates,	McLane,	Snyder,
Bohn,	Gillan,	McNally,	Sollenberger,
Boney,	Gillette,	McVay,	Stambaugh,
Boorse,	Goll,	Melchiorre,	Stank,
Boose,	Gorski,	Mihm,	Stewart,
Bower,	Habbyshaw,	Montgomery,	Stockham,
Bretherick,	Haines	Mooney,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, G. R.,
Brown, S. W.,	Haudenshield,	O'Dare,	Tiemann,
Brunner,	Henry,	O'Keefe,	Trout,
Burns,	Hess,	O'Neill,	Van Allsburg,
Burris,	Hewitt,	Peacock,	Voorhees,
Cadwalader,	Hindman,	Peale,	Wagner,
Calvin,	Hocke,	Powers,	Walsh,
Carpenter,	Holland,	Readinger,	Watkins,
Check,	Hoyt,	Reagan,	Webster,
Christler,	Huntley,	Reese, D. P.,	Weiss,
Clearwater,	Imbrie,	Regan,	Welsh, E. B.,
Cohen, H. B.,	James,	Rhodes,	Welsh, M. J.,
Cooper,	Jirolanio,	Rider,	Wilkinson,
Cordier,	Johnston,	Riley,	Williams,
Cortese,	Jones,	Robertson,	Wilson,
Curran,	Kline,	Rooney,	Winner,
Dalrymple,	Kowalski,	Rose,	Wood, H. M.,
Denman,	Krise,	Roseberry,	Wood, L. H.,
Dick,	Lee,	Rosenfeld,	Wood, N.,
Dix,	Leisey,	Rothenberger,	Woodside,
Donahue,	Levy,	Royer,	Yeakel,
Downey,	Leydic,	Sarge,	Turner,
Ely,	Lichtenwalter,	Scanlon,	Speaker.
Ewing,			

NAYS—1

Moran,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 483, as follows:

An Act providing for the appointing of deputy controllers in cities of the second class A and prescribing their powers and duties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The controller of cities of the second class A shall within thirty days after this act becomes effective appoint an employe in the office as a deputy controller who in case of sickness absence or inability of such controller to act shall exercise all the powers and shall perform the same duties as imposed by law upon the levying authorities the amount which could be realized on account of such taxes penalties interest and cost at a tax sale of such real property upon which the taxes have been levied it shall be lawful for the tax levying authorities or any of them if the court of common pleas of the county in which such real property is situated shall first have consented thereto to accept in compromise of such delinquent taxes penalties interest and costs any sum less than the whole amount due and to enter satisfaction of all such taxes on the record

Section 2 Upon the presentation of the petition of any tax levying authority to the court of common pleas of the county setting forth a description of the real property on which such taxes are delinquent the amount of delinqent taxes penalties interest and costs due segregated by years showing also the total amount due to each taxing district the amount offered in compromise thereof the division of the compromise settlement between the taxing districts interested and such other information as may be deemed necessary to the court the court shall fix a day not more than twenty days thereafter for a hearing thereon At least fifteen day's notice of such hearing shall be given by mail to each taxing authority having an interest in such delinquent taxes and shall also be given by

publication once in a newspaper of general circulation in the city borough town or township in which such real property is situate to be deposited with the mayor The premium for said bond shall be paid by the city

Section 3 All acts and parts of acts inconsistent with this act are hereby repealed

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Consitution the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman,	Ewing,	Lovett,	Scanlon,
Ackermann,	Fauset	Lyons,	Schrock,
Alspach,	Fisher,	Madden,	Schrope,
Andrews,	Fiss,	Malloy,	Schwab,
Atkins,	Flanagan,	Marr,	Seif,
Baker,	Fleming,	Matthews,	Serrill,
Balliet,	Foor,	McClester,	Shaw,
Balthaser,	Freed,	McGarrity,	Shearer,
Bardes,	Fullerton,	McKinney,	Simons,
Bennett,	Furman,	McLane,	Sloan,
Bohn,	Gates,	McNally,	Snyder,
Boney,	Gillan,	McVay,	Sollenberger,
Booree,	Gillette,	Melchiorre,	Stambaugh,
Boose,	Goll,	Mihm,	Stank,
Bower,	Gorski,	Montgomery,	Stewart,
Bretherick,	Habbyshaw,	Mooney,	Stockham,
Broad,	Haines,	Moran,	Tarr,
Bronson,	Hall,	Moser, J. L.,	Taylor,
Brown, H. S.,	Harbeson,	Muir,	Thistle,
Brown, S. W.,	Harkins,	Munley,	Thompson, G.R.,
Brunner,	Haudenshield,	O'Dare,	Tiemann,
Burns,	Henry,	O'Keefe,	Trout,
Burris,	Hess,	O'Neill,	VanAllsburg,
Cadwalader,	Hewitt,	Peacock,	Van Belle,
Calvin,	Hindman,	Peale,	Voorhees,
Carpenter,	Hocke,	Powers,	Wagner,
Check,	Holland,	Preston,	Watkins,
Christler,	Hoyt,	Readinger,	Webster,
Clearwater,	Huntley,	Reagan,	Weiss,
Cohen, H. B.,	Imbrie,	Reese, D. P.,	Welsh, E. B.,
Cook,	James,	Rhodes,	Welsh, M. J.,
Cooper,	Jirolanio,	Rider,	Wilkinson,
Cordier,	Johnston,	Riley,	Williams,
Cortese,	Jones,	Robertson,	Wilson,
Curran,	Kline,	Rooney,	Winner,
Dalrymple,	Kowalski,	Rose,	Wood, H. M.,
Denman,	Krise,	Roseberry,	Wood, L. H.,
Dick,	Lee,	Rosenfeld,	Wood, N.,
Dix,	Leisey,	Rothenberger,	Woodside,
Donahue,	Levy,	Royer,	Yeakel,
Downey,	Leydic,	Sarge,	Turner,
Ely,	Lichtenwalter,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 722, as follows:

An Act to amend section four sections nine ten and fifteen as amended and sections seventeen twenty-one twenty-eight of an act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An Act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior Acts of Assembly" making additional provisions for the filing and consolidation of tax claims in counties of the first class providing futher procedure for preserving such liens and enforcing payment of such claims

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section four of the act approved the sixteenth day of May one thousand and nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior Acts of Assembly" as amended is hereby amended to read as follows

Section 4 The lien for taxes shall exist in favor of and the claim therefor may be filed against the property taxed by any municipality to which the tax is payable In counties of the first class any municipality filing its claim may on behalf of any other municipality which has previous thereto given its consent to such action include the claim of such other municipality and the aggregate of all such claims shall be prosecuted and recovered by the municipality filing the claim

The lien for the removal of nuisances shall exist in favor of and the claim therefor may be filed against the property from which it is removed or by which it is caused by any municipality by or for which the nuisance is removed

The lien for grading guttering paving macadamizing or otherwise improving the cartways of any highways for grading curbing recurbing paving repaving constructing or repairing the footways thereof or for laying water pipes gas pipes culverts sewers branch sewers or sewer connections in any highway for assessments for benefits in the opening widening or vacation thereof or in the changing of water courses or construction of sewers through private lands or in highways of townships of the first class or in the acquisition of sewers and drains constructed and owned by individuals or corporations and of rights in and to use the same or for water rates lighting rates or sewer rates or rates for any other service furnished by a municipality shall exist in favor of and the claim therefor may be filed against the property thereby benefitted by the municipality extending the benefit

When the contractor performing the work is to be paid by assessment bills the lien shall exist for and the claim shall be filed to his use and he shall under no circumstances have recourse to the municipality authorizing the work

Section 2 That section nine of said act as amended by the acts of May 4 1927 (Pamphlet Laws seven hundred twenty-nine) May 4 1927 (Pamphlet Laws seven hundred thirty-three) and July 1 1937 (Pamphlet Laws two thousand six hundred nine) is hereby further amended to read as follows

Section 9 Claims for taxes water rents or rates lighting rates power rates and sewer rates must be filed in the court of common pleas of the county in which the property is situated on or before the last day of the third calendar year after that in which the taxes or rates are

first payable and other municipal claims must be filed in said court within six months from the time the work was done in front of the particular property where the charge against the property is assessed or made at the time the work is authorized within six months after the completion of the improvement where the assessment is made by the municipality upon all the property after the completion of the improvement and within six months after confirmation by the court where confirmation is required the certificate of the surveyor engineer or other officer supervising the improvement filed in the proper office being conclusive of the time of completion thereof but he being personally liable to anyone injured by any false statement therein In case the real estate benefitted by the improvement is sold before the municipal claim is filed the date of completion in said certificate shall determine the liability for the payment of the claim as between buyer and seller unless otherwise agreed upon or as above set forth The legal rate of interest shall be collectable on all municipal claims from the date of the completion of the work after it is filed as a lien

[Claims for taxes may be in the form of written or typewritten lists showing the names of the taxable and descriptions of the properties against which said claims are filed together with the amount of the taxes due such municipality Such lists may be filed on behalf of a single municipality or they may cover the unpaid taxes due any two or more municipalities whose taxes are collected by the same tax collector providing the amounts due each municipality are separately shown All tax claims heretofore filed in such form are hereby ratified confirmed and made valid subsisting liens as of the date of their original filing]

In counties of the first class any municipality may file its claim for taxes and on behalf of any other municipality which has previous thereto given its consent to such action the claim filed may include in addition to the first municipality's own claim the claim of the other municipality A number of years taxes if payable to the claimant or to any other municipality whose claim is included may be set forth in the same claim and recovered in the same proceeding A number of years of the rates of different kinds if payable to the same claimant may be included in one claim When a claim is filed on behalf of two or more municipalities the amount due each municipality shall be separately stated but the aggregate shall be stated in one amount and indexed in the name of the municipality filing the claim Upon recovery of such amount or any part thereof by the municipality filing the claim it shall be distributed by such municipalities in accordance with the amounts due the various municipalities as set forth in the claim as filed

[A number of years taxes or rates of different kinds if payable to the same plaintiff may be included in one claim] Municipal claims shall likewise be filed within said period where any appeal is taken from the assessment for the recovery of which such municipal claim is filed In such case the lien filed shall be in the form hereinafter provided except that it shall set forth the amount of the claim as an undetermined amount the amount thereof to be determined by the appeal taken from the assessment upon which such municipal claim is based pending in a certain court (referring to the court and the proceeding where such appeal is pending) Upon the filing of such municipal claim the claim shall be indexed by the prothonotary upon the judgment index and upon the locality index of the court and the amount of the claim set forth therein as an undetermined amount If final judgment is not obtained upon such appeal within five years from the filing of such municipal claim the claimant in the lien shall within such period of five years file a suggestion of non-payment in the form hereinafter set forth which shall have the effect of continuing the lien thereof for a further period of five years from the date of filing such suggestion Such municipal claim shall be revived in a similar manner during each recurring period of five years thereafter until final judgment is entered upon said appeal and the undetermined amount of such municipal claim is fixed in the manner hereinafter provided

When final judgment is obtained upon such appeal the court in which said municipal claim is pending shall upon the petition of any interested party make an order fixing the undetermined amount claimed in such claim at the amount determined by the final judgment upon said appeal which shall bear interest from the date of the verdict upon which final judgment was entered and thereafter the amount of said claim shall be the sum thus fixed Proceedings upon said municipal claim shall be as in other cases

Where on final judgment upon said appeal it appears that no amount is due upon the assessment for the recovery of which such claim is filed the court in which such municipal claim is pending shall upon the petition of any interested party make an order striking such municipal claim from the record and charge the costs upon such claim to the plaintiff in the claim filed

Where such appeal is discontinued the court in which such municipal claim is pending shall upon the petition of any interested party make an order fixing the undetermined amount claimed at the amount of the original assessment which shall bear interest from the date that such assessment was originally payable and thereafter the amount of such claim shall be the sum thus fixed

Section 3 That section ten of said act as amended by the acts of April 16 1929 (Pamphlet Laws five hundred twenty-six) and July 2 1937 (Pamphlet Laws two thousand eight hundred eight) is hereby further amended to read as follows

Section 10 Said claim shall set fourth

1 The name of the municipality by which filed

2 The name of the owner of the property against which it is filed

3 A description of the property against which it is filed

4 The authority under or by virtue of which the tax which was levied or the work was done

5 The time for which the tax was levied or the date on which the work was completed in front of the particular property against which the claim is filed or the date of the completion of the improvement where the assessment is made after completion or the date of confirmation by the court where confirmation is required done

6 If filed to the use of a contractor the date of and parties to the contract for doing said work [and]

7 In other than tax claims the kind and character of the work done for which the claim is filed and if the work be such as to require previous notice to the owner to do it when and how much notice was given [.]

8 If it includes the claim of more than one municipality the name of each municipality together with the amount due shall be set forth separately but the aggregate amounts shall be claimed as one sum by the municipality filing the claims

Said claim shall be signed by or have stamped thereon a fac-simile signature of the solicitor or chief executive officer of the claiment and of all other municipalities whose claims are included therein except where the claim is for county taxes or rates of the different kinds and also is filed in [counties] and by a county having a controller in which case it shall be signed by or have stamped thereon a fac-simile signature of the controller and in the case of a use plaintiff must be accompanied by an affidavit that the facts therein set forth are true to the best of his knowledge information and belief

Section 4 That section fifteen of said act as amended by the acts of May 28 1937 (Pamphlet Laws one thousand one) and July 2 1937 (Pamphlet Laws two thousand eight hundred eight) is hereby further amended to read as follows

Section 15 Such tax municipal or other claim if filed within the period aforesaid shall remain a lien upon said properties until fully paid and satisfied Provided however That either a suggestion of non-payment and an averment of default in the form hereinafter provided be filed [in cases of tax Claims] either before or after judgment on the scire facias [and in cases of other than tax claims after judgment on the scire facias] or else a writ of scire facias in the form herein provided be issued to

revive the same within each period of five years following (a) the date on which said claim was filed (b) the date on which a writ or scire facias was issued thereon (c) the date on which any judgment was entered thereon (d) the date on which a previous suggestion of nonpayment and default was filed thereon or (e) the date on which a judgment of revival was obtained thereon

The suggestion and averment shall be in the following form under the caption of the claim

And now ..... the claimant by ..... its solicitor or controller suggests of record that the above claim is still due and owing to the claimant and avers that the owner is still in default for non-payment thereof The prothonotary is hereby directed to enter this suggestion and averment on the municipal lien or the proper docket of the claim and also to index it upon the judgment index and on the locality index of the court for the purpose of continuing the lien of the claim

Such suggestion and averment shall be signed by or have stamped thereon a fac-simile signature of the solicitor or chief executive officer of the claimant and of all other municipalities whose claims are included therein except where the claim is for county taxes or rates of the different kinds and also is filed in [counties] and by a county having a controller in which case it shall be signed by or have stamped thereon a fac-simile signature of the controller

The prothonotary shall docket and index the suggestion and averment directed therein and for such services shall be entitled to a fee of one dollar to be taxed and collected as other costs in the claim The filing and indexing of such suggestion and averment within five years of filing the claim or the issuing of any writ of scire facias thereon or of any judgment thereon or of the filing of any prior suggestion and averment of default shall have the same force and effect for the purposes of continuing and preserving the lien of the claim as though a writ of scire facias had been issued or a judgment or judgment of revival had been obtained within such period Provided That no writ of levari facias shall be issued upon a claim for the purpose of exposing the property liened to sheriff's sale except after a judgment shall have been duly obtained upon the claim as provided in this section and such judgment must have been obtained within five years of the issuance of the levari facias Whenever the lien of a claim has been revived and continued by the filing and indexing of a suggestion and averment of default the claimant may at any time within five years therefrom issue a writ of scire facias thereon reciting all suggestion and averment of default filed since the filing of the claim and shall proceed thereon in the manner herein provided subject to the right of the owner to raise any defense arising since the last judgment

If a claim be not filed within the time aforesaid or if it be not prosecuted in the manner and at the time aforesaid its lien on real estate shall be wholly lost

Section 5 That section seventeen of said act is hereby amended to read as follows

Section 17 The claim shall be sued by writ of scire facias and the form thereof shall be substantially as follows

The Commonwealth of Pennsylvania to (names of the parties defendant) Greeting

Whereas The (city borough or other municipality as the case may be) for itself and on behalf of (if claim of any other municipality is included add name or names) on the ..... day of ..... A D 1..... filed its claim in our court of common pleas of ..... County at No. ..... Term 1.... M L D for the sum of $..... with interest from the ..... day of ..... 1..... for (give the improvement or that for which the claim is filed) against the following property situate in (give location and brief description of the property) owned or reputed to be owned by you

And whereas We have been given to understand that said claim is still due and unpaid and remains a lien against the said property

Now you are hereby notified to file your affidavit of defense to said claim if defense you have thereto in the office of the prothonotary of our said court within fifteen days after the service of this writ upon you If no affidavit of defense be filed within said time judgment may be entered against you for the whole claim and the property described in the claim be sold to recover the amount thereof

Witness the Honorable ..... President Judge of our said court this ..... day of ..... A D 1.... .....Prothonotary

(Seal)

The claimant when he files his praecipe for the writ of scire facias may direct the prothonotary to add and insert the names of any persons whom the claimant may know to have an interest in the premises and the scire facias shall be issued containing such additional names But the parties to the claim may agree upon an amicable scire facias upon such terms as may be agreed upon with the same effect as if a scire facias in the form aforesaid had been duly issued served and returned or the defendants or any of them may waive the issue of a scire facias and appear with like effect as if the scire facias had been issued and served

Section 6 That section twenty-one of said act is hereby amended to read as follows

Section 21 The judgment upon said claim may be revived by writ of scire facias in the following form

The Commonwealth of Pennsylvania to C D and E F Greeting

Whereas A B claimant for itself and on behalf of (if claim of any other municipality is included add name or names) on the ..... day of ..... A D 1.... recovered judgment in the sum of ..... dollars against you that the following described property be sold to satisfy the same

(Here describe property in full)

And whereas We have been given to understand that though judgment as aforesaid was rendered yet the amount thereof is still due and unpaid and remains as a lien against said property Now you are hereby notified to file your affidavit of defense to A B 's claim upon said judgment if any defense you have in the office of the prothonotary of our said court within fifteen days after service of this writ upon you If no affidavit of defense be filed within that time said judgment may be revived against you for the amount set forth with interest from the time of its recovery and said property to be sold to recover the whole thereof

Witness the Hon. ..... President Judge of our said court this ..... day of ..... A D 1..... ..... Prothonotary

(Seal)

But the parties to the judgment may agree upon an amicable scire facias to revive or to an amicable judgment of revival upon such terms as may be agreed upon with the same effect as if a scire facias in the form aforesaid and been duly issued served and returned

Section 7 That section twenty-eight of said act is hereby amended to read as follows

Section 28 Execution upon any judgment recovered upon any such claim except where the property named is essential to the business of a quasi public corporation shall be by writ of levari facias in the following form

The Commonwealth of Pennsylvania

To the sheriff of ..... County Greeting

Whereas A B claimant for itself and on behalf of (if claim of any other municipality is included add name or names) on the ..... day of..... Anno Domini 1..... recovered judgment in the sum of ..... dollars with interest from the ..... day of ..... Anno Domini 1..... and the costs amounting to ..... dollars in our court of common pleas of said county of ..... Term ..... No ..... M L D against CD and E F that the following described property in your bailiwick be sold to satisfy the same viz

(Here describe the property in full)

Now this is to command you that you expose the said property to sale by public vendue and outcry after due advertisement according to law and that return of said sale with the moneys realized thereby and this writ you

make to our said court on the ..... day of ..... Anno Domini 1.....

Witness the Honorable ..... President Judge of our said court this ..... day of ..... Anno Domini 1.....

Advertisement of such sale shall be made and the deed to the purchaser shall be executed acknowledged and delivered as in other real estate sales by the sheriff

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman,	Ewing,	Lichtenwalter,	Scanlon,
Ackermann,	Fauset	Lovett	Schrock,
Alspach,	Fisher,	Lyons,	Schrope,
Andrews,	Fiss,	Madden,	Schwab,
Atkins,	Flanagan,	Malloy,	Seif,
Baker,	Fleming,	Marr,	Serrill,
Balliet,	Foor,	Matthews,	Shaw,
Balthaser,	Freed,	McClester,	Shearer,
Bardes,	Fullerton,	McGarrity,	Simons,
Bennett,	Furman,	McKinney,	Sloan,
Bohn,	Gates,	McLane,	Snyder,
Boney,	Gillan,	McNally,	Sollenberger,
Boorse,	Gillette,	McVay,	Stambaugh,
Boose,	Goll,	Melchiorre,	Stank,
Bower,	Gorski,	Mihm,	Stewart,
Bretherick,	Habbyshaw,	Montgomery,	Stockham,
Broad,	Haines,	Mooney,	Tarr,
Bronson,	Hall,	Moran,	Taylor,
Brown, H. S.,	Harbeson,	Moser, J. L.,	Thistle,
Brown, S. W.,	Harkins,	Muir,	Thompson, G.R.,
Brunner,	Haudenshield,	Munley,	Tiemann,
Burns,	Henry,	O'Dare,	Trout,
Burris,	Hess,	O'Keefe,	VanAllsburg,
Cadwalader,	Hewitt,	O'Neill,	Van Belle,
Calvin,	Hindman,	Peacock,	Voorhees,
Carpenter,	Hocke,	Peale,	Wagner,
Check,	Holland,	Powers,	Watkins,
Christler,	Hoyt,	Readinger,	Webster,
Clearwater,	Huntley,	Reagan,	Weiss,
Cohen, H. B.,	Imbrie,	Reese, D. P.,	Welsh, E. B.,
Cook,	James,	Rhodes,	Welsh, M. J.,
Cooper,	Jirolanio,	Rider,	Wilkinson,
Cordier,	Johnston,	Riley,	Williams,
Cortese,	Jones,	Robertson,	Wilson,
Curran,	Kline,	Rooney,	Winner,
Dalrymple,	Kowalski,	Rose,	Wood, H. M.,
Denman,	Krise,	Roseberry,	Wood, L. H.,
Dick,	Lee,	Rosenfeld,	Wood, N.,
Dix,	Leisey,	Rothenberger,	Woodside,
Donahue,	Levy,	Royer,	Yeakel,
Downey,	Leydic,	Sarge,	Turner,
Ely,			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 598, Printer's No. 458, was passed over at the request of Mr. McKINNEY.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Hill No. 709, entitled:

An Act for the protection of the public health by prohibiting the adulteration misbranding false labeling and false advertising of drugs including cosmetics and of instruments apparatus contrivances accessories and other devices used in the diagnosis cure mitigation treatment and prevention of disease providing for the detention embargoing seizure and destructions of unlawful drugs cosmetics and devices regulating dealing in new drugs conferring powers and imposing duties on the State Board of Pharmacy and providing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman,	Ely,	Leydic,	Schrock,
Ackermann,	Ewing,	Lichtenwalter,	Schrope,
Alspach,	Fauset,	Lovett,	Schwab
Andrews,	Fisher,	Lyons,	Seif,
Atkins,	Fiss,	Madden,	Serrill,
Baker,	Flanagan,	Malloy,	Shaw,
Balliet,	Fleming,	Marr,	Shearer,
Balthaser,	Foor,	Matthews,	Simon,
Bardes,	Freed,	McClester,	Sloan,
Bennett,	Fullerton,	McGarrity,	Snyder,
Bohn,	Furman,	McKinney,	Sollenberger,
Boney,	Gates,	McNally,	Stambaugh,
Boorse,	Gillan,	McVay,	Stank,
Boose,	Gillette,	Melchiorre,	Stewart,
Bower,	Goll,	Mihm,	Stockham,
Bretherick,	Gorski,	Montgomery,	Tarr,
Broad,	Habbyshaw,	Moran,	Taylor,
Bronson,	Haines,	Moser, J. L.,	Thistle,
Brown, H. S.,	Hall,	Muir,	Thompson, G.R.,
Brown, S. W.,	Harbeson,	Munley,	Tiemann,
Brunner,	Harkins,	O'Dare,	Trout,
Burns,	Haudenshield,	O'Keefe,	Van Allsburg,
Burris,	Henry,	O'Neill,	Van Belle,
Cadwalader,	Hess,	Peacock,	Voorhees,
Calvin,	Hewitt	Peale,	Wagner,
Carpenter,	Hindman,	Powers,	Walsh,
Check	Hocke,	Readinger,	Watkins,
Christler,	Holland,	Reagan,	Webster,
Clearwater,	Hoyt,	Reese, D. P.,	Weiss,
Cohen, H. B.,	Huntley,	Rhodes,	Welsh, E. B.,
Cook,	Imbrie,	Rider,	Welsh, M. J.,
Cooper,	James,	Riley,	Wilkinson,
Cordier,	Jirolanio,	Robertson,	Williams,
Cortese,	Johnston,	Rooney,	Wilson,
Curran,	Jones,	Rose,	Winner,
Dalrymple,	Kline,	Roseberry,	Wood, H. M.,
Denman,	Kowalski,	Rosenfeld	Wood, L. H.,
Dick,	Krise,	Rothenberger,	Wood, N.,
Dix,	Lee,	Royer,	Woodside,
Donahue,	Leisey,	Sarge,	Yeakel,
Downey,	Levy,	Scanlon,	Turner,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 963, entitled:

An Act to amend section one of an act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (Pamphlet Laws forty-nine) entitled "An act supplementary to an act regulating railroad companies approved the neineteenth day of February Anno Domini one thousand eight hundred and forty-nine" as amended by an act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2852) entitled "An act to amend the act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (Pamphlet Laws forty-nine) entitled 'An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred and forty-nine' so as to pro-

vide for merger as well as consolidation of railroad companies or corporations in certain cases and modifying limitations restrictions and conditions under which such consolidation or merger may be made the effect thereof and the rights of dissenting stockholders" so as to provide for consolidation or merger of corporations authorized to do business in this State

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—165.

Achterman,	Ewing,	Lichtenwalter,	Scanlon,
Ackermann,	Fauset,	Lovett,	Schrock,
Alspach,	Fisher,	Lyons,	Schrope,
Andrews,	Fiss,	Madden,	Schwab
Atkins,	Flanagan,	Malloy,	Seif.
Baker,	Fleming,	Marr,	Serrill,
Balliet,	Foor,	Matthews,	Shaw.
Balthaser,	Freed,	McClester,	Shearer,
Bardes,	Fullerton,	McGarrity,	Simons,
Bennett,	Furman,	McKinney,	Sloan.
Bohn,	Gates,	McLane,	Snyder,
Boney,	Gates,	McNally,	Sollenberger
Boorse,	Gillan,	McVay,	Stambaugh,
Boose,	Gillette,	Melchiorre,	Stank,
Bower,	Goll,	Mihm,	Stewart,
Bretherick,	Gorski,	Montgomery,	Stockham,
Broad,	Habbyshaw,	Mooney,	Tarr
Bronson,	Haines,	Moran,	Taylor,
Brown, H. S.,	Hall,	Moser, J. L.,	Thistle,
Brown, S. W.,	Hamilton,	Muir,	Thompson, G. R.,
Brunner,	Harbeson,	Munley,	Tiemann,
Burns,	Haudenshield,	O'Dare,	Trout,
Burris,	Henry,	O'Keefe,	VanAllsburg,
Cadwalader,	Hess,	O'Neill,	Van Belle,
Calvin,	Hewitt,	Peacock,	Voorhees,
Carpenter,	Hindman,	Peale,	Wagner,
Check,	Hocke,	Powers,	Watkins,
Christler,	Holland,	Readinger,	Webster,
Clearwater,	Hoyt,	Reagan,	Weiss,
Cohen, H. B.,	Huntley,	Reese, D. P.,	Welsh, E. B.,
Cook,	Imbrie,	Regan,	Welsh, M. J.,
Cooper,	James,	Rhodes,	Wilkinson,
Cordier,	Jirolanio,	Rider,	Wilson,
Cortese,	Johnston,	Riley.	Winner.
Curran,	Jones,	Robertson,	Wood. H. M.,
Dalrymple	Kline,	Rooney,	Wood, L. H.,
Denman,	Kowalski,	Rose,	Wood, N.,
Dick,	Krise,	Roseberry,	Woodside,
Dix,	Lee,	Rosenfeld,	Yeakel,
Donahue,	Leisey,	Rothenberger,	Turner.
Downey,	Levy,	Royer,	Speaker.
Ely,	Leydic,	Sarge,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1253, entitled:

A Supplement to the act approved the eighth day of June one thousand nine hundred twenty-three (Pamphlet Laws six hundred eighty-five) entitled "An act prescribing the fees for the office of the Secretary of the Commonwealth" as amended providing for additional fees to be charged and collected by the Department of State

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—165.

Achterman,	Ewing,	Leydic,	Scanlon,
Ackermann,	Fauset,	Lichtenwalter,	Schrock,
Alspach,	Fisher,	Lovett,	Schrope,
Andrews,	Fiss,	Lyons,	Schwab,
Atkins,	Flanagan,	Madden,	Seif,
Baker,	Fleming,	Malloy,	Serrill,
Balliet,	Foor,	Marr,	Shaw,
Balthaser,	Freed,	Matthews,	Shearer,
Bardes,	Fullerton,	McClester,	Simons,
Bennett,	Furman,	McGarrity,	Sloan,
Bohn,	Gates,	McKinney,	Snyder,
Boney,	Gillan,	McLane,	Sollenberger,
Boorse,	Gillette,	McNally,	Stambaugh,
Bocse,	Goll,	McVay,	Stank,
Bower,	Gorski,	Melchiorre,	Stewart,
Bretherick,	Habbyshaw,	Montgomery,	Stockham,
Broad,	Haines,	Mooney,	Tarr,
Bronson,	Hall,	Moran,	Taylor,
Brown, H. S.,	Hamilton,	Moser, J. L.,	Thistle,
Brown, S. W.,	Harbeson,	Muir,	Thompson, G. R.,
Brunner,	Harkins,	Munley,	Tiemann,
Burns,	Haudenshield,	O'Dare,	Trout,
Burris,	Henry,	O'Keefe,	VanAllsburg,
Cadwalader,	Hess,	O'Neill,	Van Belle,
Calvin,	Hewitt,	Peacock,	Voorhees,
Carpenter,	Hocke,	Peale,	Wagner,
Check,	Holland,	Powers,	Watkins,
Christler,	Hoyt,	Readinger,	Webster,
Clearwater,	Huntley,	Reagan,	Weiss,
Cohen, H. B.,	Imbrie,	Reese, D. P.,	Welsh, E. B.,
Cook,	James,	Regan,	Welsh, M. J.,
Cooper,	Jirolanio,	Rhodes,	Wilkinson,
Cordier,	Johnston,	Rider,	Wilson,
Cortese,	Jones,	Riley.	Winner.
Curran,	Kilroy,	Robertson,	Wood, H. M.,
Dalrymple,	Kline,	Rose,	Wood, L. H.,
Denman,	Kowalski,	Roseberry,	Wood, N.,
Dick,	Krise,	Rosenfeld,	Woodside,
Dix,	Lee,	Rothenberger,	Yeakel,
Donahue,	Leisey,	Royer,	Turner,
Downey,	Levy,	Sarge,	Speaker.
Ely,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1074, entitled:

An Act to amend sections one and two of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2460) entitled "An act creating a joint legislative commission to be known as the Joint State Government Commission providing for the appointment of its members and defining its powers and duties" changing the number and term of members further defining their powers and duties and terminating the terms of members now in office

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—165.

Achterman,	Ewing,	Leydic,	Scanlon,
Ackermann,	Fauset,	Lichtenwalter,	Schrock,
Alspach,	Fisher,	Lovett,	Schrope,
Andrews,	Fiss,	Lyons,	Schwab,

Atkins,	Flanagan,	Madden,	Seif,
Baker,	Fleming,	Malloy,	Serrill,
Balliet,	Foor,	Marr,	Shaw,
Balthaser,	Freed,	Matthews,	Shearer,
Bardes,	Fullerton,	McClester,	Simons,
Bennett,	Furman,	McGarrity,	Sloan,
Bohn,	Gates,	McKinney,	Snyder,
Boney,	Gillan,	McNally,	Sollenberger,
Boorse,	Gillette,	McVay,	Stambaugh,
Boose,	Goll,	Melchiorre,	Stank,
Bower,	Gorski,	Mihm,	Stewart,
Bretherick,	Habbyshaw,	Montgomery,	Stockham,
Broad,	Haines,	Mooney,	Tarr,
Bronson,	Hall,	Moran,	Taylor,
Brown, H. S.,	Hamilton,	Moser, J. L.,	Thistle,
Brown, S. W.,	Harbeson,	Muir,	Thompson, G. R.,
Brunner,	Harkins,	Munley,	Tiemann,
Burns,	Haudenshield,	O'Dare,	Trout,
Burris,	Henry,	O'Keefe,	VanAllsburg,
Cadwalader,	Hess,	O'Neill,	Van Belle,
Calvin,	Hewitt,	Peale,	Voorhees,
Carpenter,	Hocke,	Powers,	Wagner,
Check,	Holland,	Readinger,	Watkins,
Christler,	Hoyt,	Reagan,	Webster,
Clearwater,	Huntley,	Reese, D. P.,	Weiss,
Cohen, H. B.,	Imbrie,	Regan,	Welsh, E. B.,
Cook,	James,	Rhodes,	Welsh, M. J.,
Cooper,	Jirolanio,	Rider,	Wilkinson,
Cordier,	Johnston,	Riley,	Wilson,
Cortese,	Jones,	Robertson,	Winner,
Curran,	Kane,	Rooney,	Wood, H. M.,
Dalrymple,	Kilroy,	Rose,	Wood, L. H.,
Denman,	Kline,	Roseberry,	Wood, N.,
Dick,	Kowalski,	Rosenfeld	Woodside,
Dix,	Krise,	Rothenberger,	Yeakel,
Donahue,	Lee,	Royer,	Turner,
Downey,	Leisey,	Sarge,	Speaker.
Ely,	Levy,		

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1182, (Senate Bill No. 83), entitled:

An Act to amend section one of the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 694) entitled "An act providing for the payment monthly by the counties to the Department of Revenue of the expenses of keeping convicts in State penitentiaries" by imposing upon the State the keeping of certain convicts

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—165.

Ackermann,	Fauset,	Leydic,	Schrope,
Alspach,	Fisher,	Lichtenwalter,	Schwab,
Andrews,	Fiss,	Lovett,	Seif,
Atkins,	Flanagan,	Lyons,	Serrill,
Baker,	Fleming,	Madden,	Shaw,
Balliet,	Foor,	Malloy,	Shearer,
Balthaser,	Freed,	Marr,	Simons,
Bardes,	Fullerton,	Matthews,	Sloan,
Bennett,	Furman,	McClester,	Snyder,
Bohn,	Gates,	McGarrity,	Sollenberger,
Boney,	Gillan,	McKinney,	Stambaugh,
Boorse,	Gillette,	McLane,	Stank,
Boose,	Goll,	McNally,	Stewart,
Bower,	Habbyshaw,	McVay,	Stockham,
Bretherick,	Haines,	Melchiorre,	Tarr,
Broad,	Hall,	Mihm,	Taylor,
Bronson,	Hamilton,	Montgomery,	Thistle,
Brown, H. S.,	Harbeson,	Mooney,	Thompson, G. R.,
Brown, S. W.,	Harkins,	Moran,	Tiemann,
Brunner,	Haudenshield,	Moser, J. L.	Tronzo,
Burns,	Henry,	Muir,	Trout,
Burris,	Hess,	Munley,	VanAllsburg,
Cadwalader,	Hewitt	O'Dare,	Van Belle,
Calvin,	Hindman,	O'Keefe,	Voorhees,
Carpenter,	Hocke,	O'Neill,	Wagner,
Check,	Hoffman, S. K.,	Peacock,	Walsh,
Christler,	Holland,	Peale,	Watkins,
Clearwater,	Hoyt,	Readinger,	Webster,
Cohen, H. B.,	Huntley,	Reagan,	Weiss,
Cook,	Imbrie,	Reese, D. P.,	Welsh, E. B.,
Cooper,	James,	Rhodes,	Welsh, M. J.,
Cordier,	Jirolanio,	Riley,	Wilkinson,
Cortese,	Johnston,	Robertson,	Wilson,
Curran,	Jones,	Rooney,	Winner,
Dalrymple,	Kane,	Rose,	Wood, H. M.,
Denman,	Kilroy,	Roseberry,	Wood, L. H.,
Dick,	Kline,	Rosenfeld,	Wood, N.,
Dix,	Kowalski,	Rothenberger,	Woodside,
Donahue,	Krise,	Royer,	Yeakel,
Downey,	Lee,	Sarge,	Turner,
Ely,	Leisey,	Scanlon,	Speaker.
Ewing,	Levy,	Schrock,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1391, (Senate Bill No. 320), entitled:

An Act to amend section seven of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" by changing the provisions thereof as to the contents of record to be furnished wardens by clerks of the courts of quarter sessions

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—165.

Alspach,	Fisher,	Lovett,	Schrock,
Andrews,	Fiss,	Lyons,	Schrope,
Baker,	Flanagan,	Madden,	Schwab,
Balliet,	Fleming,	Malloy,	Seif,
Balthaser,	Foor,	Marr,	Serrill,
Bardes,	Freed,	Matthews,	Shaw,
Bennett,	Fullerton,	McClester,	Shearer,
Bohn,	Furman,	McGarrity,	Simons,
Boies,	Gates,	McKinney,	Sloan,
Boney,	Gillan,	McLane,	Snyder,
Boorse,	Gillette,	McNally,	Sollenberger,
Boose,	Goll,	McVay,	Stambaugh,
Bower,	Habbyshaw,	Melchiorre,	Stank,
Bretherick,	Haines,	Mihm,	Stewart,
Broad,	Hall,	Montgomery,	Stockham,
Bronson,	Hamilton,	Mooney,	Tarr,
Brown, H. S.,	Harbeson,	Moran,	Taylor,

Brown, S. W.,	Haudenshield,	Moser, J. L.,	Thistle,
Brunner,	Henry,	Muir,	Thompson, G. R.,
Burns,	Hess,	Munley,	Tiemann,
Burris,	Hewitt,	O'Dare,	Trout,
Cadwalader,	Hindman,	O'Keefe,	Van Allsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, S. K.,	Peale,	Voorhees,
Check,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Readinger,	Walsh,
Clearwater,	Huntley,	Reagan,	Watkins,
Cohen, H. B.,	Imbrie,	Reese, D. P.,	Webster,
Cook,	James,	Regan,	Weiss,
Cooper,	Jirolanio,	Rhodes,	Welsh, E. B.
Cordier,	Johnston,	Rider,	Welsh, M. J.,
Cortese,	Jones,	Riley,	Wilkinson,
Curran,	Kane,	Robertson,	Williams,
Dalrymple,	Kilroy,	Rooney,	Wilson,
Denman,	Kline,	Rose,	Winner,
Dick,	Kowalski,	Roseberry,	Wood, H. M.,
Dix,	Krise,	Rothenberger,	Wood, L. H.,
Donahue,	Lee,	Royer,	Wood, N.,
Downey,	Leisey,	Sarge,	Woodside,
Eckels,	Leydic,	Sarraf,	Yeakel,
Ewing,	Lichtenwalter,	Scanlon,	Turner,
Fauset			Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

BILLS PASSED OVER

There being no objection House Bill No. 845, Printer's No. 379, was passed over at the request of Mr. STOCKHAM.

There being no objection House Bill No. 519, Printer's No. 477, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1297, as follows:

An Act to further amend section five and to amend section six of the act approved the third day of May one thousand nine hundred and nine (Pamphlet Laws 395) entitled "An act regulating the sale of concentrated commercial feeding-stuffs also of condimental stock and poultry-food and patented proprietary or trademark stock and poultry-food possessing nutritive value combined with medicinal properties defining concentrated commercial feeding-stuffs prohibiting the adulteration of any feeding-stuff sold offered or exposed for sale in this State with oat hulls ground corn cobs flax plant refuse elevator chaff cotton-seed hulls ground corn stalks rice hulls peanut hulls weed seeds or other similar adulterants providing for the collection of samples and analysis thereof by the Department of Agriculture and the publication of information concerning the same providing also for the expenses of the enforcement of the law fixing penalties for its violation and repealing act number two hundred and eleven (Pamphlet Laws one thousand nine hundred and seven page two hundred and seventy-three) entitled 'An act regulating the sale of wheat rye corn and buckwhat-bran and middlings or any admixture thereof' et cetera approved the twenty-eighth day of May one thousand nine hundred and seven" authorizing the Secretary of Agriculture to make rules and regulations and establish standards further regulating the taking of samples and changing and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five of the act approved the third day of May one thousand nine hundred and nine (Pamphlet Laws 395) entitled "An act regulating the sale of concentrated commercial feeding-stuffs also of condimental stock and poultry-food and patented proprietary or trademark stock and poultry-food possessing nutritive value combined with medicinal properties defining concentrated commercial feeding-stuffs prohibiting the adulteration of any feeding-stuff sold offered or exposed for sale in this State with oat hulls ground corn cobs flax plant refuse elevator chaff cotton-seed hulls ground corn stalks rice hulls peanut hulls weed seeds or other similar adulterants providing for the collection of samples and analysis thereof by the Department of Agriculture and the publication of information concerning the same providing also for the expenses of the enforcement of the law fixing penalties for its violation and repealing act number two hundred and eleven (Pamphlet Laws one thousand nine hundred and seven page two hundred and seventy-three) entitled 'An act regulating the sale of wheat rye corn and buckwhat-bran and middlings or any admixture thereof' et cetera approved the twenty-eighth day of May one thousand nine hundred and seven" authorizing the Secretary of Agriculture to make rules and regulations and establish standards further regulating the taking of samples and changing and providing penalties shall be amended to read as follows

Section 5 Each and every manufacturer importer agent person corporation or firm selling offering or exposing for sale in this State any concentrated commercial feeding-stuffs as defined in section two of this act without the statement or statements required by section one of this act or to which is affixed a statement or guarantee which is false in any particular or in relation to which the provisions of all of the foregoing sections have not been fully complied with shall for every such offense forfeit and pay the sum of fifty dollars which shall be recoverable with costs including the cost of analysis by any person suing in the name of the Commonwealth as debts of like amount are by law recoverable Provided That the Secretary of Agriculture shall together with his deputies agents and assistants be charged with the enforcement of this act and may make rules and regulations for the proper enforcement thereof including rules and regulations setting up definitions and standards for concentrated feeding-stuffs effective ninety days after being published in an official bulletin of the Secretary of Agriculture and shall have free access to all places of business mills buildings carriages cars vessels and packages of whatsoever kind used in the manufacture importation or sale of any concentrated commercial feeding-stuffs and shall also have power and authority to open any package containing or supposed to contain any concentrated commercial feeding-stuff and take therefrom a sample for analysis upon tending the value of such sample and the party or parties interested or their representative shall be given an opportunity to be present when such sample is taken Each sample shall be put in a glass vessel and carefully sealed excepting when in the judgment of the Secretary of Agriculture the package in which the product is sold at retail shall be deemed a good and sufficient sample and a label placed upon such vessel stating the name or brand of the feeding-stuff or material sampled the name of the manufacturer when passible the name of the party from whose stock the sample was taken the time and the place of taking the guaranteed analysis and other information relevant thereto said labels to be signed by the Secretary of Agriculture or his agent and by the party or parties interested or their representative if present at the taking of the sample The sample shall be retained by the Secretary of Agriculture or his agent The Secretary of Agriculture shall cause such samples as are secured by him under the provisions of this act as may seem to him proper to be analyzed [within sixty days after said samples are received] by the chief chemist and the results of the analysis of such samples together with such additional information as circumstances advise shall by his authority be published in reports or bulletins from time to time Provided That when the materials sampled are in packages the samples shall be taken from four separate packages excepting when in the judgment of the Secretary of Agriculture a lesser number would be sufficient And provided further That if the analysis of any sample does not differ from the guarantee more than ten

per centum of the protein fat or fiber guaranteed the manufacturer shall be considered as having complied with the requirements of this act except when the percentage of either protein or fiber shall exceed twenty per centum and shall not be present in excess of thirty per centum in which case the variation allowed shall not exceed seven per centum of the guaranteed amount and also except when the percentage of either protein or fiber shall exceed thirty per centum in which case the variation allowed shall not exceed five per centum of the guaranteed amount

Section 2 Section six of said act is hereby amended to read as follows

Section 6 In addition to the above penalty [every person corporation or firm and every officer agent servant or employe of such person corporation or firm violating any of the provisions of this act shall also be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars for the first offense and a fine of not less than one hundred dollars nor more than two hundred dollars for every subsequent offense] whoever shall violate any of the provisions of this act or any rule regulation or standard adopted and promulgated by the Secretary of Agriculture pursuant to this act shall upon conviction thereof for the first or second offense in a summary proceeding be sentenced to pay a fine of not less than fifty dollars nor more than two hundred dollars and costs of prosecution and in default of such fine and costs shall be sentenced to undergo imprisonment for not more than thirty days and for the third or subsequent offense shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than three hundred dollars nor more than six hundred dollars or to undergo imprisonment for a term not to exceed one year or both in the discretion of the court Provided That all penalties fines and costs including the cost of analysis imposed and recovered under the provisions of this act shall be paid to the Secretary of Agriculture or his agents and by him immediately covered into the State Treasury And provided also That all necessary expenses under the provisions of this act shall after approval in writing by the Governor and the Secretary of Agriculture be paid by the State Treasurer upon the warrant of the Auditor General in the manner now provided by law

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—165

Ackermann,	Foor,	Madden,	Schrope,
Alspach,	Freed,	Malloy,	Schwab,
Andrews,	Fullerton,	Marr,	Seif,
Atkins,	Furman,	Matthews,	Serrill,
Baker,	Gates,	McClester,	Shaw,
Balliet,	Gillan,	McGarrity,	Shearer,
Balthaser,	Gillette,	McKinney,	Simons,
Bardes,	Goll,	McLane,	Sloan,
Bennett,	Habbyshaw,	McNally,	Snyder,
Bohn,	Haines,	McVay,	Sollenberger,
Boney,	Hall,	Melchiorre,	Stambaugh,
Boorse,	Hamilton,	Mihm,	Stank,
Bower,	Harbeson,	Montgomery,	Stewart,
Bretherick,	Harkins,	Mooney,	Stockham,
Broad,	Haudenshield,	Moran,	Tarr,
Bronson,	Henry,	Moser, J. L.	Taylor,
Brown, H. S.,	Hess,	Muir,	Thistle,
Brown, S. W.,	Hewitt,	Munley,	Thompson, G. R.,
Brunner,	Hindman,	O'Dare,	Tiemann,
Burns,	Hocke,	O'Keefe,	Trout,
Burris,	Hoffman, S. K.,	O'Neill,	VanAllsburg,
Cadwalader,	Holland,	Peacock,	Van Belle,
Calvin,	Hoyt,	Peale,	Voorhees,
Carpenter,	Huntley,	Powers,	Wagner,
Check,	Imbrie,	Preston,	Watkins,
Christler,	James,	Readinger,	Webster,
Clearwater,	Jirolanio,	Reagan,	Weiss,
Cohen, H. B.,	Johnston,	Reese, D. P.,	Welsh, E. B.,
Cooper,	Jones,	Rhodes,	Welsh, M. J.,
Cordier,	Kane,	Riley,	Westrick,
Cortese,	Kilroy,	Robertson,	Wilkinson,
Curran,	Kline,	Rooney,	Williams,
Dalrymple,	Kowalski,	Rose,	Wilson,
Denman,	Krise,	Roseberry,	Winner,
Dick,	Lee,	Rosenfeld,	Wood, H. M.,
Dix,	Leisey,	Rothenberger,	Wood, L. H.,
Donahue,	Levy,	Royer,	Wood, N.,
Ely,	Leydic,	Sarge,	Woodside,
Ewing,	Lichtenwalter,	Sarraf,	Yeakel,
Fisher,	Long,	Scanlon,	Turner,
Fiss,	Lovett,	Schrock,	Speaker.
Fleming,	Lyons,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 518, as follows:

An Act making it unlawful to trespass on railroads and declaring the trespasser guilty of contributory negligence in actions against the railroad company for damages because of injuries sustained while so trespassing

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It is unlawful for any person other than employes or their representatives to walk along or across the tracks of any railroad except when the same shall be laid upon a public highway If any person except employes or their representatives is injured in any manner while walking standing or playing on any railroad right of way or while riding upon boarding or alighting from a car as a trespasser while the car is in motion such person shall be deemed to have contributed to the injury sustained and shall not recover therefor any damages from the company owning or operating said railroad This act shall not apply to the crossing of a railroad by any person at any place which is a part of a public street or highway or to any person performing his occupational duties which demands his presence on such railroad property or to any person on that portion of a railroad's property which is provided for or dedicated to the use of the traveling public by such railroad in the performance of the usual and customary functions of a railroad

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. JIROLANIO. Mr. Speaker, I wish to interrogate the gentleman from Dauphin, Mr. Taylor.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. TAYLOR. I shall, Mr. Speaker.

Mr. JIROLALIO. Mr. Speaker, will the gentleman from Dauphin be kind enough to explain to the members of the House what this bill provides?

Mr. TAYLOR. Mr. Speaker and members of the House, this bill, as I understand it, prohibits the trespassing on railroad property by transients or others having no business on the railroad, and if injuries are sustained by those who do trespass they have no action against the company.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like

to interrogate the gentleman from Dauphin, Mr. Taylor.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. TAYLOR. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman whether this would vitiate the time worn legal doctrine of "attractive nuisance."

BILLS PASSED OVER

There being no objection House Bill No. 518, Printer's No. 479 was passed over at the request of Mr. TAYLOR.

There being no objection House Bill No. 1324, Printer's No. 355 was passed over at the request of Mr. TAYLOR.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 804, as follows:

A Supplement to the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1216) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business" by excluding certain persons from certain provisions of said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All justices of the peace who are engaged in the real estate business on the effective date of this supplement may continue in such business after the expiration of their term of office provided they shall meet all of the prerequisites of applicants for such licenses except that they shall not be required to have served in the employ of a duly licensed real estate broker or brokers as a duly licensed real estate salesman for a period of two years All justices of the peace shall continue to be exempt during their term of office from the provision of the act to which this is a supplement

Section 2 Persons who are aldermen upon the effective date of this supplement shall be exempt from the provisions of the act to which this is a supplement and such persons if engaged in the real estate business during their term of office may continue in such business upon the expiration of their term of office providing they shall meet all of the prerequisites of applicants for such licenses except they shall not be required to have served in the employ of a duly licensed real estate broker or brokers as a duly licensed real estate salesman for a period of two years

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—165.

Achterman,	Fiss,	Lyons,	Schrock,
Ackermann,	Flanagan,	Madden,	Schropp,
Alspach,	Fleming,	Malloy,	Schwab,
Andrews,	Foor,	Marr,	Seif,
Baker	Freed,	Matthews,	Serrill,
Balliet,	Fullerton,	McClester,	Shaw,
Balthaser,	Furman,	McGarrity,	Shearer,
Bardes,	Gates,	McKinney,	Simons,
Bennett,	Gillan,	McLane,	Sloan,
Bohn,	Gillette,	McNally,	Snyder,
Boney,	Goll,	McVay,	Sollenberger,
Boorse,	Habbyshaw,	Melchiorre,	Stambaugh,
Bower,	Haines,	Mihm,	Stank,
Bretherick,	Hall,	Montgomery,	Stewart,
Broad,	Hamilton,	Mooney,	Stockham,
Bronson,	Harbeson,	Moran,	Tarr,
Brown, H. S.,	Harkins,	Moser, J. L.,	Taylor,
Brown, S. W.,	Haudenshield,	Muir,	Thistle,
Brunner,	Henry,	Munley,	Thompson, G. R.,
Burns,	Hess,	O'Dare,	Tiemann,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	O'Neill,	VanAllsburg,
Calvin,	Hocke,	Peacock,	Van Belle,
Carpenter,	Holland,	Peale,	Voorhees,
Check,	Hoyt,	Powers,	Wagner,
Christler,	Huntley,	Readinger,	Watkins,
Clearwater,	Imbrie,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cooper,	Jirolanio,	Regan,	Welsh, E. B.,
Cordier,	Johnston,	Rhodes,	Welsh, M. J.,
Cortese,	Jones,	Rider,	Wilkinson,
Curran,	Kane,	Riley	Williams,
Dalrymple,	Kilroy,	Robertson,	Wilson,
Denman,	Kline,	Rooney,	Winner,
Dick,	Kowalski,	Rose,	Wood, H. M.,
Dix,	Krise,	Roseberry,	Wood, L. H.,
Donahue,	Lee,	Rosenfeld,	Wood, N.,
Downey,	Leisey,	Rothenberger,	Woodside,
Ely,	Leydic,	Royer,	Yeakel,
Ewing,	Lichtenwalter,	Sarge,	Turner,
Fauset,	Lovett,	Scanlon,	Speaker.
Fisher,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1131, as follows:

An Act to amend the act approved the twentieth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 728) entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth providing for and regulating the procedure in prosecuting claims before such board defining the powers of the board and fixing the compensation of members and employes thereof providing that the awards of such board shall be final providing for the payment of awards and authorizing an appropriation" by constituting said board a departmental administrative board in the Department of the Auditor General by increasing the compensation of the members of said board by making further provision with regard to the procedure of said board and the disposition by it and payment of costs of proceedings before it

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 of the act approved the twentieth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 728) entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth providing for and regulating the procedure in prosecuting claims before such board defining the powers of the board and fixing the compensation of members and employes thereof providing that the awards of such board shall be final providing for the payment of awards and authorizing an appropriation" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and the House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created a departmental administrative board in the Department of the Auditor General known as the Board of Arbitration of Claims the duty of which shall be to arbitrate claims against the Commonwealth arising from contracts entered into by the Commonwealth Such board shall consist of three members appointed by the Governor one of whom shall be learned in the law and shall be chairman of the board another of whom shall be a registered civil engineer The third member of the board shall be a citizen and resident of the Commonwealth not learned in the

law or an engineer Two members of the board shall constitute a quorum The members shall be appointed for terms of two four and six years and shall serve until their respective successors shall be duly appointed and qualified Their successors shall each be appointed for a term of six years In the event any member shall die or resign during his term of office the Governor shall appoint a successor who shall hold office for such unexpired term Each member of the board shall receive [twenty] thirty-five dollars per diem for each day actually employed in his duty as a member of the board and shall also be entitled to expenses while engaged in the performance of his official duties which compensation and expenses shall be deemed costs of the proceedings hereunder

Section 2 Section 6 of the said act is hereby amended to read as follows

Section 6 No claim shall be entertained by the Board unless the claimant shall within three months after [the completion of the contract] notice to the claimant of determination by the Commonwealth of the amount of final payment due said claimant under the contract and before final payment is received on said contract except as provided by section 4 (b) hereof advise the department involved in writing of such claims specifying the details thereof and shall within the same period file with the secretary of the board a concise and specific written statement of this claim signed and verified by the claimant before an officer authorized to administer oaths

The claimant at the time of filing such statement shall file therewith two copies of said statement and the secretary of the board shall forthwith deliver one copy to the secretary of the department involved and the other to the Attorney General

At the time of filing his statement of claim the claimant shall pay to the State Treasury through the secretary of the board the sum of [$25.00] $50.00 as a filing fee All fees so received shall be credited to the General Fund

Within thirty days after such statement shall be filed with the secretary of the board and served upon the secretary of the department involved and the Attorney General the Commonwealth shall file with the secretary of the board an answer in writing to the averments of the claimant's statement which shall be signed and verified by the secretary of the department involved and shall at the same time file two copies of the same one of which shall be served by the secretary on the Attorney General and the other forwarded to the claimant

When the answer of the Commonwealth is filed the pleadings shall be complete and the case shall be deemed to be at issue and the secretary of the board shall list such case for hearing before the board at the earliest available date but not earlier than thirty (30) days after the filing of such answer

All cases shall as far as practicable be listed for hearing in the order of the date of the filing of the respective claims and the secretary shall cause to be served upon all claimants by registered mail thirty(30) days' written notice which notice shall set forth the time and place of such hearing

Section 3 Section 8 of the said act is hereby amended to read as follows

Section 8 All hearings before the board shall be public and shall be governed by such rules not inconsistent with this act as shall be adopted and prescribed by the board After consideration of the pleadings filed with it and the testimony given at the hearing before it the board shall either dismiss the claim of the claimant or make an award in favor of the claimant of such sum as it shall determine the claimant is legally and rightfully entitled to receive and shall enter [such award] its said action in a book to be kept by it for that purpose It shall file a written opinion setting forth the reasons for its action The action of the board dismissing said claim or making an award shall be final and no appeal shall lie therefrom The board in dismissing any claim or in making [such] any award shall [have full power to] dispose of all costs of the proceedings by providing for the payment thereof by the Commonwealth or by the claimant or by providing that such costs shall be shared by the said parties in such proportions as the board in its descretion shall direct

Section 4 Section 9 of the said act is hereby amended to read as follows

Section 9 Within thirty (30) days after any final [award made] action is taken by the board the secretary of the board shall certify to the secretary of the department involved under the seal of the board a statement of such [award or in the event it shall dismiss the said claim a settlement of such costs that it may assess against the claimant] action including the amount of costs assessed against the Commonwealth or the claimant or both and the persons entitled thereto The amount of [such] any award shall be paid by said [secretary] department out of any funds appropriated against the contract out of which the claim upon which the award is based was originally charged [said award shall thereafter be paid] to the claimant [from the said fund or appropriation] and any costs assessed against the Commonwealth shall be paid by said department out of said fund or appropriation to such persons as may be entitled thereto as evidenced by said certificate of the secretary of the borad in the manner now provided by law In the event that costs are assessed against the claimant the amount of such costs shall be deducted from whatever balance may be due the claimant upon the contract out of which the claim arose and shall be paid by the department to the persons entitled thereto as evidenced by the said certificate

Section 5 The Board of Arbitration of Claims shall hear and arbitrate any claim against the Commonwealth arising out of any contract heretofore entered into by the Commonwealth where final payment of the amount determined to be due by the Commonwealth has not been accepted Provided that such claim is filed with the Board within three months of the effective date of this act notwithstanding that said claim was not theretofore filed with said Board within three months after the completion of the said contract

Section 6 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. DIX. Mr. Speaker, I would like to interrogate the gentleman from Lancaster, Mr. Trout.

The SPEAKER. Will the gentleman from Lancaster permit himself to be interrogated?

Mr. TROUT. I will, Mr. Speaker.

Mr. DIX. Mr. Speaker, will the gentleman from Lancaster state to the members of this House the purpose of this bill and the amount per day that the members of the Board of Arbitration and Claims will receive under this act?

Mr. TROUT. Mr. Speaker, in 1937 there was an act passed creating a Board of Arbitration to hear and dispose of disputes arising between the State and contractors in the various departments and this is an extension of that bill. The per diem is thirty-five dollars per day.

Mr. DIX. Mr. Speaker, is that the amount to be paid per day under the present act?

Mr. TROUT. Mr. Speaker, under the present act it is twenty dollars.

Mr. DIX. Mr. Speaker is this not an increase under the present law, and if so, how much.

Mr. TROUT. Mr. Speaker, I think there is a difference there of fifteen dollars.

Mr. DIX. Mr. Speaker, is this not an increase of seventy-five per cent over the present act.

Mr. TROUT. Mr. Speaker, that probably is true.

Mr. DIX. Mr. Speaker, is there any increase in the

filing fee for claimants who come before this board, and how much is that increase? You ought to know, Mr. Trout.

Mr. TROUT. Mr. Speaker, that is correct. I do know. That increases it to fifty dollars.

Mr. DIX. Mr. Speaker, is that not an increase of one hundred per cent over the present act?

Mr. TROUT. Mr. Speaker, I guess that is correct.

Mr. DIX. Mr. Speaker, doesn't it appear that the persons who are to come before the board by the increased cost of filing their claims are to be penalized to the extent of twenty-five dollars or a one hundred per cent increase in order that the members of the board may secure a seventy-five per cent increase in their daily pay, the increase being from twenty dollars to thirty-five dollars.

Mr. TROUT. Mr. Speaker, the reason for the increase in the filing fee is to avoid small claims. If the filing fee were less or no charge is made at all, all little disputes or disputes for small amounts would be brought before this Arbitration Board, and would be very annoying and not worth the time it would take the Board to determine them.

Mr. DIX. Mr. Speaker, if that is true and these small claims are not going to come before the Board, would that not reduce the amount of work that would come before the Board?

Mr. TROUT. That is true, Mr. Speaker.

Mr. DIX. Mr. Speaker, then why increase the pay when there is less work to do.

Mr. TROUT. Mr. Speaker, it has been the experience, during these two years that if we bring in from different parts of the State men who are compentent to serve on this Board, they deserve an increase in pay over the twenty dollars.

Mr. DIX. Mr. Speaker, is it not true that you can get capable men at the present rate?

Mr. TROUT. Well I don't know, probably yes; in the newspaper game, yes.

Mr. DIX Mr. Speaker and members of the House, it seems to me that when most of the members of the House were elected on an economy program, to come here an increase the fees for the members of this Board at least seventy-five percent, and then add to it the cost to claimants coming before this Board, we are absolutely inconsistent with the economy program. Most of the members of this House come here at a great sacrifice to themselves. I doubt if there are half of the members who come here who make any profit from their work. I also doubt if there is any member here who would not be glad to serve on this Board for twenty dollars a day. I think there are many intelligent members of this House who could be secured to serve on a Board of that kind. It would appear to me that we are violating not only the platform of the Republican party, and the statement in Governor James' Inaugural Address, but we are violating a trust that has been imposed upon us to keep the expense of government as low as possible. I cannot conceive under these circumstances any member of this House permitting an increase of seventy-five per cent, in one respect, and an increase of one hundred per cent in the cost to the small claimant who comes before this Board. The payment of this double assessment by claimants and the increase in the salaries I believe are intended to go together and to act unfavorably towards claimants, and in the interest of economy I ask that this bill be voted down.

Mr. KILROY. Mr. Speaker and members of the House, I do not believe this bill will cost the Commonwealth anything, and as the co-sponsor of this bill, I believe we should get the highest type of men possible. We should not ask attorneys to come once or twice a month and spend eight or ten hours a day for twenty dollars. I would like to inform the gentleman that it is not really costing the Commonwealth of Pennsylvania anything.

Mr. DIX. Mr. Speaker and members of the House, I understand that this bill also provides that all expenses of the attorneys will be paid, namely hotels and traveling expenses and for that reason the pay is not only twenty dollars a day or thirty-five dollars as provided under this bill, but more. I cannot see for my part why any member of this House who is satisfied with his own salary, which amounts approximately to fifteen dollars a day, if we serve one hundred days, and only five dollars a day, if you figure the whole time we serve, should vote to give any person thirty-five dollars a day when their own salary amounts to five dollars, as I said before, on the basis of a yearly salary. I hope the members will look at it this way and vote it down.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I think the gentleman has an incorrect attitude toward this bill. Of course if we are paying higher salaries undoubtedly we expect to get more capable and able individuals to serve on this commission than the membership of the House. I might only be worth five dollars a day, or my constituents might think I am worth fifty cents a day, but we won't go into that. However, this bill seeks to remedy a situation that has existed in the Commonwealth that requires some affirmative action. If any individual has a claim against the Department of Highways, a contractor, a material man or an individual who has supplied some ingredients, or a laborer, and that claim is a justifiable claim there is no adequate or competent machinery set up whereby that individual might receive an adjustment or an adjudication of his claim. This act seeks to remedy that situation. The United States government has a regularly instituted court, namely the Court of Claims handling situations such as this. The State of New York has also established a regular judicial tribunal whereby claims against the State may be judicially determined. This bill seeks in a simple way to set up machinery whereby justifiable claims against the Commonwealth might be adjudicated and I think that the entire House should be interested in seeing that the Commonwealth of Pennsylvania and its various departments afford people with whom they are doing business the machinery whereby claims that arise in the work may be judicially determined.

Mr. ANDREWS. Mr. Speaker and members of the House, the gentleman from Philadelphia, Mr. Kilroy left the cat out of the bag. This is another one of those bills for the relief of lawyers. You will note, Mr. Speaker, that the gentleman from York, with his usual legal acumen, did not talk about the lawyers under this bill, but the gentleman from Philadelphia, being less skilled along legal lines, just came right out and said, "We have to have more competent men. The lawyers who come here to sit on this board cannot afford to work for twenty dollars a day, we have got to give the poor lawyers thirty-five dollars per day." As usual the leader of the legal profession in the House on the minority side rallied to the support of the legal profession. In this particular I

stand with half of the newspaper profession and I say that lawyers at twenty dollars a day are probably paid enough.

Mr. DIX. Mr. Speaker and members of the House, this appears to be "Editors vs. Lawyers," and while I would not like to have the vote taken on that basis, at the same time I think that the average editor feels that twenty dollars a day is ample pay for any ability that you can secure in Pennsylvania, if they have the spirit of public service back of them.

Mr. HOMER S. BROWN. Mr. Speaker and members of the House, so that we won't be misinformed let us read who shall comprise the board. I read from the act.

> "Such a board shall consist of three members appointed by the Governor, one of whom shall be learned in the law and shall be chairman of the board, another of whom shall be a registered civil engineer. The third member of the board shall be a citizen and resident of the Commonwealth, not learned in the law, or an engineer."

This is not a lawyers' bill and we ought to be correct upon what we are debating.

Mr. DIX Mr. Speaker and members of the House, inasmuch as the bill provides for the same pay for an ordinary laymen as it does for a legal light I think it is entirely inconsistent. The attorneys come in here and they say it is necessary in order to obtain competent legal ability to pay them thirty-five dollars a day. On the other hand, they also in this bill provide for a layman to be paid thirty-five dollars a day. The bill is inconsistent and I hereby make application for the layman's job.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I quite realize that the inadequate compensation that the gentleman refers to for a lawyer of thirty-five dollars a day has certain merit. However, we who are in the service of the Commonwealth feel that we should devote our legal talent to the service of the Commonwealth at a moderate stipend.

As I look over this House I see men with far reaching legal attainments who are serving here at a very small salary. That same ability applied in the prosecution of legal matters would bring them untold wealth and fortune.

Nevertheless, Mr. Speaker, I feel that we will be able to find in the Commonwealth one, two, or possibly three men, three lawyers, who will be willing to serve on this board at the small salary of thirty-five dollars per day, even though they would then be in competition with the gentleman who has so nobly offered his services to this commission at that small stipend. Without being the least bit facetious, if the members of this House were really concerned with the problem of trying to get for an agreed individual justifiable consideration of his claim against the Commonwealth there would be no difficulty in the passage of this bill. Various states have set up, as I said before, their courts of claims. We are prohibited from coming into court and suing the Commonwealth, the sovereign or king. The old heritage that the king can do no wrong restricts individuals from bringing a suit against the Commonwealth. This act sets up the machinery for justifiable consideration and I do not think the mere fact that somebody is getting thirty-five dollars a day while the members of the House are only getting five dollars a day should react against the passage of this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—106

Ackermann,	Gates,	Madden,	Snyder,
Alspach,	Gillan,	Matthews,	Sollenberger,
Baker,	Gillette,	McClester,	Stambaugh,
Bardes,	Goll,	McGarrity,	Stewart,
Bennett,	Habbyshaw,	McKinney,	Stockham,
Boorse,	Haines,	McNally,	Taylor,
Bower,	Hall,	McVay,	Thistle,
Bretherick,	Harbeson,	Montgomery,	Tiemann,
Brown, H. S.	Haudenshield	Moser, J. L.,	Trout,
Brown, S. W.	Hess,	Muir,	VanAllsburg,
Brunner,	Hewitt,	Munley,	Voorhees,
Burns,	Hocke,	O'Dare,	Wagner,
Cadwalader	Hoyt,	Peacock,	Watkins,
Calvin,	Huntley,	Peale,	Webster,
Clearwater,	Imbrie,	Preston,	Welsh, E. B.,
Cohen H. B.	James,	Readinger,	Welsh, M. J.,
Cooper,	Jirolanio,	Reese, D. P.,	Wilkinson,
Corrigan,	Jones,	Rhodes,	Wilson,
Cortese,	Kane,	Riley,	Winner,
Curran,	Kenehan,	Robertson,	Wood, H. M.,
Dalrymple	Kilroy,	Rose,	Wood, L. H.,
Denman,	Kline,	Roseberry,	Wood, N.,
Donahue,	Kowalski,	Royer,	Woodside,
Ewing,	Lee,	Schrock,	Yeakel,
Fauset,	Leisey,	Seif,	Turner,
Fiss,	Leydic,	Serrill,	Speaker.
Foor,	Lyons,	Sloan,	

NAYS—20

Andrews,	Dix,	Marr,	Shearer,
Balthaser	Ely,	Moran,	Simons,
Broad,	Freed,	Reagan,	Tarr,
Burris,	Henry,	Rothenberger	Thompson, G. R.,
Carpenter,	Lichtenwalter,	Sarge,	Weiss.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 389, entitled:

An Act to consolidate amend and revise the penal laws of the Commonwealth

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—165

Ackermann,	Fisher,	Lovett,	Scanlon,
Alspach,	Fiss,	Lyons,	Schrock,
Andrews,	Fleming,	Madden,	Schrope,
Atkins,	Foor,	Malloy,	Schwab,
Baker,	Freed,	Marr,	Seif,
Balliet,	Fullerton,	Matthews,	Serrill,
Balthaser,	Furman,	McClester,	Shaw,
Bardes,	Gates,	McGarrity,	Shearer,
Bennett,	Gillan,	McKinney,	Simons,
Bohn,	Gillette,	McLane,	Sloan,
Boney,	Goll,	McNally,	Snyder,
Boorse,	Habbyshaw,	McVay,	Sollenberger,
Bower,	Haines,	Melchiorre,	Stambaugh,
Bretherick,	Hall,	Mihm,	Stank,
Broad,	Hamilton,	Montgomery,	Stewart,
Bronson,	Harbeson,	Mooney,	Stockham,
Brown, H. S.,	Harkins,	Moran,	Tarr,
Brown, S. W.,	Haudenshield,	Moser, J. L.,	Taylor,
Brunner,	Henry,	Muir,	Thistle,
Burns,	Hess,	Munley,	Thompson, G. E.,
Burris,	Hewitt,	O'Dare,	Tiemann,
Cadwalader,	Hindman,	O'Keefe,	Trout,
Calvin,	Hocke,	O'Neill,	VanAllsburg,

Carpenter,	Hoffman, S K.,	Peacock,	Van Belle,
Check,	Holland,	Peale,	Voorhees,
Christler,	Hoyt,	Powers,	Wagner,
Clearwater,	Huntley,	Readinger,	Watkins,
Cohen, H. B.	Imbrie,	Reagan,	Webster,
Cooper,	James,	Reese, D. P.	Weiss,
Cordier,	Jirolanio,	Regan,	Welsh, E. B
Corrigan,	Johnston,	Rhodes,	Welsh, M. J.,
Cortese,	Jones,	Rider,	Wilkinson,
Curran,	Kane,	Riley,	Wilson,
Dalrymple,	Kilroy,	Robertson	Winner,
Denman,	Kline,	Rooney,	Wood, H. M
Dick,	Kowalski,	Rose,	Wood, L. H.
Dix,	Krise,	Roseberry,	Wood, N.,
Donahue,	Lee,	Rosenfeld,	Woodside,
Downey,	Leisey,	Rothenberger	Yeakel,
Ely,	Levy,	Royer,	Turner,
Ewing,	Leydic,	Sarge,	Speaker.
Fauset,	Lichtenwalter,	Downey,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 964, entitled:

An Act to amend further section fourteen of an act approved the seventh day of August one thousand nine hundred thirty-six (Pamphlet Laws one hundred six) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and co-operation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" as reenacted and amended by conferring additional powers on the Department of Highways

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—165

Ackermann	Fisher,	Lichtenwalter,	Scanlon,
Alspach,	Fiss,	Lovett,	Schrock,
Andrews,	Flanagan	Lyons,	Schrope,
Atkins,	Fleming,	Madden,	Schwab,
Baker,	Foor,	Malloy,	Seif,
Balliet,	Freed,	Marr,	Serrill,
Balthaser,	Fullerton,	Matthews,	Shaw,
Bardes,	Furman,	McClester,	Shearer,
Bennett,	Gates,	McGarrity,	Simons,
Bohn,	Gillan,	McKinney,	Sloan,
Boney,	Gillette,	McLane,	Snyder,
Boorse,	Goll,	McNally,	Sollenberger,
Bower,	Habbyshaw	McVay,	Stambaugh,
Bretherick,	Haines,	Melchiorre,	Stank,
Broad,	Hall,	Mihm,	Stewart,
Bronson,	Hamilton,	Montgomery	Stockham,
Brown, H. S.,	Harbeson,	Mooney,	Tarr,
Brown, S. W.	Harkins,	Moran,	Taylor,
Brunner,	Haudenshield,	Moser, J. L.	Thistle,
Burns,	Henry,	Muir,	Thompson, G. R.,
Burris,	Hess,	Munley,	Tiemann,
Cadwalader,	Hewitt	O'Dare,	Trout,
Calvin,	Hindman,	O'Keefe,	VanAllsburg,
Carpenter,	Hocke,	O'Neill,	Van Belle,
Check,	Hoffman, S K.,	Peacock,	Voorhees,
Christler,	Holland,	Peale,	Wagner,
Clearwater,	Hoyt,	Powers,	Watkins,
Cohen, H. B	Huntley,	Readinger	Webster,
Cooper,	Imbrie,	Reagan,	Weiss,
Cordier,	James,	Reese, D. P.	Welsh, E. B.,
Corrigan,	Jirolanio,	Regan,	Welsh, M. J.,
Cortese,	Johnston,	Rhodes,	Wilkinson,
Curran,	Jones,	Riley,	Wilson,
Dalrymple	Kane,	Robertson	Winner,
Denman,	Kilroy,	Rooney,	Wood, H. M.,
Dick,	Kline,	Rose,	Wood, L. H.,
Dix,	Kowalski	Roseberry,	Wood, N.,
Donahue,	Krise,	Rosenfeld,	Woodside,
Downey,	Lee,	Rothenberger,	Yeakel,
Ely,	Leisey,	Royer,	Turner,
Ewing,	Levy,	Sarge,	Speaker.
Fauset,	Leydic,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 463, as follows:

An Act to further amend section two hundred and forty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" changing the qualifications of the district attorney

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred and forty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as last amended by the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2619) is hereby further amended to read as follows

Section 246 Qualifications Eligibility Compensation The district attorney shall be a person learned in the law [who has been admitted to practice as an attorney in the Supreme or Superior Court of this Commonwealth for at least two years preceding the time of his election or appointment and] who shall have resided in the county for which he is elected or appointed for two years next preceding his election or appointment and who is a resident of such county

In counties of the second third fourth fifth and sixth classes he shall have been admitted to practice as an attorney before the Supreme or Superior Courts of this Commonwealth for at least two years prior to the time for taking the oath of office or shall have been admitted to practice before the Supreme or Superior Courts of this Commonwealth for at least six months prior to the time for taking the oath of office and have been practicing law before a court of record of this Commonwealth for al least five years In counties of the seventh class he shall have been admitted to practice as an attorney before the Supreme or Superior Courts of this Commonwealth for at least six months prior to the time for taking the oath of office and shall have practiced before a court of record for at least two years In counties of the eighth class the district attorney shall have practiced law before a court of record for eighteen months prior to the time for taking the oath of office In counties of the third class the dis-

trict attorney shall receive a salary of seven thousand five hundred dollars ($7,500) per annum

In counties of the fourth class the district attorney shall receive a salary of six thousand dollars ($6,000) per annum

In counties of the sixth class the district attorneys shall receive annual salaries depending upon the population of the county as follows

(a) Fifty thousand and more but less than sixty thousand twenty-four hundred dollars ($2400)

(b) Sixty thousand and more but less than seventy thousand twenty-seven hundred dollars ($2700)

(c) Seventy thousand and more but less than eighty thousand three thousand dollars ($3000)

(d) Eighty thousand and more but less than ninety thousand thirty-three hundred dollars ($3300)

(e) Ninety thousand and more but less than one hundred thousand thirty-eight hundred dollars ($3800)

In counties of the seventh class the district attorneys shall receive annual salaries depending upon the population of the county as follows

(a) Twenty thousand and more but less than thirty thousand fifteen hundred dollars ($1500)

(b) Thirty thousand and more but less than forty thousand eighteen hundred dollars ($1800)

(c) Forty thousand and more but less than fifty thousand twenty-one hundred dollars ($2100)

In counties of the eighth class the district attorneys shall receive annual salaries depending upon the population of the county as follows

(a) Less than ten thousand seven hundred and fifty dollars ($750)

(b) Ten thousand and more but less than twenty thousand nine hundred dollars ($900)

In all other classes of counties the district attorney shall receive the salary now provided by law

No district attorney shall be eligible to a seat in the Legislature or to any other office under the laws and Constitution of the State excepting an office or commission in the militia of the State during his continuance in office

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. KANE. Mr. Speaker and members of the House, all the differences which existed have been worked out in the Judiciary General Committee. This is a bill that the committee has given serious thought to, it is in excellent good form and I would request the members of the House to vote for the bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—165

Ackermann	Fisher,	Leydic,	Sarge,
Alspach,	Fiss,	Lichtenwalter,	Scanlon,
Andrews,	Flanagan	Lovett,	Schrock,
Atkins,	Fleming,	Lyons,	Schrope,
Baker,	Foor,	Madden,	Schwab,
Balliet,	Freed,	Malloy,	Seif,
Balthaser	Fullerton,	Marr,	Serrill,
Bardes,	Furman,	Matthews,	Shaw,
Bennett,	Gates,	McClester,	Shearer,
Bohn,	Gillan,	McGarrity,	Simons,
Boney,	Gillette,	McKinney,	Sloan,
Boorse,	Goll,	McLane,	Snyder,
Bower,	Habbyshaw,	McNally,	Sollenberger,
Bretherick,	Haines,	McVay,	Stambaugh,
Broad,	Hall,	Melchiorre,	Stank,
Bronson,	Hamilton,	Mihm,	Stewart,
Brown, H. S.,	Harbeson,	Montgomery,	Stockham,
Brown, S. W.	Harkins,	Mooney,	Tarr,
Brunner,	Haudenshield,	Moran,	Taylor,
Burns,	Henry,	Moser, J. L.,	Thistle,
Burris,	Hess,	Muir,	Thompson, G. R.
Cadwalader	Hewitt	Munley,	Tiemann,
Calvin,	Hindman,	O'Dare,	Trout,
Carpenter,	Hocke	O'Keefe,	VanAllsburg,
Check,	Hoffman, S. K.	O'Neill,	Van Belle,
Christler,	Holland,	Peacock,	Voorhees,
Clearwater,	Hoyt,	Peale,	Wagner,
Cohen, H.	Huntley,	Powers,	Watkins,
Cooper,	Imbrie,	Readinger,	Webster,
Cordier,	James,	Reagan,	Weiss,
Corrigan,	Jirolanio,	Reese, D. P.,	Welsh, E. B.,
Cortese,	Johnston,	Regan,	Welsh, M. J.,
Curran,	Jones,	Rhodes,	Wilkinson,
Dalrymple	Kane,	Rider,	Wilson,
Denman,	Kline,	Riley,	Winner,
Dick	Kilroy,	Robertson,	Wood, H. M.,
Dix,	Kowalski,	Rooney,	Wood, L. H.,
Donahue,	Krise,	Rose	Wood, N.,
Downey,	Lee,	Roseberry,	Woodside,
Ely,	Leisey,	Rothenberger,	Yeakel,
Ewing,	Levy,	Royer,	Turner,
Fauset,			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 475, Printer's No. 448 was passed over at the request of Mr. KLINE.

BILL ON THIRD READING

Mr. WILKINSON. Mr. Speaker, I desire to call up at this time House Bill No. 979, Printer's No. 417, on page 30 of today's calendar, bill on third reading, which was passed over.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 979, as follows:

An Act defininig the rights powers and duties of collectors of county taxes except in counties of the second class and counties having local or special laws relating thereto and of collectors of city in cities of the third class borough town township school district and institution district taxes prescribing the liability of taxables and others for the payment of such taxes and the right of the collectors and taxing authorities to institute suit therefor and imposing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Powers and Authority of Tax Collectors (a) Every collector of county taxes except in counties of the second class and in other counties having local or special laws and every collector of city in cities of the third class borough town township school district and institution district taxes shall have power in case of the neglect or refusal of any person co-partnership association or corporation to make payment of the amount of any tax due by him her them or it within thirty (30) days from the time of demand for payment to levy the amount of such tax and costs not exceeding costs and charges allowed constables for similar services by distress and sale of the goods and chattels of such delinquent or of the goods and chattels of the husband of such delinquent wherever situate or found upon giving at least ten (10) days' public notice of such sale by posting ten (10) written or printed notices and by one advertisement in a newspaper of general circulation published in the county

(b) The collector of such taxes shall have power to demand receive and collect from any person firm or corporation occupying any real estate any and all taxes assessed against such real estate during his or its possession or occupancy and the goods and chattels of any such person firm or corporation shall be liable to distress

and sale for the non-payment of any such taxes in like manner as if they were the goods and chattels of the owner of such real estate

(c) The collector of such taxes shall have the power to demand receive and collect from all corporations political subdivisions and their various departments associations companies banks trusts companies firms or individuals employing persons or the husbands of any persons owing taxes or having in possession moneys belonging to any person or persons or the husbands of any person owing taxes upon the presentation of a written notice and demand containing the name or names of the taxable or taxables or the husband thereof and the amounts respectively due Upon the presentation of such written notice and demand it shall be the duty of any such corporation political subdivision or its various departments associations company bank trust company firm or individual to deduct from the wages or earnings of such individual employe or employes then owing or whose wife is owing or that shall within sixty (60) days thereafter become due or from the moneys of any such taxable or the husband thereof in its or his possession or that shall thereafter within sixty (60) days thereafter come into its or his possession a sum eufficient to pay the respective amount of taxes and costs shown upon the said written notice or demand and to pay the same to the tax collector of the taxing district in which such delinquent taxable resides within sixty (60) days after such notice shall have been given provided however such corporation political subdivision their various departments associations banks trust companies firms or individuals shall be entitled to deduct from the moneys collected from such employe the costs incurred from the extra book-keeping necessary to record such transactions not however to exceed two per centum of the amount of money so collected and paid over to the tax collector and upon the failure of any such corporation political subdivision association company bank trust company firm or individual to deduct the amount of such taxes and to pay the same over to the tax collector Less the cost of bookkeeping involved in such transaction as herein provided within the time specified as aforesaid such corporation political subdivision association company bank trust company firm or individual shall forfeit and pay the amount of such tax for each and every such taxable whose taxes are not withheld and paid over together with a penalty of ten per centum (10%) thereto to be recovered by an action of assumpsit in a suit to be instituted by the collector of taxes or by the taxing authorities of the district as debts of like amount are now by law recoverable except that such persons shall not have the benefit of any stay of execution or exemption law

Section 2 Collection by Suit by the Collector of Taxes and by the Taxing Authorities (a) Each such collector of taxes may institute a suit in assumpsit against a delinquent taxable or against the husband of a delinquent taxable for the collection of any real estate taxes due and unpaid fater the fifteenth day of May of the year following the year in which the taxes were levied and assessed if (1) the property against which such taxes were levied has not been returned to the county commissioners and (2) such taxes have not been certified for entry of liens and (3) such taxes are not held in the custody of a court as herein provided Execution may be had upon any such judgment recovered without any stay or benefit of any exemption law

(b) In addition to all other remedies provided by this act each taxing district shall have power to collect unpaid taxes from the persons owing such taxes or from the husband of such persons by suit in assumpsit or other appropriate remedies To each judgment obtained for such taxes there shall be added a penalty of ten per centum (10%) together with costs of suit Upon each such judgment execution may be issued without any stay or benefit of any exemption law The right of each such taxing unit to collect unpaid taxes under the provisions of this subsection shall not be affected by the fact that such taxes have been entered as liens in the office of the prothonotary or the fact that the property against which they were levied has been returned to the county commissioners

Section 3 Deputy Collectors Each such collector of taxes elected or appointed may with the approval of the respective taxing districts and surety deputize in writing one or more suitable deputy tax collectors who when so deputized shall be authorized to receive and collect any or all of the taxes in like manner and with like authority as the collector of taxes appointing them Provided That any such collector of taxes appointing any deputy collector shall be responsible for and account to the taxing authorities for all taxes received or collected by said deputy

Section 4 Defaulting Tax Collectors Embezzlemnt Penalty If any person charged with the collection safe-keeping or transfer of any such county township school city borough town or institution district taxes under any law or laws of this Commonwealth shall convert or appropriate the moneys so collected or any part thereof to his own use in any way whatever or shall use by the way of investment in any kind of property or merchandise any portion of the money so collected by him from such tax or taxes and shall prove a defaulter or fail to pay over the same or any part thereof at the time or times and place or places required by law to the person or persons legally authorized to demand and receive the same every such act shall be deemed and adjudged to be an embezzlement of so much of said money as shall be thus taken converted appropriated embezzled invested used or unaccounted for and is hereby declared a misdemeanor and every such collector of taxes and every person or persons whomsoever aiding or abetting or being in any way accessory to such act and being thereof convicted shall be sentenced to undergo imprisonment not exceeding five (5) years or to pay a fine not exceeding five thousand dollars ($5,000) or both at the discretion of the court

Section 5 Scope of Act Nothing contained in this act shall be construed as repealing or changing the existing laws providing for the return of seated real estate to the county commissioners for the collection of delinquent taxes nor the laws relating to the filing and collection of tax claims in and through the office of the prothonotary

Section 6 Repeal So much of all general acts heretofore passed as are inconsistent herewith are hereby repealed but this act shall not apply to any county taxes the collection of which is regulated by a local law or county taxes in counties of the second class

Section 7 Effective date This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

Mr. WILKINSON. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, lines 6 to 9 of title, by striking out the following: "prescribing" in line 6, all of lines 7 and 8, and the words "and taxing authorities to institute suit therefor" in line 9, and inserting in lieu thereof: "providing for the collection of such taxes by suit, distraint, lien and sale of the chattels of taxables and of tenants on the real estate effected, and from employers of delinquent taxables; authorizing the appointment of deputies by tax collectors; defining certain defaults of tax collectors as embezzlement;"

Amend Sec. 1, page 2, lines 14 and 15, by striking out the words: "or of the goods and chattels of the husband of such delinquent"

Amend Sec. 1, page 3, line 5, by striking out the words: "or the husbands of any persons owing" and inserting in lieu thereof: "owing per capita or occupation."

Amend Sec. 1, page 3, line 7, by striking out the words: "or the husband of any person"

Amend Sec. 1, page 3, line 10, by striking out the words: "or the husband thereof"

Amend Sec. 1, page 3, line 16, by striking out the words: "or whose wife is owing"

Amend Sec. 1, page 3, line 18, by striking out the words: "or the husband thereof"

Amend Sec. 2, page 4, lines 23 and 24, by striking out the words: "or against the husband of a delinquent taxable"

Amend Sec. 2, page 5, lines 7 and 8, by striking out the words: "or from the husband of such persons"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

ADDRESS BY MR. BRUNNER

Mr. BRUNNER asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, today this House unanimously passed House Bill 389 otherwise known as the Criminal Code. In view of the number of important measures on today's calendar and the length of today's session it was thought best to allow this measure to be voted upon without any accompanying statement prior to its consideration. However, it is felt that some information be placed on the record of this House which will further enlighten the membership as to the history of prior efforts and the necessity for the enactment of this Code at this session of the legislature.

For the past twenty-five years attempts have been made to compile a Criminal Code in Pennsylvania. Sincere attempts have been made during this period to enact this much needed legislation, but all such attempts fell short of their objection. Numerous commissions were empowered by past Legislatures to investigate the criminal law and procedure in Pennsylvania and subsequent reports were submitted. Despite the sincere, able, and scholarly efforts of these groups no legislation resulted to remedy the situation. Finally the Pennsylvania Bar Association agreed upon the present code as the means of accomplishing the much desired end, and John H. Fertig, Esquire, drafted House Bill 389 and this measure was introduced March 1st of this year.

The pink copies of this bill were dispatched by the subcommittee to members of the judiciary, the district attorneys and the presidents of the various bar associations. Over two hundred fifty letters were sent along with copies of the code. Said letters requested these respective groups to study this code and where possible to appoint committees to inspect this measure and report back to the sub-committee any suggestions or presently needed changes. The response to this request was very gratifying and of great assistance to the committee The number of detailed reports submitted were mute evidence of the widespread approval of the objectives of the measure and the necessity for its enactment.

To further state that there is a present need for this code would seem surplussage. The last codification of the Criminal Law of Pennsylvania was accomplished in 1860, seventy-nine years ago. Much of this was or has become obsolete and inconsistent and some portions of that code were badly drafted. It is interesting to note that House Bill No. 389 repeals legislation enacted as far back as 1715, two hundred and twenty-four years ago.

The sub-committee of the Judiciary Special Committee worked for eight weeks amending this measure and did so with no consideration of time or effort. Considerable work was done at home in conjunction with committee meetings and when all suggestions of the various county bar associations, district attorney's offices and members of the judiciary had been given careful consideration and the bill in its present form except for some typographical errors and several minor amendments represents what the committee believes is a good piece of legislation and a firm and substantial foundation for future study and further amendment.

In conclusion, as chairman of the sub-committee in charge of this code, I wish to thank for their pains-taking, unselfish and non-partisan efforts upon this bill the following members of this House who served with me during the past eight weeks: Messrs. Curran, Leydic, McVay, Cortese, Frank S. Moser, Hess, Jirolanio and Reuben E. Cohen.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 575.

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-nine evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 2, page 3, line 13, by inserting after the word "bear" the following: "either the signatures of the Governor the Auditor General and the State Treasurer or;" also in line 14, by striking out after the word "Treasurer" the word "and" and inserting in lieu thereof the following: "in which latter event such notes shall be countersigned by two officers of the Philadelphia National Bank (Loan and Transfer Agent of the Commonwealth) All such notes shall bear."

On the question,

Will the House concur in the amendments made by the Senate?

MESSAGE AND BILL LAID ON TABLE

Mr. WOODSIDE. Mr. Speaker, I move that the message together with the bill be laid upon the table.

The motion was agreed to.

The SPEAKER. The Republican members are going in Caucus on Monday afternoon. This is an important cau-

cus and the Chair hopes that every member will be there. It is the present intention of the House to meet on Friday of this coming week and members are therefore requested to govern themselves accordingly.

COMMITTEE MEETINGS

There will be meetings of the Committees on:

Liquor Control, Monday, May 1st, 1939 at 6:30 p. m. in Room 147.

Public Utilities, Wednesday, May 3, 1939 at 10 a. m. in Room 100.

There will be a Public Hearing before the Committee on Labor on House Bill 491 on Monday, May 1st at 4 p. m. in the Senate Caucus Room.

There will be a Republican Caucus in the House Caucus Room, Monday, May 1st, at 4 p. m.

There will be a Democrat Caucus in the House Caucus Room, Monday, May 1st, at 7 p. m.

ADJOURNMENT

Mr. JAMES. Mr. Speaker, I move that this House do now adjourn until Monday, May 1, 1939, at 8 p. m.

The motion was agreed to, and (at 4:29 p. m.) the House adjourned until Monday, May 1, 1939, at 8 p. m.

COMMONWEALTH OF PENNSYLVANIA

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SENATE

MONDAY, May 1, 1939.

The Senate met at 8:00 o'clock, p. m. E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

O Heavenly Father of us all, as we feel the tension of international relationships and understand something of the feeling of uncertainty among the nations of the earth, may we as a nation firmly grasp the safe anchorage we already possess in Thy eternal purpose for the universe, the authenticity of thy Holy Word, the gracious gift of Thy Son and the ultimate victory of the right.

Amidst the tempestuousness of life's unresting sea, do Thou be the helmsman of our frail little bark plying its waters bearing a cargo more precious in Thy sight than the value of the whole cosmic sphere—our own souls.

And when the storms of life which lash the waves into a vertitable fury as we live and labor together even when we wrestle with the problems of proposed legislation here in the Senate, may we always be secure in our personal life and living that whatever may be the disturbing and distracting element it is not and cannot be equal to or greater than Thou art.

Thou dost still live and rule the world.
"Our little systems have their day,
They have their day and cease to be;
They are but broken lights of Thee,
But Thou, O Lord, art greater than they."

We pray for courage to fight for the right, for strength to endure throughout that fight and leave the results with Thee for "man's extremity is God's opportunity."

Let us "never be weary in well-doing, for in due season we shall reap if we faint not." We pray in Jesus' name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. JAMES the further reading was dispensed with, and the Journal was approved.

QUESTION OF PERSONAL PRIVILEGE

Mr. JASPAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Jaspan, will state his question of personal privilege.

Mr. JASPAN. Mr. President, I rise to speak in defense of a principle which has become as sacred as our love for God and as cherished as our democratic form of Government. It is a principle for which the founders of our country have desperately fought and for the preservation of which their successors have consecrated their lives. It is, in truth, the arch-stone of our national existence and clearly distinguishes the American institutions from those which predominate in Europe. The right of every American to freely express his opinion is inherent in each of us, and when that right is alienated, we sink into the maelstrom which is now engulfing a large part of our civilized world.

I am not concerned about myself when I am deprived of the right to express my views concerning certain deplorable conditions in Pennsylvania, nor do I despair of my own political future. But when an element of the Republican Party in this State seeks to gag a chosen representative of the people, because he is attempting to fulfill the trust that thousands of them have placed in him, it has chosen a path which is deeply regrettable. Such a path leads directly away from the lesson and example of history. It is well to give thought to the words of the great English Statesman, Disraeli:

> "It is not where we stand today which determines our future, but the direction in which we are moving."

A number of members in the Republican Party of this State, however, have apparently become inebriated with their newly acquired power, after the four years in which the Party had been held in political bondage. These members are beginning to act not unlike some European dictators who, after they had attained the helms of their separate governments with the aid of the oppressed people, immediately subjected their compatriots to greater oppression than that against which they originally rebelled.

It was Henry Ward Beecher who stated:

> "There is a tonic in the things men do not love to hear; and there is damnation in the things that wicked men love to hear. Free speech is to a great people what winds are to oceans and malarial regions, which waft away the elements of disease, and bring new elements of health, and where free speech is stopped miasma is bred, and death comes fast."

And the famous East-Indian poet and educator, Sir Rabindranath Tagore, said:

"Political freedom will not give us freedom when our mind is not free."

And the illustrious French writer and statesman, Voltaire, about two hundred years ago, declared:

"I do not agree with a word that you say, but I will defend to the death your right to say it."

I trust that my distinguished colleague, the majority floor leader will allow himself sufficient time to reflect and survey the course he is pursuing.

I have definitely in mind his attempt to suppress speech on March 20, 1939, his attempt two weeks ago to expunge from the records remarks made by our distinguished Senator from Fayette and on many occasions having resorted to technicalities to avoid discussions of matters, after he, himself, had already made his remarks, and last but not least, his meeting with Republican Senators and Representatives during our recess and interviewing department heads and commission members without minority representation. Am I to believe, that in his attempt to enact legislation, he would destroy every vestige of representative form of government.

Fortunately for us, our Lt. Governor has been fair and reasonable with our group in our exercise of freedom of speech. I can safely say that if he were to do the bidding of the Senator from Tioga, there would be little or no freedom of speech in our halls. However, the Senator from Tioga was successful in suppressing free speech on March 20, 1939. Not knowing what to say or answer he resorted to every Parliamentary trick to curtail speech, and succeeded.

As for myself, I am comforted by the thought of Charles Sumner, that eminent American statesman who succeeded Daniel Webster in the United States Senate:

"I honor any man who, in the conscious discharge of his duty, dares to stand alone. The world, with ignorant, intolerant judgment, may condemn, the countenance of relatives may be averted, and the hearts of friends grow cold, but the sense of duty done shall be sweeter than the applause of the world, the countenances of relatives, or the hearts of friends."

I shall now cite a portion of Scripture because I believe it to be apropos of what took place in the Senate on March 20, 1939.

"And it came to pass that Isaac was old and his eyes were dim so that he could not see, he called Esau, his eldest son, and said unto him, "My son-behold, here am I —go out to the field and get me some venison—and bring it to me, that I may eat; that my soul may bless thee before I die." And Rebecca—took goodly raiment of her eldest son, Esau, which were with he in the house, and put them upon Jacob, her younger son, and she put the skins of the kids of goats upon his hands, and upon the smooth of his neck, and she gave the savory meat and bread which she had prepared, unto the hand of her son Jacob, and he came unto his father and, 'I am Esau, thy first born—.' And Isaac said unto his son, 'How is it that thou has found it so quickly, my son?' And Isaac said unto Jacob, 'Come near, I pray thee, that I may feel thee, my son, whether thou be my very son Esau or not.' And Jacob went near Isaac, his father, and he felt him and said, 'The voice is Jacob's voice, but the hands are the hands of Esau.' And it came to pass—that Esau, his brother, came in from his hunting—and he said, 'Hast thou not reserved a blessing for me?' And Isaac answered and said unto Esau, 'Behold, I have made him thy Lord and all his brethren have I given to him for servant, and with corn and wine have sustained him. What shall I do now unto thee, my son?"

And indeed, what shall be done now to all of you, who but a short while back in unstoppable haste, rushed through this body House Bill No. 338 that sold the birthright of the gas users of Philadelphia and other utility service users of Pennsylvania, to the voice that was Esau but whose hand was of Jacob for a mess of Pottage.

On March 20, 1939, in discussing that bill, I rose in this Senate, after being called out of order, at the instance of the Senator of Tioga County, to explain my vote, having been denied the right to discuss it at the proper time.

"According to this legislation the Gas Company will be allowed to fix any rates it chooses without supervision or regulation by any agency in the state except the Gas Commission of Phila., a body made up of five members, two of whom shall be elected by City Council from amongst its members, one shall be appointed by the Mayor of the city, one by the Gas Company and one shall be the City Controller. In other words, the City of Phila. in its desperate exigency is called upon not only to sell the future of its most valuable piece of property, but is asked to join in a scheme to remove from the citizens of Philadelphia their last safe-guard against increased gas rates already burdensome, in order to guarantee Dougherty's company the unrestricted right to collect heavy fees from the users of gas while at the same time giving the U. G. I. and its subsidiaries access to a gold mine of its own.

"Mr. Dougherty has struck a hard bargain, not conceding a single point to the City or its gas-users for he even dictated in his proposal that he reserved the right to change its terms until all his demands were first satisfied and even after the City accepted his offer and the Supreme Court declared that plan legal he could still refuse to fulfill his end of the bargain without any penalty."

"This bill, of enacted, will perpetuate a gross fraud on an unsuspecting public and municipalities as well."

Now what has been the result of all this. My fears have been justified, my predictions verified. While I am not a seventh son of a seventh son, nor was I born in a caul, I make this prediction at this hour on this very day that A. Webster Dougherty will never pay a cent of that money, and I don't believe ever intended to. It is my honest belief based on all the evidence on hand that the purpose of all these machinations of which this bill is a part and to which some of you lent to ready a credulous ear, was not to effect a sale of the gas rentals as could easily have been stated in a bill drafted for the purpose, but to free the U. G. I. and certain other utilities in the State of Pennsylvania from P. U. C. control.

I declare that the proposition offered by Dougherty was a subterfuge. He started his corporation with a paid-in capital of $500.00. I asked in that speech to which I have already made mention, are Webster Dougherty and the U. G. I. arms of the same pesons. By that I meant that I suspected that Dougherty was not making a bona fide offer because he had no money to back the grand show and he hasn't until this day. Where could he pos-

sibly have gotten the $50,000,000.00 to purchase the gas rentals.

And so we and the Supreme Court of Pennsylvania joined in this solemn farce to grant free movement to the U. G. I and its allies to perfect a scheme which I then declared to be nefarious.

This bill which is now an act relieved the P. U. C. of continuing jurisdiction over the gas rates in Phila. and other counties, as well, where the city or municipality owns the property, but it is operated by a private utility. It also removes the municipality owned utilities in the State from the protection and benefits of the Public Utility Law of 1937. Several hundred municipal corporations—usually water works, and lighting plants, etc. affecting hundreds and thousands of consumers are thereby adversely affected. Very few if any municipal corporations can afford to maintain engineers, accountants, and other experts which the Public Utilities Commission now provides for the supervision of the utility services, and without such expert supervision the health and safety of hundreds of thousands of our citizens are seriously jeopardized.

Under the Public Service Company Law of July 26, 1913, effective January 1, 1914 (predecessor of the present Public Utility Law) in Article 2, Section 1 (i), and Article 5, Section 15, municipally owned utilities under the protection and supervision of our State regulatory body. So you can see that under the laws of 1913 and 1937, municipalities owning utilities and municipality-owned utilities operated by private utilities and utilities generally had the protection and supervision of the State Regulatory body, and House Bill No. 338 removes the protection of the P. U. C. over municipally-owned plants and municipally-owned but privately operated plants setting the clock back more than 25 years and forcing hundreds of communities in our State to be governed by primitive utility standards.

Notwithstanding this bill was passed in order to help Phila. obtain money from Mr. Dougherty of the Philadelphia Corporation who had agreed to purchase the gas rentals for $50,000,000.00.

Yes, this was termed an emergency bill, when I asked whether or not it was an emergency this is the answer from our majority floor-leader:

Mr. OWLETT. Mr. President apparently it is. It has passed the House and it is now in the Senate. It was considered by the Committee on Public Utilities and reported out last Tuesday. It has had two readings and is now on final passage. Last Wednesday when this bill passed second reading the statement was made by some of our Democratic colleagues that they wanted a hearing on this bill, that it vitally affected Philadelphia, and they wished to be heard on it. We wanted to give them the hearing requested, but we do not propose that through a motion to recommit, the opportunity of the Senate to finally pass this bill, if it is determined it should be passed, should be prevented by this motion to recommit.

I consider this a very weak and feeble answer and absolutely meaningless, and was merely an attempt by our friend to evade the issue and to avoid frank discussion of the provisions of the bill. The U. G. I., holding company of the Phila. Gas Works wanted it so that they could be free to do as they pleased with the Gas Works Company, and fix whatever rates they saw fit.

Yes, we have a Gas Commission, whose duty it is to fix rates, but who are they? Examine the personnel closely and ask yourself whether or not they will do the bidding of the U. G. I, or its rate-payer. Further, have they the experts, engineers, and accounts to make the proper survey of the activities of the Gas Works with a view to determining the best rates for the rate-payer. Of course, not.

And if I should be charitable enough to suppose that the Councilmen of Philadelphia County have been acting in good faith, how are we to characterize their blundering mishandling of this whole deal? Are they businessmen or puppets dancing to the pull of a string whose other end is in a masters hands and who calls the tune? Whatever you may chose to decide on this point, the simple fact remains that after months of muddling through, after broken promises to the body that the deal would be closed in a matter of days after we pass this bill, the deal was not consummated. In fact, I was told by city councilmen who were present when this bill passed that the city would get the fifty million dollars from Dougherty's corporation on March 22, 1939, but they haven't received a ten cent piece from anybody in that deal. I am safe in saying that neither Mr. Dougherty's company nor any banker will purchase the rentals for fifty million dollars. However, the law still remains on our books, passed under the pretext that would help Philadelphia, but actually designed to assist the utilities.

I attempted to give you the facts relating to this legislation but was denied the opportunity until after the bill had passed. It was then too late. I personally believe that if all the facts had been presented to this honorable body, House Bill No. 338 would not have been law today.

Tonight I intend to introduce a bill repealing this particular act. I wonder whether this bill will be reported out and acted on with the haste that House Bill 335 was enacted. I am inclined to believe that the utilities through their lobbyists will move heaven and earth to check it. Today is May Day for the utilities. Examine the calendar and see for yourselves. One bill in particular on the calendar, Senate Bill No. 670, contains jokers which destroys the very purpose of rural electrification. When I recognized this joker, I immediately contacted John Carmody, chief of the rural electrification administration in Washington and he has since publicly stated that Senate Bills 669 and 670 take the heart out of the rural electrification. These bills bear the hand writing of the public utilities—Roosevelt's article. Are we here to do the bidding of the Utilities or the ratepayers? Time will tell.

In closing may I say:

"Are we proud of our share in that deal? Are you Senators, who voted for the bill, who even voted against fair public hearings, satisfied with what you have done? Or will you rise in defense of your prestige and undo this wretched deal to which you have been unwilling accomplices?"

I hardly blame you for the reason that you were cajoled into the belief that this bill was intended to serve one

purpose when in fact it was designed primarily to serve the utilities.

"And oftentimes excusing of a fault
Doth make the fault worse by the excuse."

Let us say with Lincoln,

"Let us have faith that right makes might;
And in that faith, let us to the end,
Dare to do our duty as we understand it."

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF WEST CHESTER STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 1, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In confromity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of West Chester State Teachers College, for terms of four years and until their successors are qualified:

Mrs. Edith Wood Powell, Leopard & Newton Roads, Devon, Chester County.

Gibbons Gray Cornwell, Jr., 401 North Franklin St., West Chester, Chester County.

Ashmore Clark Johnson, R. D., Coatesville, Chester County.

Albert V. Hart, Roundtop, West Chester, Chester County

Raymond S. Shortlidge, South Valley Road, Paoli, Chester County.

Fred S. Woods, West Chester, Chester County.

Mrs. Anna Bertle Cooper, Woodlawn Farm, Pineville, Bucks County.

Mrs. Mary Hagaman Beerer, 1303 DeKalb St., Norristown, Montgomery County.

Mrs. Frances Price Donahoo, 2428 Edmont Avenue, Chester, Chester County.

ARTHUR H. JAMES.

NOTARIES PUBLIC

He also presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 28, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 34, Printer's No. 81, entitled "An act to further amend section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the incurring of temporary indebtedness and the repayment thereof."

APPROVED AND SIGNED SENATE BILLS NOS. 39, 147 and 186.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 1, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 39, Printer's No. 17, entitled "An Act Validating county treasurers sales for delinquent taxes when the reports and returns of such sales were made to the court of common pleas and the deeds thereto were executed and acknowledged by an attache of the office of the county treasurer and not by the county treasurer as required by law

Senate Bill No. 147, Printer's No. 45, entitled, "An Act to amend an act approved the twenty-first day of July, one thousand nine hundred and thirteen, (P. L. 863), entitled "A supplement to an act approved the eleventh day of June, one thousand eight hundred seventy-nine, entitled 'An act to authorize Cities of the first class to levy and fix a tax rate, to fix the time of opening and closing the tax duplicates, to regulate the appropriations and expenditures of said cities, and prescribing penalties for the violation of the provisions of this act,'" by providing that the same shall not apply to the books of personal property taxes, and to extend the time for the opening of the books, and the payment of personal property taxes.

Senate Bill No. 186, Printer's No. 29, entitled, "An Act to amend subsection twelve of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by empowering townships of the second class to prohibit the storage of abandoned and junked automobiles

ARTHUR H. JAMES.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 197, (Senate Bill No. 762), entitled:

An Act providing that officers and employes of the Commonwealth, who are members of the Officers Reserve Corps of the United States Army shall be entitled to leaves of absence without loss of pay, time or rating while engaged in active service or in field training.

Which was committed to the Committee on Military Affairs.

House Bill No. 222, (Senate Bill No 763), entitled:

An Act to promote interstate cooperaton for the conservation and protection of water resources in the Delaware River Basin.

Which was committed to the Committee on State Government.

House Bill No. 266, (Senate Bill No. 764), entitled:

An Act to further amend section two of the act, approved the fourth day of June, one thousand nine hundred and fifteen (P. L. 828), entitled "An act to provide revenue by

imposing a State tax upon sales or agreements to sell or memoranda of sales of stock, and upon deliveries or transfers of shares or certificates of stock in domestic and foreign corporations, copartnership associations, and joint-stock associations; providing the manner of collecting such tax; and prescribing penalties," by further extending the exemptions from the tax imposed by the said act.

Which was committed to the Committee on Finance.

House Bill No. 322, (Senate Bill No. 765), entitled:

An Act to repeal the act, approved the second day of June, one thousand nine hundred and thirty-seven (P. L. 1193), entitled "An act to protect the public against fraud and deception; regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to securing permit or permits for pumps or outlet used therein; prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof; conferring powers and imposing duties on the Department of Revenue and prescribing penalties."

Which was committed to the Committee on Finance.

House Bill No. 492, (Senate Bill No. 766), entitled:

An Act to amend Section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "Intangible Personal Property Tax Law" as amended, by excluding stages, omnibuses, hacks, cabs, and other vehicles used in transporting passengers for hire, owned, used, or possessed within this Commonwealth by any persons, or by any corporate body or bodies from the provisions thereof.

Which was committed to the Committee on Finance.

House Bill No. 701, (Senate Bill No. 767), entitled:

An Act to further amend clause (c) of section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" restoring after a certain period the exemption of that portion of the capital stock of certain corporations joint-stock associations limited partnerships and companies which were formerly exempt

Which was committed to the Committee on Finance.

House Bill No. 771, (Senate Bill No. 768), entitled:

An Act to amend sections one and two of the act approved the second day of March one thousand nine hundred and thirty-three (P. L. 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock, farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" as amended further changing fees and agencies from whom borrowing may be made.

Which was committed to the Committee on Agriculture.

House Bill No. 872, (Senate Bill No. 769), entitled:

An Act to amend section seven of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (P. L. 1319) entitled "An act to establish a State village for feeble-minded women providing for the appointment of a board of managers to select a tract of land for that purpose in the State forest reserve and to erect and furnish buildings on the same and to manage said institution and providing for the commitment thereto of feeble-minded females between the ages of sixteen and forty-five years defining the powers and duties of the board of managers and making an appropriation for the purposes aforesaid also for the expenses of maintenance until June one one thousand nine hundred and fifteen" changing the qualifications of the superintendent of said State village

Which was committed to the Committee on Welfare.

House Bill No. 896, (Senate Bill No. 770), entitled:

An Act to amend section 2504 of the act approved June twenty-third one thousand nine hundred thirty-one (P. L. 932) entitled, "Third Class City Law," poviding a method for the valuation of real property for taxation purposes.

Which was committed to the Committee on Municipal Government.

House Bill No. 962, (Senate Bill No. 771), entitled:

An Act permitting railroad corporations to fix in their by-laws the time for annual and other meetings and the election of directors.

Which was committed to the Committee on Public Utility.

House Bill No. 1064, (Senate Bill No. 772), entitled:

An Act to repeal section eight of the act approved the twelfth day of July one thousand nine hundred and nineteen (P. L. 941) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reporters expert typewriters clerks and other employes and providing for their compensation and mileage providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts or parts of acts inconsistent herewith" in so far as it relates to the preparation printing binding and distribution of the Separate Journal of the House of Representatives.

Which was committed to the Committee on State Government.

House Bill No. 1167, (Senate Bill No. 773), entitled:

An Act relating to the superannuated members of the State Employes' Retirement System and preserving retirement rights in case of sudden and unexpected death.

Which was committed to the Committee on State Government.

House Bill No. 1193, (Senate Bill No. 774), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell seven lots of ground with the messuages thereon if any and providing for the disposition of the proceeds derived as a result of sale of such lots

Which was committed to the Committee on State Government.

House Bill No. 1212, (Senate Bill No. 775), entitled:

An Act providing for the refund of certain moneys by the Pennsylvania Turnpike Commission to the Department of Internal Affairs for the payment of salaries of employes heretofore or hereafter loaned to the said commission.

Which was committed to the Committee on State Government.

House Bill No. 389, (Senate Bill No. 776), entitled:

An Act to consolidate, amend and revise the penal laws of the Commonwealth.

Which was committed to the Committee on Judiciary General.

House Bill No. 463, (Senate Bill No. 777), entitled:

An Act to further amend section two hundred and forty-six of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," changing the qualfications of the district attorney.

Which was committed to the Committee on County Government.

House Bill No. 709, (Senate Bill No. 778), entitled:

An Act for the protection of the public health by prohibiting the adulteration, misbranding, false labeling and false advertising of drugs including cosmetics and of instruments, apparatus, contrivances, accessories and other devices used in the diagnosis, cure, mitigation, treatment and prevention of disease; providing for the detention, embargoing, seizure and destruction of unlawful drugs, cosmetics and devices; regulating dealing in new drugs; conferring powers and imposing duties on the State Board of Pharmacy; and providing penalties.

Which was committed to the Committee on Public Health.

House Bill No. 722, (Senate Bill No. 779), entitled:

An Act to amend section four; sectons nine, ten, and fifteen, as amended; and sections seventeen, twenty-one, twenty-eight of an act approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred seven) entitled "Municipal Claim and Tax Lien Law," making additional provisions for the filing and consolidation of tax claims, providing further procedure for preserving such liens and enforcing payment of such claims.

Which was committed to the Committee on Municipal Government.

House Bill No. 804, (Senate Bill No. 780), entitled:

A Supplement to the act approved the first day of May, one thousand nine hundred and twenty-one (Pamphlet Laws 1216), entitled "Real Estate Brokers License Act of 1929," by excluding certain persons from the provisions of said act and exempting certain persons from taking an examination.

Which was committed to the Committee on Education.

House Bill No. 963, (Senate Bill No. 781), entitled:

An Act to amend section one of an act approved the twenty-fourth day of March, one thousand eight hundred and sixty-five (Pamphlet Laws 49) entitled "An act supplementary to an act, regulating railroad companies, approved the nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine," as amended by an act approved the 2nd day of July, one thousand nine hundred and thirty-seven (Pamphlet Laws 2852) entitled "An act to amend the act approved the twenty-fourth day of March, one thousand eight hundred and sixty-five (Pamphlet Laws 49) entitled 'An act supplementary to an act, regulating railroad companies, approved the nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine,' so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases, and modifying limitations, restrictions and conditions under which such consolidation or merger may be made, the effect thereof, and the rights of dissenting stockholders," so as to provide for consolidation or merger of corporations authorized to do business in this State.

Which was committed to the Committee on Public Utility.

House Bill No. 964, (Senate Bill No. 782), entitled:

An Act to amend further section fourteen of an act approved the seventh day of August one thousand nine hundred thirty-six (P. L. 106) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and co-operation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" as reenacted and amended by conferring additional powers on the Department of Highways.

Which was committed to the Committee on Forestry, Game and Fish.

House Bill No. 1074, (Senate Bill No. 783), entitled:

An Act to amend sections one and two of the act approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2460), entitled "An act creating a joint legislative commission, to be known as the Joint State Government Commission; providing for the appointment of its members; and defining its powers and duties," by changing the number and term of members; further defining their powers and duties; and terminating the terms of members now in office.

Which was committed to the Committee on State Government.

House Bill No. 1131, (Senate Bill No. 784), entitled:

An Act to amend the act, approved the twentieth day of May, one thousand nine hundred and thirty-seven, (Pamphlet Laws 728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the board; and fixing the compensation of members and employes thereof; providing that the awards of such board shall be final; providing for the payment of awards; and authorizing an appropriation" by constituting said board a departmental administrative board in the Department of the Auditor General, by increasing the compensation of the members of said board, by making further provision with regard to the procedure of said board and the disposition by it, and payment, of costs of proceedings before it.

Which was committed to the Committee on State Government.

House Bill No. 1253, (Senate Bill No. 785), entitled:

A Supplement to the act, approved the eighth day of June, one thousand nine hundred twenty-three (Pamphlet Laws, six hundred eighty-five) entitled, "An act prescribing the fees for the office of the Secretary of the Commonwealth," as amended, providing for additional fees to be charged and collected by the Department of State.

Which was committed to the Committee on State Government.

House Bill No. 1297, (Senate Bill No. 786), entitled:

An Act to further amend section five, and to amend section six, of the act, approved the third day of May, one thousand nine hundred and nine, (P. L. 395), entitled "Commercial Feeding Stuffs Laws,' authorizing the Secretary of Agriculture to make rules and regulations and establish standards; further regulating the taking of samples; and changing and providing penalties.

Which was committed to the Committee on Agriculture.

BILL INTRODUCED

Mr. JASPAN Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JASPAN read in place and presented to the Chair Senate Bill No. 787, entitled:

An Act to further amend clause ten of section two and section three hundred and one of act, approved the twenty-eight day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or public highways, to appropraite property for the construction or improvement of such crossings, and to award or apportion resultar costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation; the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by including with the definition of "Facilities" as used therein, property owned by municipal corporations, so as to make the same subject to regulation by the commission and to empower the commission to fix the rates of any operating agency of any municipal corporation.

Which was committed to the Committee on Public Utilities.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL No. 83

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 83, entitled:

An Act to amend section one of the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 694) entitled "An act providing for the payment monthly by the counties to the Department of Revenue of the expenses of keeping convicts in State penitentiaries" by imposing upon the State the keeping of certain convicts.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 320

He also returned to the Senate, Senate Bill No. 320, entitled:

An Act to amend section seven of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending powers and duties of boards of prison inspectors of penitentiaries" by changing the provisions thereof as to the contents of record to be furnished wardens by clerks of the courts of quarter sessions.

with the information that the House has passed the same without amendments.

BILLS SIGNED

The PRESIDENT, (Lieutenant-Governor Samuel S. Lewis), announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 83, entitled:

An Act to amend section one of the act, approved the twenty-fifth day of April, one thousand nine hundred twenty-nine (P. L. 694), entitled "An act providing for the payment monthly by the counties to the Department of Revenue of the expenses of keeping convicts in State penitentiaries," by imposing upon the State the keeping of certain convicts.

Senate Bill No. 320, entitled:

An Act to amend section seven of the act, approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," by changing the provisions thereof as to the contents of record to be furnished wardens by clerks of the courts of quarter sessions.

Whereupon,

The PRESIDENT, (Lieutenant-Governor Samuel S. Lewis), in the presence of the Senate signed the same.

HOUSE MESSAGES

AMENDMENT TO HOUSE BILL NO. 483 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 483, entitled:

An Act regulating the appointing or election of deputy controllers in cities of the second class A; and prescribing their powers and duties.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendments will be printed on tomorrow's Calendar.

AMENDMENT TO HOUSE BILL NO 576 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 576, entitled:

An Act to further amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-three (P. L. 223, 1933-34), entitled "Veterans Compensation Act" as amended, extending the time during which application may be filed for veterans' compensation.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is rquested.

Said amendments will be published on tomorrow's Calendar.

REPORT FROM COMMITTEE

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF WEST CHESTER STATE TEACHERS COLLEGE

Mr. EALY, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg,

Mrs. Edith Wood Powell, Leopard & Newton Roads, Devon, Chester County.

Gibbons Gray Cornwell, Jr., 401 North Franklin St., West Chester, Chester County.

Ashmore Clark Johnson, R. D., Coatesville, Chester County.

Albert V. Hart, Roundtop, West Chester, Chester County.

Raymond S. Shortlidge, South Valley Road, Paoli, Chester County.

Fred S. Woods, West Chester, Chester County.

Mrs. Anna Bertle Cooper, Woodlawn Farm, Pineville, Bucks County.

Mrs. Frances Price Donahoo, 2428 Edmont Avenue, Chester, Chester County.

ARTHUR H. JAMES.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 1, 1939, by His Excellency, the Governor of the Commonwealth, together with the nominations just reported from Committee.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 1, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointments as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Oscar R. Linn, Pittsburgh, 235-237 Water Street.

George F. Miller, North Versailles Twp., Enginehouse, P. R. R., Pitcairn.

BERKS COUNTY

Harry C. Millet, Reading.

DELAWARE COUNTY

Stephen R. Manley, Yeadon.

ERIE COUNTY

Miss Elva H. Johnson, Erie.

LUZERNE COUNTY

Frank P. Scrudato, Pittston.

Earl West, Kingston.

McKEAN COUNTY

Harold C. Cole, Bradford.

MERCER COUNTY

Jack W. First, Mercer.

PHILADELPHIA COUNTY

Miss Shirley J. Frith, Phila., 701 Phila., Sav. Fund Building.

Henry Happ, Phila., 1312 East Haines Street.

Miss Margaret E. Johnston, Phila., 1810 Girard Trust Building.

Jacob Kattelman, Phila., Independence Building.

Holman G. Knouse, Phila., 321 Weightman Building, 1524 Chestnut Street.

Miss Florence E. Lindsay, Phila., Heymann Building, 213 S. Broad Street.

P. J. Merrigan Phila., 5316 Kingsessing Avenue.

Harold R. Sharpe, Phila., 3258 North Front Street.

WASHINGTON COUNTY

R. A. Brownlee, Claysville.

YORK COUNTY

Miss Edna Harnish, West York.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 1, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

ALLEGHENY COUNTY

John W. Ford, Pittsburgh, 700 Koppers Building, May 7, 1939.

DAUPHIN COUNTY

Miss Margaet E. Hepford, Harrisburg, May 29, 1939.

SCHUYLKILL COUNTY

Edward L. Burmeister, Ashland, May 29, 1939.

ARTHUR H. JAMES.

Mr. FREY. Mr. President, will the Chair please have the nominations to the Board of Trustees of West Chester State Teachers College read again?

The PRESIDENT. The Clerk will re-read the nominations.

The Clerk read the nominations as follows:

Mrs. Edith Wood Powell, Leopard and Newton Roads, Devon, Chester County.

Gibbons Gray Cornwell, Jr., 401 North Franklin St., West Chester, Chester Couunty.

Ashmore Clark Johnson, R. D., Coatesville, Chester County.

Albert V. Hart, Roundtop, West Chester, Chester County.

Raymond S. Shortlidge, South Valley Road, Paoli, Chester County.

Fred S. Woods, West Chester, Chester County.

Mrs. Anna Bertle Cooper, Woodlawn Farm, Pineville, Bucks County.

Mrs. Frances Price Donahoo, 2428 Edmont Avenue, Chester, Chester County.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. FREY,

That Rule 38 which requires nomination made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nomination.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. FREY.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Frey,	Letzler,	Scarlett,
Cavalcante,	Gelder,	Mallery,	Shapiro,
Chapman,	Geltz,	McCreesh,	Sipe,
Coleman,	Gilson,	McGinnis,	Snowden,
Crowe,	Haluska,	Miller,	Stevenson,
Dando,	Heyburn,	Mundy,	Stiefel,
Deitrick,	Homsher,	Owlett,	Tallman,
Dent,	James,	Pierson,	Thomas,
DiSilvestro,	Jaspan,	Reed,	Walker,
Ealy,	Kilgallen,	Rice,	Wolfenden,
Edmonds,	Kunkel,	Ruth,	Woodward,
Farrell,	Lanius,		

NAYS—0

Two-third of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILLS INTRODUCED

Mr. CHAPMAN read in his place and presented to the Chair Senate Bill No. 788, entitled:

An Act making an appropriation to the Pennsylvania State Department of Health, for reseach work in determining the cause and prevention of dental caries (tooth decay) in maternal and child studies.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 789, entitled:

An Act creating a State Tax Commission, and defining its powers and duties, in relation to the assessment of real estate for taxation and the ascertainment of the true market value of taxable real estate for the distribution of school subsidies and the true value of other real estate and in relation to tax statistics and budgetary procedures.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 790, entitled:

An Act to further amend the title and sections one and three of act, approved the tenth day of April, one thousand nine hundred thirty-one (P. L. 23), entitled, as amended "An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute, located on the left bank of Oil Creek, in Oil Creek Township or Cherry Tree Township, or both, Venango County, to establish the Drake Well Memorial Park, under the control and supervision of the Department of Forests and Waters; empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth; and making an appropriation," by placing the memorial under the supervision and control of the Pennsylvania Historical Commission.

Which was committed to the Committee on State Government.

Mr. CROWE read in his place and presented to the Chair Senate Bill No. 791, entitled:

An Act to amend section two of the act, approved the first day of June, one thouusand nine hundred and thirty-three, (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," as amended, by adding certain new routes in certain boroughs of the County of Carbon.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 792, entitled:

An Act to amend sections three hundred ten and three hundred eleven of the act, approvd the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by providing for monthly returns and payments by issuing agents.

Which was committed to the Committee on Forestry, Game and Fish.

He also read in his place and presented to the Chair Senate Bill No. 793, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one, (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such higways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes in the County of Carbon.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 794, entitled:

An Act to further amend sections two hundred twenty-three, two hundred twenty-four and two hundred twenty-five of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundaries, lakes and boundary rivers of the Commonwealth," by providing for monthly retuurns and payments by issuing agents.

Which was committed to the Committee on Forestry, Game and Fish.

Mr. HEYBURN read in his place and presented to the Chair Senate Bill No. 795, entitled:

An Act to authorize any Authority organized under the Municipality Authorities Act of one thousand nine hundred and thirty-five as amended to contract with any county or commission thereof in an adjoining State with respect to the financing construction operation and maintenance of an interstate tunnel providing for the issuance of revenue bonds the execution to trust indentures and the fixing of tolls and providing for the acquisition of franchises permits and real and personal property; conferring powers upon such Authority and such county or commission and exempting from taxation within the Commonwealth any such tunnel the property and revenues therefrom and the bonds of such authority county or commission issued to finance such tunnels.

Which was cimmitted to the Committee on Municipal Government.

He also read in his place and presented to the Chair Senate Bill No. 796, entitled:

An Act to amend section nine of the act, approved the twenty-second day of December, one thousand nine hundred thirty-three (P. L. 108), entitled, "An act providing for the construction of a tunnel or tunnels between the State of New Jersey and the Commonwealth of Pennsylvania under the Delaware River, and the issuance of permits therefor," by providing for the assignment of such permits in certain cases, and making further provisions with respect to the collection of tolls.

Which was committed to the Committee on Municipal Government.

He also read in his place and presented to the Chair Senate Bill No. 797, entitled:

An Act to further amend the title and section one of, and to add section three to, the act approved the fourth day of May, one thousand nine hundred and twenty-seven (Appropriation Acts, P. 32), entitled as amended, "An act authorizing the Department of Forests and Waters to acquire, repair, restore, and maintain the birthplace of John Morton, in the Borough of Prospect Park, and making an appropriation," by transferring the control, management, supervision, restoration, and maintenance of the said memorial and the power to make and enforce rules and regulations for the preservation and visation thereof to the Pennsylvania Historical Commission

Which was committed to the Committee on State Government.

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 798, entitled:

An Act to amend sections 1, 5, 8, 13, 14, 15, 16 and 17 of the act, approved the fourth day of June, one thousand nine hundred and thirty-seven (P. L. 1625), entitled "An act providing for the creation, maintenance and operation of a county employes retirement system in counties of the third class; and imposing certain charges on counties," by changing the definition of "County Employe," and "Retirement Allowance;" providing for the simplification of accounting; eliminating officers from the provisions of this act; changing rates of interest allowed on certain payments; and clarifying other provisions of this act.

Which was committed to the Committee on County Government.

He also read in his place and presented to the Chair Senate Bill No. 799, entitled:

An Act declaring and defining certain acts and actions in, on, and about historical properties, parks, memorials, and markers to be offenses against the Commonwealth; defining the nature of the same and describing penalties, fines and imprisonment; authorizing the Pennsylvaia Historial Commission to promulgate rules and regulations for the use of such properties.

Which was committed to the Committee on State Government.

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 800, entitled:

An Act requiring the court, in imposing sentence, to include in such sentences, the costs of keeping the person in the institution to which he is sentenced, for the term as fixed by the court, providing such person is or shall become, during such terms, financially able to pay for the same.

Which was committed on the Committee of Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 801, entitled:

An Act to further amend the title and sections three and four of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1667), entitled as amended "An act authorizing the Pennsylvania Histori-

cal Commission, on behalf of the Commonwealth of Pennsylvania, to acquire all real and personal property included in the Conrad Weiser Memorial Park, in Heidelberg Township, Berks County, from the Conrad Weiser Memorial Park Association; providing for the control, management, supervision, restoration and improvement thereof by the Department of Forests and Waters; authorizing the department to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation therefor," by transferring the control, management, supervision, restoration and improvement of said park, and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Pennsylvania Historical Commission; removing the Secretary of Forests and Waters and a member of the Pennsylvania Historical Commission, appointed by the Governor, from the Board of Trustees of the endowment fund and adding to said board the members of the Pennsylvania Historical Commission.

Which was committed to the Committee on State Government.

Mr. GELTZ, by request, read in his place and presented to the Chair Senate Bill No. 802, entitled:

An Act to further amend section two hundred and seventy-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the secod, third. fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," creating additional county detectives in counties of the second class, and establishing their salaries.

Which was committed to the Committee on County Government.

Mr. WOLFENDEN, by request, read in his place and presented to the Chair Senate Bill No. 803, entitled:

An Act requiring plans and specifications for the design or construction of certain utilities, structures, projects, works, improvments, and buildings to bear the signature and seal of a registered architect or registered professional engineer of the Commonwealth of Pennsylvania before filing with or acceptance, or approval, or issuance of permit with respect thereto, by any department, board, commission or other body of the Commonwealth of Pennsylvania or any of its agencies or political subdivisions; and providing penalties.

Which was committed to the Committee on Education.

He also, by request, read in his place and presented to the Chair Senate Bill No. 804, entitled:

An Act to amend the act, approved the twelfth day of July, one thousand nine hundred and nineteen (P. L. 933), entitled "An act to regulate the practice of architecture in the Commonwealth of Pennsylvania by providing for the examination and registration of architects by a State Board of Examiners; defining the power and duties of said board of examiners; and providing penalties for the violation of this act." as amended, changing limitation upon expenditures by board; revising and changing qualifications for registration; requiring registrants to obtain and use a seal; defining certain terms; requiring certain building plans to be signed registrants; prohibiting registration of corporations and firms; prohibiting and making certain acts unlawful and increasing penalties.

Which was committed to the Committee on Education.

Mr. LETZLER read in his place and presented to the Chair Senate Bill No. 805, entitled:

An Act to amend the penalty clause of section one thousand and twenty of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners; counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended by reducing the penalties provided therein.

Which was committed to the Committee on Highways.

Mr. FARRELL, by request, read in his place and presented to the Chair Senate Bill No. 806, entitled:

An Act to further amend clause nine of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," further extending the definition of "original member."

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 807, entitled:

An Act to amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities cooxtensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes," as amended; provided additional exemptions from the tax imposed for county, and county and city purposes.

Which was committed on the Committee on Finance.

Mr. EALY read in his place and presented to the Chair Senate Bill No. 808, entitled:

An Act to amend section one of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 409), entitled "An act authorizing the Secretary of Highways to join two or more State highway routes, by the construction of connecting roads, under certain conditions, and providing for the payment of damages for land taken in the construction of such

connecting roads," extending provisions to include boroughs, incorporated towns, or townships, and for taking over or building such connecting roads not exceeding two miles in length.

Which was committed to the Committee on Highways.

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 809, entitled:

An Act making an appropriation to the Pennsylvania Society to Protect Children from Cruelty located at Four Hundred and Fifteen South Fifteen Street, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appripriations.

Mr. GILSON, by request, read in his place and presented to the Chair Senate Bill No. 810, entitled:

An Act authorizing boards of trustees of State institutions within the Department of Public Instruction, with the approval of the Superintendent of Public Instruction, to contract with municipalities and townships for the construction or improvement of curbs, sidewalks and roadways along the grounds and buildings thereof; and to pay the amount agreed therefor out of their appropriations for support and maintenance, or out of any appropriaton made for such purposes.

Which was committed to the Committee on State Government.

Mr. KILGALLEN read in his place and presented to the Chair Senate Bill No. 811, entitled:

An Act to further amend section nine of the act, approved the sixteenth day of May, one thousand eight hundred ninety-one (P. L. 75), entitled "An act in relation to the laying out, opening, widening, straightening, extending or vacating streets and alleys, and the construction of bridges in the several municipalities of this Commonwealth, the grading, paving, macadamizing, or otherwise improving streets and alleys, providing for ascertaining the damages to private property resulting therefrom, the assessment of the damages, costs and expenses thereof upon the property benefited, and the construction of sewers and payment of the damages, costs and expenses thereof, including damages to private property resulting therefrom," by providing for the publication of only the title of ordinances authorizing improvements provided for by this act.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 812, entitled:

An Act making an appropriation to the Shadyside Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

TIME OF NEXT MEETING

Mr. MILLER offered the following resolution which was twice read, considered, and agreed to:

In the Senate, May 1, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, May 8, 1939, at eight o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, May 8, 1939, at eight o'clock, Eastern Standard Time.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

REPORTS FROM COMMITTEES

Mr. MALLERY. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

DIRECTING BUREAU OF STANDARDS TO FORBID THE USE OF GLASS OTHER THAN LAMINATED SAFETY GLASS IN MOTOR VEHICLES

Mr. MALLERY, from the Committee on Highways, to which was referred resolution offered by Mr. Dent, on March 28, 1939, reported the same with amendment as follows:

In the Senate, March 28, 1939.

Whereas, The use of ordinary glass in passenger vehicles has from past experience proven to be unsafe and responsible for many deaths and serious injuries in motor accidents, and

Whereas, Glass manufacturers have developed a type of glass made by laminating two or more pieces of glass into one transparent sheet and

Whereas, This type of glass has been commonly designated as safety glass and is used exclusively in the windshields of passenger vehicles because of its safety features and

Whereas, There has been put on the market a new type of glass variously called tempered or hardened glass and

Whereas, This type of glass is being used to some extent in passenger vehicles as a safety glass and

Whereas, After exhaustive tests has proven to be unsafe for such use and

Whereas, The use of this type of glass will cause the recurrence of the hazards to the traveling public so common before the introduction of the laminated safety glass, be it hereby resolved and

It is Resolved, That the Bureau of Standards and Safety in this Commonwealth be instructed to forbid the use of any glass other than laminated safety glass in the construction of motor vehicles used in the intra-state traffic of this Commonwealth and

Be It Further Resolved, That copies of this resolution be sent to the Department of Highways, the Bureau of Standards and that the manufacturers of motor vehicles sold in this Commonwealth be notified of its contents.

A motion was made by Mr. DENT and Mr. HALUSKA,

That Rule 39, which requires resolutions reported from committee to lie over for one day be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

Which was agreed to.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

CONSIDERATION OF TAX BILLS

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the consideration of the tax bills, beginning with Senate Bill No. 345, (House Bill No. 312), on page 7 of today's calendar.

Mr. GELDER. Mr. President, I second the motion.

Motion agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and con-

sideration of Senate Bill No. 345, (House Bill No. 312), entitled:

An Act to reenact and amend the title and the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six Pamphlet Laws thirteen) entitled "An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board" as previously reenacted and amended by extending the provisions thereof for a further limited period of time.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I understand this is the first bill of the tax program which is being considered, and I think this is the proper time to make a statement of the position of the Democratic Party with respect to these bills.

I think many of us still remember the statements of the gentleman from Tioga in connection with these bills, and how he still persists that they are punitive taxes, nor have taken the position that these taxes should not have been passed because the Democratic Administration is committed to the repeal of taxes which have driven Pennsylvania out of business. Which particular taxes are responsible for the migration of business from Pennsylvania, I do not know. Since the Governor has not specifically directed his attention to any one of those taxes, very few of us can tell, and I think it is therefore fair to assume that the Governor has made up his mind that all these taxes have driven Pennsylvania industry out of Pennsylvania.

The problem or the program is the administration's problem—not ours. The administration is committed to present a budget and to present a program which will bring into the State Treasury the amount of money necessary to warrant the proposed expenditures.

The Republican Party, therefore, has the responsibility; but since they have—shall I say, nominally, twenty-five votes—we feel that this program must be their program and not ours; and at the same time we feel we do not have a right to wreck the program. And since I have participated in the making of two programs—on each side of the House—I have experience in both sides now as to how it is done.

I recall, during the Republican regime, when Governor Earle was attempting to make his program, the Republicans told the Democrats that the responsibility for the taxes was the Democratic Administration's responsibility and not the Republican's.

I personally do not believe—and I repeat what I said last week—I do not believe that these taxes should be passed—some of them. I have said, last week, that I think several of them can be avoided; but I am now speaking not for myself but for the Democratic Caucus, and on behalf of the Democratic Caucus I will present the one necessary vote for the program as these tax billse come up, but I want the record to show however, that I am not voting on the matter as an individual, but that I am voting on the program which has been adopted, and am expressing the position of the Democratic Minority in the Senate.

There are twenty-five Republicans—it requires twenty-six votes to pass these tax bills—the twenty-five Republicans will have the pleasure of voting with me on this tax program. I will vote "Aye' on all of the tax bills, although some of them I oppose; and I am quite sure others can be substituted for them.

I want it distinctly understood, however, that one of the things that have urged and prompted us to take this position is the statement of the gentleman from Tioga, who is the spokesman for the Republican Party, persisting in reiterating that these taxes are punitive taxes. Since that is the case, we do not feel that we should assume the responsibility of re-enacting them.

I want to repeat, also, that I believe that after four years of these taxes, adopted in an emergency situation, and after four months of continued complaint by the Governor against these taxes, and after the Governor's statement that these taxes are punitive and political, he knows his position, and it was his duty, as the leader of this Administration, to offer substitute taxes.

However, this is his program. We will not interfere with it. I will give it the necessary vote, and only the necessary vote, to carry it through.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 33.

Bartlett,	Gelder,	Lanius,	Shapiro,
Chapman,	Geltz,	Letzler,	Snowden,
Crowe,	Gilson,	Mallery,	Stevenson,
Dando,	Heyburn,	Miller,	Tallman,
Deitrick,	Homsher,	Owlett,	Thomas,
Ealy,	Jacobs,	Pierson,	Walker,
Edmonds,	James,	Reed,	Wolfenden,
Eroe,	Kunkel,	Scarlett,	Woodward,
Farrell,			

NAYS 15.

Cavalcante,	Frey,	McCreesh,	Ruth,
Coleman,	Haluska,	McGinnis,	Sipe,
Dent,	Jaspan,	Mundy,	Stiefel,
DiSilvestro,	Kilgallen,	Rice,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 346, (House Bill No. 313), entitled:

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefit of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the pro-

visions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by continuing the increased rate of tax for a further limited period of time, and reducing the rate of tax after such limited period of time.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 31

Bartlett,	Farrell,	Kunkel,	Snowden,
Chapman,	Gelder,	Lanius,	Stevenson,
Crowe,	Geltz,	Letzler,	Tallman,
Dando,	Gilson,	Mallery,	Thomas,
Deitrick,	Heyburn,	Miller,	Walker,
Ealy,	Homsher,	Owlett,	Wolfenden,
Edmonds,	Jacobs,	Scarlett,	Woodward,
Eroe,	James,	Shapiro,	

NAYS—16

Cavalcante,	Frey,	McCreesh,	Rice,
Coleman,	Haluska,	McGinnis,	Ruth,
Dent,	Jaspan,	Mundy,	Sipe,
DiSilvestro,	Kilgallen,	Reed,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 347, (House Bill No. 314), entitled:

An Act to further amend the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, co-partnerships, and persons.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett,	Farrell,	Kunkel,	Shapiro,
Chapman,	Gelder,	Lanius,	Snowden,
Crowe,	Geltz,	Letzler,	Stevenson,
Dando,	Gilson,	Mallery,	Tallman,
Deitrick,	Heyburn,	Miller,	Thomas,
Ealy,	Homsher,	Owlett,	Walker,
Edmonds,	Jacobs,	Pierson,	Wolfenden,
Eroe,	James,	Scarlett,	Woodward,

NAYS—16

Cavalcante,	Frey,	McCreesh,	Rice,
Coleman,	Haluska,	McGinnis,	Ruth,
Dent,	Jaspan,	Mundy,	Sipe,
DiSilvestro,	Kilgallen,	Reed,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 348, (House Bill No. 315), entitled:

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (Pamphlet Laws two hundred ninety-two) entitled "An act to provide revenue by taxation" by increasing the rate of tax for a further limited period of time.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 31

Bartlett,	Farrell,	Lanius,	Snowden,
Chapman,	Gelder,	Letzler,	Stevenson,
Crowe,	Geltz,	Mallery,	Tallman,
Dando,	Heyburn,	Miller,	Thomas,
Deitrick,	Homsher,	Owlett,	Walker,
Ealy,	Jacobs,	Pierson,	Wolfenden,
Edmonds	James,	Scarlett,	Woodward,
Eroe,	Kunkel,	Shapiro,	

NAYS—17

Cavalcante,	Gilson,	McCreesh,	Rice,
Coleman,	Haluska,	McGinnis,	Ruth,
Dent,	Jaspan,	Mundy,	Sipe,
DiSilvestro,	Kilgallen,	Reed,	Stiefel,
Frey,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 349, (House Bill No. 316), entitled:

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett,	Farrell,	Kunkel,	Shapiro,
Chapman,	Gelder,	Lanius,	Snowden,
Crowe,	Geltz,	Letzler,	Stevenson,
Dando,	Gilson,	Mallery,	Tallman,
Deitrick,	Haluska,	Miller,	Thomas,
Ealy,	Heyburn,	Owlett,	Walker,
Edmonds,	Homsher,	Pierson,	Wolfenden,
Eroe,	James,	Scarlett,	Woodward,

NAYS—16

Cavalcante,	Frey,	McCreesh,	Rice,
Coleman,	Jacobs,	McGinnis,	Ruth,
Dent,	Jaspan,	Mundy,	Sipe,
DiSilvestro,	Kilgallen,	Reed,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 350, (House Bill No. 317), entitled:

An Act to reenact and amend the title and the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (Pamphlet Laws, two hundred eight), entitled, as amended, "An act to provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment, collection, settlement and resettlement of taxes, and reviews and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State and county officers, boards, and departments; making an appropriation; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time; changing the method of ascertaining the net income of insurance companies, exempting title insurance companies; and making certain changes in the method of ascertaining taxable net income and in the procedure for the collection and adjustment of the tax.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

and the amendments made thereto having been printed as required by the Constitution,

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bartlett,	Gelder,	Kunkel,	Shapiro,
Chapman,	Geltz,	Lanius,	Snowden,
Crowe,	Gilson,	Letzler,	Stevenson,
Dando,	Haluska,	Mallery,	Tallman,
Deitrick,	Heyburn,	Miller,	Thomas,
Ealy,	Homsher,	Owlett,	Walker,
Edmonds,	Jacobs,	Pierson,	Wolfenden,
Eroe,	James,	Scarlett,	Woodward,
Farrell,			

NAYS—15

Cavalcante,	Frey,	McGinnis,	Ruth,
Coleman,	Jaspan,	Mundy,	Sipe,
Dent,	Kilgallen,	Reed,	Stiefel,
DiSilvestro,	McCreesh,	Rice,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 352, (House Bill No. 319), entitled:

An Act to reenact and amend the title and the act approved the fourteenth day of June one thousand nine hundred thirty-five (Pamphlet Laws three hundred forty-one) entitled as amended "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties" as previously reenacted and amended by extending the provisions of the act for a further limited period of time.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. WOODWARD. Mr. President, I wish to take about one minute to call attention to a bad habit we have in drafting these bills. This particular cigarette tax bill, in Section 8, provides "the Department is hereby charged with the enforcement of the provisions of this Act and is hereby authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to and then follow (a), (b), and (c) down to where it says "(c) Any other matter or thing pertaining to the administration and enforcement of the provisions of this Act."

Now, in the Goodrich Plan we have had an example of this bad habit, because in the administration of public assistance the Administrator has made rules and regulations that were not strictly authorized in that Act; and I want to call attention to the bad drafting, in my opinion.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Bartlett,	Gelder,	Lanius,	Sipe,
Chapman,	Geltz,	Letzler,	Snowden,
Crowe,	Gilson,	Mallery,	Stevenson,
Dando,	Haluska,	Miller,	Tallman,
Deitrick,	Heyburn,	Owlett,	Thomas,
Ealy,	Homsher,	Pierson,	Walker,
Edmonds,	Jacobs,	Reed,	Wolfenden,
Eroe,	James,	Scarlett,	Woodward,
Farrell,	Kunkel,	Shapiro,	

NAYS—13

Cavalcante,	Frey,	McCreesh	Rice,
Coleman,	Jaspan,	McGinnis,	Ruth,
Dent,	Kilgallen,	Mundy,	Stiefel,
DiSilvestro,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON FINAL PASSAGE

Mr. OWLETT. Mr. President, I call attention to the fact that the last tax bill is on the first page of the calendar, House Bill 318, Senate Bill 351, and I should like to have that called next.

Mr. MALLERY. Mr. President, I second the motion.

It was agreed to.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 351, (House Bill No. 318), as follows:

An Act to reenact and amend the title and the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as previously reenacted and amended by eliminating ground rents from list of taxable personal property defining clarifying and limiting certain exemptions exempting from the taxes imposed by the said act property held by executors and administrators of the estates of nonresident decedents property held by trustees for certain resident and nonresident religious charitable or educational organizations and property held for nonresidents and foreign corporations under certain circumstances exempting loans issued by first class or non profit corporations from the tax imposed by section seventeen of said act and continuing the State personal property tax and the emergency rate of tax on scrip bonds certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and all the sections of the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as previously reenacted and amended by the act approved the eighteenth day of May one thousand nine hundred thirty-seven (Pamphlet Laws six hundred thirty-three) are hereby reenacted and further amended to read as follows

An Act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same That this act shall be known and may be cited as the "State Personal Property Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

"Department" The Department of Revenue of this Commonwealth

"Resident" A person copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or a joint-stock company or association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other state or government and liable to taxation within this Commonwealth

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section headings shall not be deemed or construed to limit the text of the sections of this act

Section 3 State Tax on Mortgages Judgments Et Cetera Imposition and Rate of Tax Exceptions All personal property of the classes hereinafter enumerated owned held or possessed by any resident whether such personal property be owned held or possessed by such resident in his own right or as active trustee agent attorney-in-fact or in any other capacity except as executor or administrator of the estate of a nonresident decedent and except as trustee for a resident or nonresident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domiciled in another state and where such resident is entitled to receive all or any part of the income therefrom is hereby made taxable annually for State purposes at the rate of four mills on each dollar of the value thereof as of a date to be fixed annually in the manner provided in section five of this act and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section seventeen hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section seventeen hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank bank and trust company national banking association savings institution corporation or limited partnership liable to a tax on its shares or the capital stock tax or franchise tax imposed by section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) and its amendments and supplements for State purposes under the laws of this Commonwealth all moneys loaned or invested in other states territories the District of Columbia

or foreign countries all other moneyed capital owing to individual citizens of the State and the principal value of all annuities Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor to interest-bearing accounts in any bank or banking institution savings institution employes thrift or savings association whether operated by employes or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said four mills tax herein provided for or any part thereof or have agreed or shall hereafter agree to pay the same or any part thereof nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said four mills tax on any of the said securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or union And provided further That corporations limited partnerships and joint-stock associations liable to a tax on their shares or the aforesaid capital stock or franchise tax for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner except as executor or administrator of the estate of a non-resident decedent and except as trustee for a resident or non resident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth except for county purposes and in cities co-extensive with counties for city and county purposes as now provided by law And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated received from any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth Nor shall the provisions of this section apply to personal property held for the use benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious charitable scientific literary or educational purposes

The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in cases of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein

Section 4 Returns and Payment of Tax (a) For the purpose of ascertaining the amount of tax payable under the third section of this act it shall be the duty of every resident liable to pay such tax on or before the fifteenth day of February of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return in duplicate the original under oath or affirmation of

(1) The aggregate actual value of each part of the different classes of property made taxable by the third section of this act held owned or possessed by such resident as of the date fixed annually in the manner provided in section five of this act either in his own right or as trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company limited partnership joint-stock association or corporation

(2) The amount of interest dividends or other income derived from each class of such property at any time during the preceding calendar year and

(3) Such other information as may be required by the department concerning each of the different classes of property whether or not taxable enumerated in the third section of this act owned held or in any manner possessed by such resident

The duplicate unsworn return shall be forwarded by the Department of Revenue to the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the case may be of the county from which the return was made for its use and information

The failure of any taxable resident to receive or procure a return form shall not excuse him from making a return

(b) The return so made shall be sworn or affirmed to by the person making the same if an individual and in the case of copartnerships unincorporated associations and joint-stock associations and companies by some member thereof and in the case of limited partnerships and corporations by the president chairman or treasurer thereof

(c) Any agent duly authorized by the department is hereby authorized to administer the oath or affirmation to any person or officer making the return prescribed by this section for the taking of which oath or affirmation no charge shall be made Any such agent who shall make any charge for administering such oath or affirmation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year either or both in the discretion of the court

(d) The tax imposed by section three hereof shall be due and payable when such return is required to be filed and every resident at the time of making every return shall compute and pay to the department the tax due the Commonwealth by such resident

Section 5 Listing Date The department shall on or before the fifteenth day of January one thousand nine hundred thirty-eight and annually thereafter fix a day as of which the property made taxable by the third section of this act shall be listed and returned The day so fixed shall be between the first and the fifteenth days of the month of January both inclusive and the day so fixed shall be printed or stamped on the form for making returns of all such property If through inadvertence mistake or otherwise the department fails to designate or fix such date or if such date does not appear on the form

for making return of such property the date as of which such property shall be listed and assessed shall be the immediately preceding first day of January

Section 6 Assessment by the Department Notice If any taxable resident shall fail to file a return or fail to include in any return all of his property made taxable by the third section of this act or shall fail to compute and pay the tax due the Commonwealth as required in this act the department shall make an assessment of tax against such resident of the amount of tax for which such resident is liable or for which he is believed by the department to be liable together with a penalty of ten per centum of such tax Promptly thereafter the department shall give or send by mail or otherwise notice thereof to such resident If such resident is dissatisfied with the assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 7 Assessments Made at any Time within Five Years An assessment as heretofore provided may be made by the department at any time within five (5) years after any property owned held or possessed or alleged to have been so owned held or possessed by any resident should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section 8 Petition for Reassessment Appeal (a) Any resident against whom an assessment is made may petition the department for a reassessment Notice of an intention to file such a petition or to appear and be heard shall be given to the department within ninety (90) days after notice of such assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings as may be necessary to hear and determine petitions for reassessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly notified the department of an intention to file a petition for reassessment or to appear and be heard shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein If no petition for reassessment is filed with the department the petitioner may in lieu thereof appear at the hearing and present his petition orally in which event all testimony or statements of facts shall be made under oath or affirmation

(b) If such petitioner is dissatisfied with the action of the department on his petition for reassessment he shall have the right to appeal to the court of common pleas of the county where he resides at any time within sixty (60) days after notice of such action is given to him by the department If any resident shall fail to give due notice of an intention to petition for reassessment and to file a petition for reassessment or to appear and be heard after due notice of his intention to do so or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such resident so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the court of common pleas as aforesaid In all cases of petitions for reassesment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court.

Section 9 Information at Source Reports (a) The executor of every will and the administrator of every estate at the time of filing with the register of wills or clerk of the orphans' court the inventory and appraisal of such estate or of any affidavit setting forth the real and personal estate of such decedent for the purpose of determining the transfer inheritance tax imposed thereon by existing law shall in addition thereto file with such register of wills or clerk of the orphans' court a statement in duplicate under oath or affirmation setting forth the items included in such inventory or affidavit which may be liable to the tax imposed by the third section of this act The register or clerk with whom the same is filed shall forthwith send one copy thereof to the department It shall be the duty of the department to proceed at once to assess the tax due from such decedent with interest as heretofore provided in this act and to present a claim therefore through the Department of Justice to the orphans' court of the proper county or to proceed by action or suit at law through the Department of Justice in any court of competent jurisdiction for the recovery thereof or to take any or all appropriate steps or procedure necessary for the collection of such tax

(b) It shall be the duty of the recorder of deeds in each and every county in this Commonwealth to keep a daily record separate and apart from all other records of every mortgage or article of agreement given to secure the payment of money entered in his office for recording which record shall set forth the following information to wit The date of the mortgage or agreement the names of the parties thereto the just sum of money secured the precise residence of the mortgagee or person to whom interest is payable a brief description of the real estate upon which such mortgage is secured and the date or several dates when the said sum or portion of the said sum shall become due and payable and a like daily record of every assignment of a mortgage or an article of agreement given to secure the payment of money and also the number of mortgages and agreements together with the amount of same and the names of the parties thereto which shall have been that day satisfied of record For the purpose of obtaining with accuracy the precise residence of all mortgagees assignees and persons to whom interest is payable on articles of agreement it shall be the duty of the recorder of deeds in each county whenever a mortgage assignment or agreement given to secure the payment of money shall be presented to him for record to refuse the same unless the mortgage assignment or agreement has attached thereto and made part thereof a certificate signed by the mortgagee assignee or person entitled to interest or his duly authorized attorney or agent setting forth the precise residence of such morgagee assignee or person entitled to interest and such certificate shall be recorded with the mortgage assignment or agreement Every recorder of deeds on the first Monday of each month shall file the aforesaid daily record or a copy thereof with the department

(c) It shall be the duty of the prothonotary or clerk of the court of common pleas in each and every county in this Commonwealth forthwith upon the passage of this act to keep a daily record separate and apart from all other records of every single bill bond judgment or other instrument securing a debt entered of record in his office Such daily record shall set forth the following information to wit The date of the instrument the names of the plaintiff and defendant together with the precise residence of the plaintiff or person to whose use such bill bond judgment or other obligation to pay money is marked whenever such residence can be ascertained the just sum secured and the date or several dates when the said sum or portion of the same shall become due and payable with the further information whether any of said bonds or judgments are accompanied with mortgages and also the number of every single bill bond judgment or other instrument securing a debt together with the amount of same and the names of the plaintiff and defendant thereto which shall have been that day satisfied The prothonotary or clerk of the court of common pleas shall file the aforesaid daily record or a copy thereof with the department on the first Monday of each month

Section 10 Compensation of Recorders and Prothonotaries The several recorders of deeds prothonotaries and court clerks as aforesaid shall be entitled to receive ten cents for each and every mortgage judgment or lien assignment or satisfaction thereof reported to the department as heretofore required in this act Such fees shall be paid by the respective county treasurers on the presentation of proper vouchers certified by the department and shall be applied in like manner as other fees received by such re-

corders prothonotaries or clerks Provided That no fee shall be allowed in any case where the residence of any plaintiff mortgagee or assignee is omitted in such reports And provided further That the amount allowed any prothonotary or clerk or recorder of deeds under this act shall not exceed the sum of six hundred dollars ($600.00) per annum

Section 11 Due Date All taxes imposed by the third section of this act shall be due and payable on the fifteenth day of February of each year

Section 12 Interest The tax imposed by the third section of this act shall bear interest at the rate of six per centum per annum from the date such tax is due and payable until thirty (30) days after the department shall make an assessment and thereafter at the rate of twelve per centum per annum until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid

Section 13 Lien of Taxes (a) All taxes imposed under the third section of this act together with all penalties and interest shall be considered a public account after becoming due and payable in the manner prescribed in this act and as such shall be a lien upon the franchises and real property of the resident against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where the resident's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by the third section of this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 14 Credits for Overpayment The Board of Finance and Revenue may allow a credit for any taxes imposed by the third section of this act and penalties and interest thereon paid to the Commonwealth to which the Commonwealth is not rightfully or equitably entitled Claims for such credits shall be made in accordance with the provisions of "The Fiscal Code" relative to petitions for refunds of taxes No petition for such credit shall be considered by the board unless filed with the board within two (2) years of the payment alleged to have been erroneously made

Upon the allowance of any such petition the credit so determined may be applied against any amount due or subsequently becoming due by such petitioner on account of taxes imposed by the third section of this act and penalties and interest thereon or may be assigned in whole or in part to any other taxable resident to be applied against any amount due or subsequently becoming due by such resident on account of taxes imposed by the third section of this act and penalties and interest thereon Upon the allowance of a petition for credit the board shall issue its certificate under its hand and seal and no credit claimed whether assigned or not shall be allowed unless evidenced by such certificate

Section 15 Penalties Costs (a) Every person or officer who shall wilfully and corruptly make a false and fraudulent return of property made taxable by the third section of this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law

(b) Any wilful failure on the part of recorders of deeds or prothonotaries or clerks to carry out the duties imposed upon them by section nine of this act shall be deemed a misdemeanor and upon conviction thereof the person or persons so failing to comply shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(c) Every register of wills who shall fail to send copies of affidavits filed with him by executors or administrators to the department as required by section nine of this act shall be guilty of a misdemeanor and upon conviction thereof the register so failing shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(d) Every executor or administrator who wilfully fails to file the affidavit with the register of wills as required by section nine of this act shall be subject to a penalty of twenty-five dollars ($25.00) for the first day and ten dollars ($10.00) for each succeding day during with such affidavit is not filed to be collected by the department through the Department of Justice in the same manner as debts are by law collected

(e) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section 16 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the correction of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any resident in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such resident is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by "The Fiscal Code" relating to inquisitorial powers of fiscal officers

Any information gained by the department as a result of any returns investigations hearings or verifications required or authorized by this act and any information gained by the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the result of duplicate returns received from the department shall be confidential except for official purposes and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars ($500.00) or to undergo imprisonment for not more than three (3) years or both in the discretion of the court

(c) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section 17 State Tax on Scrip Bonds Et Cetera Imposition and Rate of Tax All scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any and every private corporation incorporated or created under the laws of this Commonwealth or the laws of any other state or of the United States and doing business in this Commonwealth and having a resident corporate treasurer therein except first class or nonprofit corporations are hereby made taxable for State purposes at the rate of eight mills on each dollar of the nominal value thereof during the calendar years one thousand nine hundred thirty-eight [and] one thousand nine hundred thirty-nine one thousand nine hundred forty and one thousand nine hundred forty-one on reports filed for the calendar years one thousand nine hundred thirty-seven [and] one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine and one thousand nine hundred forty or for any fiscal year beginning in the calendar years one thou-

sand nine hundred thirty-seven [and] one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine and one thousand nine hundred forty and at the rate of four mills on each dollar of the nominal value thereof during the calendar years one thousand nine hundred [forty] forty-two and every year thereafter on reports filed for the calendar years one thousand nine hundred [thirty-nine] forty-one (or for any fiscal year beginning in the calendar year one thousand nine hundred [thirty-nine] forty-one) and for every year thereafter and all scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any county city borough township school district or incorporated district of this Commonwealth are hereby made taxable for State purposes at the rate of four mills on each dollar of the nominal value thereof during the calendar year one thousand nine hundred thirty-eight and every year thereafter on reports filed for the calendar year one thousand nine hundred thirty-seven or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-seven and for every year thereafter Provided That whenever under the provisions of this section any private corporation shall become liable for such taxes upon evidences of indebtedness by it assumed or on which it shall pay interest it shall be the duty of such corporation not later than ten (10) days thereafter to give notice in writing to any person who may at such time be liable for the payment of any taxes upon such evidences of indebtedness under the provisions of the third section of this act that the corporation has assumed such indebtedness or the payment of the interest thereon and will deduct and pay the taxes imposed thereon by this section Such notice shall also be given before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon prior to the first day of October in any year and shall give notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the taxes imposed by this section for the balance of such year but shall deduct and pay said taxes for the ensuing year and the person to whom such notice shall be given shall for such ensuing year be relieved from the payment of tax under the provisions of the third section of this act upon such evidences of indebtedness so assumed or on which the corporation shall pay interest where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon on or subsequent to the first day of October in any year and shall give the notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the tax upon such evidences of indebtedness by it assumed or on which it shall pay interest for the balance of such year and for the ensuing year and the person to whom notice is so given shall pay the tax for the period for which the corporation is relieved upon such evidences of indebtedness so assumed or on which the corporation shall pay interest as provided for in the third section of this act Neglect or failure on the part of any corporation upon assuming any evidences of indebtedness or becoming liable for the payment of interest thereon to give the notice as herein provided and within the time prescribed shall make such corporation liable for the payment of taxes from the time when such evidences of indebtedness are assumed or for the entire period for which interest shall be paid Neglect or failure to give such notice before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest shall make the corporation liable for such taxes for the year following without any deduction from interest due as hereinbefore provided Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institutions savings institution or trust company nor to interest-bearing accounts in any bank banking institution savings institution employes' thrift or savings association whether operated by employes or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the tax or any part thereof provided for in this act or in the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the tax imposed herein on any of such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes shall not be required to pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner except as executor or administrator of the estate of a nonresident decedent and except as trustee for a resident or nonresident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual shall be liable for the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for county school or other local purposes and provided further that the provisions of this section shall not apply to personal property of the classes hereinabove enumerated received from any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or from any joint-stock association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth by any person or persons copartnership or unincorporated association resident in this Commonwealth company joint-stock company or association limited partnership bank or corporation created or existing under the laws of this Commonwealth or doing business within this Commonwealth as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth or any such property whatsoever owned held or possessed by any person or persons copartnership or unincorporated association resident in this Commonwealth company joint-stock company or association limited partnership bank or corporation created and existing under the laws of this Commonwealth or doing business within this Commonwealth in the capacity of executor or administrator of a non-resident decedent o ras trustee agent or attorney-in-fact for any resident or non-resident religious charitable scientific literary or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual

It is the intent of this act that all scrip bonds certificates and evidences of indebtedness made taxable under this section are not taxable under the third section of this

act and that only such scrip bonds certificates and evidences of indebtedness which cannot be made taxable under this section are to be taxed under the third section of this act

Section 18 Reports and Payments of the State Tax by Private Corporations and Municipalities (a) It shall be the duty of the resident treasurer of each private corporation incorporated by or under the laws of this Commonwealth or the laws of any other state or of the United States or any foreign country and doing business in this Commonwealth except nonprofit corporations and cooperative agricultural associations not having capital stock and not conducted for profit and it shall be the duty of the treasurer of each county city borough township school district or incorporated district of this Commonwealth upon the payment of any interest on any scrip bond certificate or evidence of indebtedness issued or assumed by such corporation county city borough township school district or incorporated district or upon which it is liable for the payment of the interest to residents of this Commonwealth and held by them to assess the tax imposed for State purposes by the seventeenth section of this act upon the nominal value of each such scrip bonds certificates or evidence of indebtedness and to report under oath or affirmation annually on or before the fifteenth day of March for the calendar year next preceding to the department the amount of such indebtedness owned held or in any manner possessed by residents of this Commonwealth together with such information as the department may require Provided That such scrip bonds certificates and evidences of indebtedness shall be deemed to be owned held or possessed by residents of this Commonwealth unless it is established that they are not so owned held or possessed and it shall be his further duty to deduct the tax imposed by the seventeenth section of this act on the payment of any interest upon such indebtedness and return the same to the State Treasury through the department within the time prescribed by law and his compensation for his services shall be five per centum on the first one thousand dollars ($1,000.00) or fractional part thereof one per centum on all amounts over one thousand dollars ($1,000.00) and not over two thousand dollars ($2,000.00) and one-half of one per centum on all amounts over two thousand dollars ($2,000.00) Upon the payment of said State tax such scrip bonds certificates or evidences of indebtedness shall be exempt from all other taxation in the hands of the holder of the same

The time for filing reports may be extended taxpayers may be permitted to file their reports on a fiscal year basis and the procedure and penalties in case of failure to report and pay the tax shall be as prescribed by law

(b) It is the intent and meaning of this act that the tax for State purposes imposed upon obligations of private and public corporations by section seventeen of this act shall be collected in the same manner as the tax heretofore imposed for State purposes upon such obligations

Section 19 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 20 Repealer and Saving Clause (a) All acts or parts of acts inconsistent with the provisions of this act are hereby repealed but the provisions of this act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments

(b) Section seventeen and eighteen of the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and their amendments are hereby repealed but this act shall not be construed to repeal any of the remaining provisions of said act

(c) Nothing herein contained shall be construed as reviving any act repealed by the act which this act repeals and the passage of this act shall not be taken or construed to relieve any person association or corporation from the payment of any taxes penalties and interest imposed by section seventeen of the said act of June seventeenth one thousand nine hundred and thirteen (Pamphlet Laws five hundred seven) on reports filed for the calendar year one thousand nine hundred thirty-six or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-six and prior years or from any taxes penalties and interest imposed by the provisions of any act or parts of acts in force at the time this act becomes effective or to affect or terminate any petitions investigations prosecutions legal or otherwise or other proceedings pending under the provisions of any act or parts of acts in force at the time this act becomes effective or repealed by this act or to prevent the commencement or further prosecution of any legal proceedings by the proper authorities of the Commonwealth for violations of such acts or for the collection or recovery of taxes penalties and interest due or owing to the Commonwealth under such acts

Section 21 Effective Date This act shall become effective immediately upon its final enactment and be in force for the assessment and collection of taxes under section three of this act for the calendar years one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine one thousand nine hundred forty and one thousand nine hundred forty-one and for the collection of taxes under section seventeen of this act for the calendar year one thousand nine hundred thirty-eight and every year thereafter on reports filed for the calendar year one thousand nine hundred thirty-seven (or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-seven) and for every year thereafter

Section 2 This reenacting and amending act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. REED. Mr. President, I am opposed to this bill in its present form. I believe it is not necessary to pass this bill in the form on the calendar. This bill provides an additional four mills personal property tax. This bill is supposed to be an emergency tax bill.

Now, there is no tax problem in Pennsylvania that is more general in its burdensome features than is this general tax on personal property. For instance, we have throughout Pennsylvania today hundreds of people who have perhaps a few securities, many of them not producing any income; and in addition to paying the four mills county personal property tax they are saddled with this additional four mills State personal property tax.

I had in my office last week a widow who had saved, during the course of years, around $2,000. Some time ago she said she loaned that $2,000 on a first mortgage to a neighbor, a friend, to buy a home. Recently that friend lost his job. That widow is looking upon the income from that mortgage to keep her off the relief rolls, and yet, under this bill, she will be compelled not only to pay the four mill county personal property tax but also this State four mill personal property tax.

Now, I use that Mr. President, as a very common, con-

crete illustration of the application of this burdensome tax bill.

Now, if it could be cut down so that it would not carry four mills it would be less burdensome; and, while I condemn this bill in its present form, I do not do so, Mr. President, without offering a substitute.

I realize, Mr. President, that the State needs revenue—that is a fundamental principle of economics, but we should gather that tax from those that are best able to pay it.

I say, Mr. President, I do not condemn this tax in its present form without offering a substitute. Last week I mentioned on this floor an industry that is well able to pay a reasonable tax, and that is the amusement industry.

I want to read, Mr. President, some figuers from the motion picture industry field to show that here is a field from which we can collect a reasonable tax and no one will be burdened thereby.

Listen to these figures and decide for yourselve whether this field is able to pay a reasonable tax. Recently the United States Government, through the Department of Ways and Means, published figures of the salaries of those executives who received more than $10,000 a year.

I am going to read from that report the names of three people in Loew's, Incorporated, who, together for one year, received in salaries, not taking in their expense accounts, in salaries alone, $2,592,359. First, Louis B. Mayer, Loew's, Incorporated, executive, he is called, he received last year, as salary alone, Mr. President, $1,296,503; J. Robert Rubin, Executive, Loew's Incorporated, salary, $754,254; M. Schwenk, President, Loew's Incorporated, $541,602. You can go on down the line, dozens of other Executives in that field receiving exhorbitant salaries.

Now, Mr. President, I offer those figures to show how fertile that field is for taxation. Some may say this is saddled on to the little man who goes to the theatre. In principle that is true of every tax; but I want to draw this comparison in that connection: Here is a man, here is a woman, who is earning her daily livelihood from a little income from securities. She is compelled to pay a tax on those securities. But take a person who wants to go to a certain amusement. If they feel they are unable to go to that amusement they do not—they are not compelled to go; and, if they do not go, they do not have to pay a tax. In other words, it is optional with the theatre-goers, or with a person who goes to a football or baseball game as to whether they shall be subject to this tax. But that is not true in the case of a person who is saddled with an additional personal property tax, or the farmer, or the steel worker who drives his automobile to his place of employment and pays this extra cent on gasoline.

This tax, Mr. President, if placed on amusements, is a tax which the person who pays it would not have to pay unless he wanted to; and I cannot understand why that fertile field has not been taxed to a reasonable degree.

Since I spoke on the floor of this Senate last week on this vital problem, several people came to me and said, I can tell you why that field has not been taxed. That is partly, or chiefly, due to certain newspapers which carry heavy advertisements from these various amusement companies.

I say, Mr. President, diverging a little from the main issue, if we have such a situation in Pennsylvania where the press is controlled by a certain industry, then I say this vaunted theory of "free press" has gone in Pennsylvania, because if the advertiser controlls the press throuugh the advertising he gives, then we have "free press" no more; but I am glad to say that we have many, many newspaper companies—publications—in this State and this nation that will not be thus controlled.

Mr. Presdent, I am going to oppose this additional tax for those reasons, because I believe that a field is within our reach where we can receive a part of this tax without injuring anyone who pays it; and I sincerly hope that this bill may be held up until an amusement tax bill is introduced and passed by which a part of this burdensome tax can be taken off of those who are not able to pay.

Mr. EROE. Mr. President, in 1935 I was a member of Governor Earle's Committee on Taxation.

We devised these taxes. We called in the best brains of Pennsylvania, and I am flattered tonight that the Republicans have accepted this tax program, and, of all the taxes that are in this program, this is the best. The only trouble with it is, it does not go far enough. I cannot see any difference between the man who invests $5,000 in a little home and the man who invests $5,000 in a mortgage. The man who invests $5,000 in a little home is taxed anywhere from 30 to 35 mills real estate property tax in Pennsylvania, whereas there is only 8 mills on the man who invests his money in a mortgage. It ought to be 15 mills to be equalized; because I grant you that the man who invests in a mortgage or corporation stocks may pay indirectly a corporation tax and some of these other taxes, so he should not pay to the degree the home owner pays, but in order to equalize the tax on real estate and the tax on personal property, the tax on personal property ought to be 15 mills instead of 8. So I say to the gentlemen of this Senate, this is the best tax and the best place to put a tax. If we must raise a tax—nobody wants to raise taxes—this is the best place for it.

Mr. OWLETT. Mr. President, I am sure I voice the sentiment of a large majority of my colleagues when I say none of us like this personal property tax; and all of us realize that in many instances it works a hardship on those who pay it. I was one of those who, two years ago and four years ago, opposed this tax, although I think four years ago I voted for it, in order to furnish enough voices to the Democrats to enact this tax as part of their program, much as I disliked to do it, because I realized then, as I do now, that we had to have revenue to run this State.

Now, Mr. President, in reference to this argument of my colleague, the Senator from Washington, Mr. Reed, I wish merely to point out to him that this personal property tax is estimated to raise for the next biennium $24,000,000. We have already enacted the Corporate Loans Tax increase, which is really a bill accompanying this personal property tax, which raises $6,000,000.

We have already passed tonight the Corporate Loans increase on foreign corporations, which raises $400,000, and which is a companion bill to this. We have already passed tonight a tax on banks and trust companies, which raises approximately $5,000,000, and which is also a companion bill to this bill. In other words, there is directly involved in revenue, in these bills some $36,000,000.

Now, Mr. President, I am not going to again repeat the statement I made at the time these tax bills were brought out of committee; but I do want at this time merely to

point to the facts that led the Republican majority and the Administration to conclude that the re-enactment of these present taxes was, for the present, the best procedure.

We were faced, as I pointed out the other evening, with a great many uncertainties, some of them due to court contests now pending, which render the exact necessities of the present biennium uncertain and impossible of ascertainment until those decisions are finally handed down by the Supreme Court.

In addition to that, we propose to report out in this Senate tomorrow a bill introduced by Senator Edmonds, which will set up a Tax Commission which proposes to make a thorough, comprehensive study of the whole State tax program with the idea of submitting, at the next special or regular session, a comprehensive program which will take care of all of the State's needs, and which will enable us to repeal this and the other—and there are many others—inequitable and unfair taxes.

It has been considered best at this time, for that reason, to reenact these present taxes on the understanding that they are to be supplanted at the next regular or special session with a comprehensive, sensible, sound tax program. It is for that reason that we are enacting and asking that these taxes be enacted at this time; and I again call attention to the fact that they have all been re-enacted save this one bill.

Mr. CAVALCANTE. Mr. President, it does appear to me that common prudence dictates that all of the tax measures we have passed tonight, including this bill now before us that we have in passage, will not suffice to meet the needs of this Commonwealth for the next biennium.

I would like the gentleman from Tioga to state, in his opinion, if this bill is passed, whether all of the bills then passed will provide sufficient revenue for relief for the next two years, or this biennium we are in now.

Mr. OWLETT. In answer to the question of the Senator from Fayette, it is my understanding that no one can tell, and, it is my belief no one can tell what the needs for relief will be for the next biennium. The present budget provides $129,000,000 for social security and relief.

Two years ago the Earle administration enacted tax measures which, I believe provided some $139,000,000 for relief and social security services.

President Roosevelt, just the other day, announced a drastic cut in W.P.A. appropriations, in the expectation business will improve during the next year.

Specifically, to answer the Senator's question, if we do not have to pay back some $30,000,000 on account of the unconstituional Foreign Franchise Tax, and if none of the other Acts are held unconstiutional, and if business should pick up, and relief get under control sufficiently, then I say that the mony we have levied will probably be enough to take care of relief.

However, if relief continues at the rate of $10,000,000 a month it does not take very much of a mathemetician to arrive at the conclusion that $10,000,000 a month for two years will require more than $129,000,000. I submit, Mr. President, that no one can answer the question of the Senator, nor can he answer his question, when we have these uncertain elements facing us today.

I say, further, that should these tax bills be held unconstitutional, so that we have a large obligation to meet there, we will, by that time, have had the report of the Tax Commission, and have before us a comprehensive tax program which will permit us to eliminate all these unfair and burdensome taxes and approach this whole problem in a sensible, sane way.

Mr. CAVALCANTE. Mr. President, I appreciate the fact that the gentleman from Tioga is trying to read my mind on this subject; but I think that I have had sufficient experience around this Capitol to be able to speak my own mind.

Using the common prudence that the average man is equipped with—I can answer very definitely that, in my opinion, you do not have sufficient revenue to meet the obligations of this biennium, and that you are going to be forced, because of necessity, to call a Special Session to devise revenue measures to meet your obligations. And I say at this time—and I am firmly convinced of this also—that we can very easily defeat this bill at this time and you will still have sufficient revenue bills passed to provide finances to meet your relief obligations until the time that the Special Session will be called; and it is my humble, and probably not pleasant opinion to the other side, that the Special Session will be called within nine months—not over twelve months—after we adjourn this session and by that time the Administration ought to be able to tell us by that time what bills are punitive bills—I mean revenue measures—and what revenue measures are political, and that we can do without this personal property tax bill until that time.

Mr. President, I would like to interrogate the gentleman from Lawrence, Mr. EROE.

The PRESIDENT. Will the Senator from Lawrence, Mr. EROE, permit himself to be interrogated?

Mr. EROE. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, if the best brains in this Senate, in 1935, devised this present program or these revenue bills, will the gentleman from Lawrence state to us why this present Administration and the gentleman from Tioga persist in branding that program and those recommendations "political" and "punitive" and of such character as to drive big business out of the Commonwealth.

Mr. EROE. Mr. President, I assure the gentleman from Fayette, Mr. Cavalcante, that there was nothing political in this tax program. It had to be done, or the people of Pennsylvania—a portion of the people of Pennsylvania, would have starved; and, so, without any political interest or any politics whatever, we called in the best brains we knew in Pennsylvania to devise the most equitable tax program, and this is it.

Mr. CAVALCANTE. Mr. President, will the gentleman from Lawrance then give his colleagues some information as to why he is remaining with his tongue in his cheek while the gentleman from Tioga has repeatedly, on the floor of this Senate, branded those taxes as "political" and "punitive."

Mr. EROE. Mr. President, I wish to inform the gentleman from Fayette that every time I have gotten up on the floor of this Senate—not being trained as an attorney or a speaker—I got my ears pinned back, so I refrain from speaking.

Mr. REED. Mr. President, I desire to interrogate the Senator from Lawrence, Mr. Eroe.

The PRESIDENT. Will the Senator from Lawrence permit himself to be interrogated?

Mr. EROE. Mr. President, I will.

Mr. REED. Mr. President, I would like to ask the Senator from Lawrence if he knows why a tax on amusements has not been enacted or presented during this session?

Mr. EROE. Mr. President, I will inform the gentleman from Washington that I am not in the confidence of the Democratic Caucus or the Republican Caucus, and I do not know why. Personally, I will vote for an amusement tax.

Mr. DENT. Mr. President, I rise to oppose the tax bill from an entirely different view point from that expressed by the previous speakers.

In the tax report, made after intensive study, of the tax situation in Pennsylvania by the Commission which I headed, amongst the recommendations of this Commission I find recommendation No. 4 which states:

"The Commission further recommends the reduction of personal property tax from 8 to 4 mills with all returns submitted to the County because the Counties must depend upon this source of revenue and real estate taxation to operate county government. Like reductions must be made in the tax on bank shares and corporate loans.

The Commission recommends the reduction of Capital stock tax from 5 mills to 2 mills.

The Commission also favors the tax upon all stocks and bonds without any exeptions, it being the belief of this Commission that any income producing stocks or bonds should be subject to personal property tax without exemption."

Mr. President, the last recommendation is the one I am particularly interested in. This is a tax on personal property. The counties do not have, as the State has, various methods of raising revenue. One of the county's main sources of revenue is the personal property tax. That, coupled with the real estate tax, gives us the necessary funds to run our county government. As long as the State collects the personal property tax there will be no relief on real estate taxation in the county. I believe that all personal property should be taxed. I believe in that principle of taxation. I believe, at present, that quite a number of bonds called tax exempt bonds should be included in the tax field. By so doing we could probably reduce the millage on the personal property tax.

If we give to the counties the only and absolute right to tax personal property, we will give the real estate tax payer the relief he is so much in need of.

I, therefore, will vote "no" on this measure. I want to state here that I did vote for this bill in its original passage. I did so then because my party was in power and faced with a responsibility, such as the Republican party is faced with now, faced with the necessity of raising necessary funds to carry on expenses of government.

I believe that, if the Democratic party would have been elected, the tax structure in Pennsylvania would have been changed. I do know, from conversations with the leaders of my party, that we had plans whereby a different tax program would have been presented to the people of Pennsylvania. However, the people of this State would not believe that we would change the tax program and believed that Governor James would change it.

I remember of him distinctly telling the people of Pennsylvania that if he were elected he would change the tax structure of this State. If I am not mistaken, the Republican platform specifically states that this is one of the taxes that would be either reduced or removed. Now, of course, if they did not know what they were talking about, that is no fault of mine.

I believe a good many members of the Republican party on the other side of the Senate are of the same opinion as I am, because I have talked to a few of them. I do not believe defeating this bill will cripple the Governor's program. Senator Reed has offered you an alternative tax. We passed a tax here on gasoline. I remember the arguments used for its passage at one time. I believe, in the Special Session of 1936—the argument we used was that it was a sort of semi-luxury tax. We passed an additional ten per cent. tax on retail liquor—and, of course, that is a luxury tax. There is no reason, no good reason, for not passing some sort of an amusement tax.

This one tax bill deserves the consideration of every member of this Senate who is sincere in his interest in the local taxpayer back home.

If personal property is to be taxed, then let us tax it from the county standpoint, in order that the farm owner and home owner will receive the benefit of a reduction in real estate taxation.

I intend to vote "No."

Mr. OWLETT. Mr. President, I neglected to mention anything with reference to amusement taxes because it seemed unnecessary; but it has been dwelt on so much. I will make a brief statement. Of course, the very obvious answer is that the personal property tax produces $24,000,000 for the biennium, and the amusement tax, in the form in which it was enacted, at least, by the Earle administration and then repealed two years ago, produced $7,500,000. Now personally, I know of no way to get $24,000,000 out of an amusement tax, and I do not believe anybody else does in the Senate.

Mr. REED. Mr. President, It was not my thought to raise the whole sum by the imposition of an amusement tax. I realize too well that $24,000,000 could not be raised by a reasonable tax on amusements, but I do believe that a great part of it, a sizable part of it, could be raised by a reasonable tax on amusements.

Some time ago this Legislature gave the motion picture industry the right to be open on Sunday. I say that, if they have that permission—and when that bill was in the Senate, Mr. President, a strong argument raised in its favor was that it was not for the purpose of raising revenue, but that it was for the purpose of giving the people some place to go on the Sabbath.

Now, if that argument was true then, let us consider it today and let us put a reasonably heavy tax on the gross receipts from the industry obtained on the Sabbath; and, with the imposition of a reasonably heavy tax on the gross receipts of the Sabbath and a tax also imposed on the receipts from the other six days of the week, I estimate that we can raise around $10,000,000 to $12,000,000 from the amusement industry. That will not hurt anybody, and you can then take that amount and displace a like amount realized from the personal property tax.

That is my program.

Mr. McGINNIS. Mr. President, I always hesitate to agree with my good friends on the left, but I agree with the Senator from Lawrence, tonight, that this is the fairest tax on this calendar.

In this State, for forty years the system has been to tax real estate. I know that any system of taxation or any bill will hurt some people.

There are widows who own stocks and bonds that bring

no income—that is rather tough on her—and I know widows in Pittsburgh who own real estate, every penny invested in real estate, and they have not received a dollar of income in the lats six or eight years. Yet they have to pay almost forty mills taxes.

Here is a source of wealth in this State—over half the wealth of this state is tied up in stocks, bonds and mortgages, and it has escaped, practically escaped, taxation all these years.

Now, poor people do not own stocks and bonds—very few widows own stocks and bonds and mortgages—that is, poor widows. The people that will be affected by this bill, at least ninety per cent. of them, are people who have and they can afford to pay and ought to pay. A lot of the stocks and bonds of this state pay handsome dividends. They ought to help support this government, and I agree with the Senator from Lawrence that instead of four mills it ought to be increased.

Let us tap this source of wealth in Pennsylvania that has escaped taxation so long, the class of people that can afford to pay, who have money tied up, or investments tied up in mortgages, stocks, and bonds. In fact, I feel it should be raised to fifteen mills, as the Senator from Lawrence has indicated.

Mr. REED. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated.

Mr. McGINNIS. Mr. President, I will.

Mr. REED. Mr. President, would the Senator from Allegheny, Mr. McGinnis, be in favor of a tax on amusements?

Mr. McGINNIS. Yes, Mr. President, I would.

Mr. REED. Mr. President, is that a fertile field of taxation?

Mr. McGINNIS. Mr. President, I would say it is.

Mr. REED. Mr. President, does the Senator from Allegheny, Mr. McGinnis, know why that field has not been touched?

Mr. McGINNIS. I do not, Mr. President.

Mr. REED. Now, Mr. President, I just want to say, in answer to the Senator from Allegheny's argument with relation to real estate taxation, Mr. Boyd Hamilton is here in the Senate and he will tell you that there has been no one in this Senate, during my time, that has fought harder for a reduction of the tax on real estate than the Senator from Washington, but that is not the argument I am putting up.

The Senator from Allegheny, Mr. McGinnis, and the Senator from Lawrence, Mr. Eroe, both have tried to lead the minds of the Senators away from the issue. The issue is to tap a new field, the amusement field, where there is plenty of money, as demonstrated by those high salaries they are receiving. Tap a new field, a field that will not injure anyone. I do not argue to put this tax on real estate, I argue to take it off real estate by this method of indirect taxation and put it on a field where no tax today is collected.

Mr. OWLETT. Mr. President, will the Senator from Washington, Mr. Reed permit himself to be interrogated?

Mr. REED. Gladly, Mr. President.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Washington if he knows why the last Administration repealed the tax on amusements?

Mr. REED. Mr. President, I do not. But for the benefit of the Senator from Tioga, I believe it would not be at this time divulging any secret to say that when that was up in the Democratic caucus my good friend, Harvey Huffman, a man whom I always considered a statesman of very high standing, who is now deceased, and myself fought bitterly to prevent the removal of the amusement tax from the Democratic tax program.

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Tioga, preliminary to stating my position on this tax.

The PRESIDENT. Will the Senator from Tioga permit himself to be interrogated?

Mr. OWLETT. Mr. President, I shall be very glad to be interrogated.

Mr. SHAPIRO. Mr. President, will the gentleman from Tioga state to which other taxes he refers, the constitutionality of which is being questioned? I only know of one tax the constitutionality of which is being questioned.

Mr. OWLETT. Mr. President, I cannot say in detail the constitutional questions raised, but I can give the Senator this information, that the Attorney General has advised us that he finds some five thousand appeals from taxes, and I think they involve practically every one of the taxes in this program. I know that they involve the tax on title insurance and trust companies. I don't know whether they involve a tax on banks. I know that they involve the tax on corporate net incomes, at least the application or formula, and we have tried, by a slight amendment, to take care of some of the objections to that. And, of course, we all know they involve foreign franchise tax, which is not in this program, but which has already been declared unconstitutional by the lower courts. Now, if there are any other questions involved in the five thousand appeals, I cannot say.

Mr. SHAPIRO. Mr. President, the gentleman from Montgomery, Mr. Edmonds, seems to be anxious to answer my question.

Mr. EDMONDS. Mr. President, I think a very large part of the appeals relate to the assessment of the bank stock tax. In the decision of the Schuylkill Vally Trust case certain assets of the bank could not be used in making the basis of the state tax. That is under a decision of the Supreme Court of the United States and a number of banks have raised questions as to whether or not that applies to assessments in years past. I am not able to say how many of those five thousand appeals are back cases, nor the amount involved, but I would say a very substantial amount is involved, probably some two or three millions of dollars in taxes.

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Montgomery.

The PRESIDENT. Will the Senator from Montgomery permit himself to be interrogated?

Mr. EDMONDS. I will, Mr. President.

Mr. SHAPIRO. Mr. President, I understand what the gentleman is talking about is the objection to the amount of assessments of the tax?

Mr. EDMONDS. Yes, Mr. President.

Mr. SHAPIRO. Mr. President, in other words, there is no question of constitutionality in the courts. That question is whether or not a certain basis of taxation shall stand or whether it shall be eliminated and thus reduce some of those taxes which the taxpayers claim are not due.

Mr. EDMONDS. Mr. President, to a certain extent the constitutionality question is involved, as to whether or not, for institutions, we can include Federal bonds owned by the banks as a basis of taxation.

Mr. SHAPIRO. Mr. President, it is not the contention of the gentleman from Montgomery that the constitutionality of the Act as a whole is attacked?

Mr. EDMONDS. Oh, Mr. President, no.

Mr. SHAPIRO. Mr. President, it is only the constitutionality of one of the bases of the tax, which in result will only reduce the tax but not invalidate the Act.

Mr. EDMONDS. That is correct, Mr. President.

Mr. SHAPIRO. Mr. President, I have heared a great deal from the gentleman from Tioga about so many of the Acts being unconstitutional, or, the constitutionality of which is being attacked. I am glad we have reduced it to one Act.

Anyone who has had any experience with the Department of Revenue knows that tax assessments always carry a number of appeals. As a matter of fact, there would be more now than before because we have set up a self-assessment basis so that people send in returns accompanied with the payment and then make their objection.

Mr. EDMONDS. Mr. President, I would also say to the gentleman from Philadelphia, Mr. Shapiro, that the formula we used for the corporate net income tax is the same that has already been ruled out.

Mr. SHAPIRO. Mr. President, I have already called attention to that myself and now, if that ruling is applied to that, it may reduce the income.

Mr. President. I should say it looks to me like an open field on this bill. I do not think we ought to vote for or against this bill with the information—I might call it misinformation—given to us by the gentleman from Tioga. I wonder how the gentleman from Tioga can consistently say in the one breath that nobody can tell how much money is needed for relief and in the next breath say that we, the Democratic party left this administration with a deficit of $50,000,000.

In other words, the so-called defict arises from the fact that more money is being spent for relief than was provided or expected by the Earle administration. Now, when that happens in the Earle Adminstration that is a deficit, but when it happens in the James Administration that is something nobody knows about.

I do not agree with either position. I want to call attention to the fact, first, there is a substitute for this tax, without any worrying about studying where it comes from. It is here and has been in front of the gentlemen who, if they wanted to, could have found it. It is as plain as the nose on anybody's face.

In the first place, Mr. President, in 1935 there was appropriated for relief $139,000,000 and, subsequently $25,000,000 or $164,000,000—I should say 1937—$164,000,000 and not $135,000,000. In addition to that extra appropriation of $25,000,000 there was removed from the statute books taxes totaling some $25,000,000, $15,000,000 from the net corporate income tax, which was reduced from 10% to 7%; $800,000 from the documentary tax; $6,800,000 from the amusement tax; $2,800,000 from the distilled liquor tax—that is a total in the neighborhood of $25,000,000.

If the gentleman from Tioga is opposed to this tax and if this administration had the courage which the other administration had, they would have restored these taxes which were removed only because they were not needed; and if they wanted to offer any substitute for any of these vicious taxes, they certainly could have offered the reinstatement of those taxes that were repealed last year. Is it because corporations do not want to pay ten per cent on the income tax? Nobody who makes a profit, ought to complain. I do not like this personal property tax; and, since you have enough votes for it, I am going to vote against it because I have a conviction it is a false tax.

It may be all right for these gentlemen here, even on my side of the house, to say because real estate is taxed this ought to be taxed. If there is any income from it it is not only taxed the 4 to 8 mills in Pennsylvania, but there is also 4 mills tax in Philadelphia, and, in addition, if there is any income, it is taxed by the Federal Government. Real estate does not bear that burden.

In addition to that, real estate gets protection for some of its taxes, police protection, fire protection. The taxes which they pay are paid for these specific services which does not inure to those who pay a personal property tax, and it is not comparative at all to speak about real estate in the same breath that you speak about a personal property tax, and getting back to the tax problem, it does not make any difference whether you pass this tax now or not.

If, after four or five months campaigning with absolute promises that taxes could be reduced, you now give us the innocuous suggestion that you will appoint a tax commission to study and come back some time later and tell us how we shall revise the tax program.

The responsibility and the duty of an administration elected on a platform which promised us to reduce taxes—and not to appoint a commission, after the taxes are adopted, to see what you can do about them.

If the gentleman who campaigned did not know how to reduce taxes he should not have promised us that he would reduce them. If he cannot find how to get rid of these so-called vicious taxes he should not have called them vicious, and if he does not know how much money is needed for relief he should get someone to figure out how much money is necessary for relief.

The Earle administration got people who knew something about that, and they produced figures and upon those figures taxes were imposed. Conditions changed those figures; but they certainly proposed a minimum and certainly did not ignore—they based their figures on available experience, and the available experience, if maintained, shows that they would have been right; but, since conditions got worse, they were short.

Now, we have available figures. We are not blind on this relief proposition. Here we are today, more than three months since the first time we discussed relief, some of the gentlemen in this room remember when we spoke to Mr. Russell, where he said we were spending on the basis of $12,000,000 a month. When was that? About a week or so before we adjourned. Look at those figures you got from the Public Assistance Department and turn to February 4th—we adjourned somewhere around the 7th. You will find we were spending at that time $1,810,000 a week for direct relief—that, with Mother's Assistance, Old Age Pensions and the other Social Security Taxes amounted to $12,000,000—that was the total, and that is how we arrived at the $12,000,000.

Now, the Mother's Assistance is practically static, so are the pensions for the blind, and so are the Old Age Pen-

sions. Therefore, this $1,810,000 per week is a guide and furnishes sufficient information to know at least the minimum.

We have a report dated May 1st, which gives us information for April 22nd and we spent $1,720,000, or $90,000 per week less, or a total of $4,500,000. That is the only difference and that difference would not exist if there was not something in this report to show there was some effort being made to keep down this relief for the purpose of furnishing an excuse that business will get better, but what is that?

On January 7th, when this administration left, there were nine thousand applications a week, today there are 12,700 applications.

What is happening is that the applications are piling up and the money being spent is being kept down, and you have figures here to show that there is practically no change in the relief for the last three months.

Well, if that is not enough information for the administration upon which to base a relief program I do not know what is, and for that program you need 24 times 12, or approximately $288,000,000 for relief.

What have you provided? $172,000,000 from which you must deduct the $44,000,000 deficit that you have from January 1st to May 31st—a deficit as you call it—so that you have a total of $128,000,000 to meet a $288,000,000 relief program, and you tell us that is the budget, and you have no figures to know what relief is?

Well, onething you know, it is going to be very close to $288,000,000, and when you get to that figure five or ten million dollars does not mean a lot, but when you take the difference between $288,000,000, which is necessary upon the experience of three months, and compare that with $128,000,000 you know that the Governor's program is merely an excuse to put off levying any taxes until past the election and until he can find some statement which will give him a means of getting an out from the promises he made.

That is not statesmanship. I said before and I repeat now, the election is over, and there is only one way the problem can be handled and solved, and that is by forgetting the election and proceeding to solve the problem in a statesmanlike way. You have got to meet the issue that there is $288,000,000 needed for relief and I say long ago, if we had not had this dilly-dallying and finding of excuses and changing of positions we might have gotten somewhere.

There is $40,000,000 available as against this $288,000,000 from the Unemployment Compensation. Look at the reports you get weekly and see how relief is affected by payments from unemployment compensation, and you will find that a proper analysis of those figures will enable you to take $40,000,000 from that reserve of $80,000,000 which is now in their hands and for which they will have no use this year, because they will take in on the three per cent basis as much as they will spend. That is $40,000,000 off and that should have been done long ago and taxes should have been provided or some program set up for the difference; and the difference between $240,000,000 and $128,000,000 must be provided sooner or later—tax commission or no tax commission—and you might as well make up your mind to it. I criticize it as an unfair proposition to ask the people to vote for $26,000,000 or $24,000,000 on this personal property tax, when you could tax income to the extent of $15,000,000 from people who make money, and not tax the poor people or retax that same group who are paying taxes otherwise on the same property, irrespective of profits.

Everybody knows the personal property tax makes a man pay on his stocks, whether he gets a dividend or not, and if he does get a small dividend; he has to make a return to the Federal Government. We do not need this tax. If the Governor has the courage he should have and say to the people who are making money, you are the men who can pay this tax, you can pay this $15,000,000 out of your profits, and you can be relieved of paying this $24,000,000 out of your capital, because that is what it amounts to in many instances, and you can put on an amusement tax of $6,700,000, and you can put on a documentary tax of $800,000, and you can find a substitute for the distillers' tax money worked out, you can find a substitute for that $2,700,000, and you will have $25,000,000 and that is why I say there is no excuse for any Republican or Democrat voting for this tax. I am going to register my protest by voting against it, unless my vote is needed.

Mr. SIPE. Mr. President, when this same tax law was put in the Earle tax program, I voted for it because in the contemplation of the said Earle Administration this was to be only a temporary tax, an emergency tax.

The principal reason why I cannot vote for it now is that, in my judgment, the rates are too high; but let me say that the wisdom of our Republican friends has me confused and flabbergasted.

I find that from the Governor down, they have plenty of wisdom to evaluate and appraise this tax, as well as the other Earle taxes, as being vicious, as driving industry out of the State. That is as far as their wisdom went. They do not seem to have had the wisdom and do not seem to have the wisdom, to dig up some taxes that would not be vicious and oppressive and not drive industry out of the State. I suppose what they are waiting on in this Tax Commission, that is to be forthcoming is some more wisdom to find some taxes that will not be vicious, that will not drive industry out of Pennsylvania. And I longingly wait for their digging up of such taxes, because I certainly want to vote for them.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Farrell,	Lanius,	Snowden,
Chapman,	Gelder,	Letzler,	Stevenson,
Crowe,	Geltz,	Mallery,	Tallman,
Dando,	Haluska,	McGinnis,	Thomas,
Deitrick,	Heyburn,	Miller,	Walker,
Ealy,	James,	Owlett,	Wolfenden,
Edmonds,	Kilgallen,	Scarlett,	Woodward,
Eroe,	Kunkel,		

NAYS—18

Cavalcante,	Gilson,	Mundy,	Ruth,
Coleman,	Homsher,	Pierson,	Shapiro,
Dent,	Jacobs,	Reed,	Sipe
DiSilvestro,	Jaspan,	Rice,	Stiefel,
Frey,	McCreesh,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, Senate Bill No. 1 is a companion bill to Senate Bill No. 2; and, unless Senate Bill No 2 becomes a law, Senate Bill No. 1 should not be passed. In the committee this matter was discussed, and I suggested that I would prepare a bill to take care of that situation, which will be done this week, before we leave here.

Senate Bill No. 1 provides that the Registration Commission shall be transferred to the County Commissioners. That is the situation in about all of the counties except two, I think—Philadelphia and I think Pittsburgh—but if this bill does not become law we will make a change and I suggest, under the circumstances, that Senate Bill No. 1 go over in its order until we consider Senate Bill No. 2.

Mr. SHAPIRO, Mr. President, I ask unanimous consent that Senate Bill No. 1, on third reading, entitled:

An Act to amend sections three and eight of the act, approved the thirtieth day of March, one thousand nine hundred and thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioner, registrars, inspector of registration, and other appointees of registration commission, election officers, municipal, officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," by providing that the registration commission is to consist of the county commissioners instead of appointed commissioners and by providing that appropriations to carry out the act are to be made in the same manner as other appropriations are made.

goes over in its order.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 2, entitled:

An act for the better government of cities of the first class of the Commonwealth by providing, among other things, for a councilmanic form of government with a council elected by proportional representation and with a city manager selected by council; the creation, abolition and change of departments and the addition to departments of certain functions pertaining to parks, detention and correction, planning within the city, weights and measures, and dependent, negelected, incorrigible and delinquent children transferred from certain county offices to the extent of the performance of such functions within such cities improvement of the civil service; increased control over finances by requiring balanced current and capital budgets and by greater control over the collection of charges, fees and taxes, and over payments of salaries and other expenditures out of the city treasury; improvements in the making and revision of assessments; the grant of home rule to such cities and penalties.

Will the Senate agree to the bill?

Mr. WOODWARD. Mr. President, this is the Philadelphia City Charter Bill and all I wish to say at this time is to express my appreciation to Senator Stevenson, as Chairman of the Committee on Municipal Government, for his fairness and courtesy in conducting the campaign, a long campaign, over this bill. As you know, Senator Stevenson held two all day hearings in Philadelphia, at which time the proponents and opponents had ample opportunity to express their opinions; and it is either a coincidence, or has significance, that two of the three members of the Committee, who will probably vote "no," were not present at those hearings. That, I think, is perhaps significant; but I again wish to express my appreciation of the Senator and the courtesy we received.

Mr. OWLETT. Mr. President, this is the Philadelphia City Charter bill.

I wish to state, preliminary, that I attended all the hearings in connection with this bill.

It has been contended that this proposed legislation to provide a new charter for the City of Philadelphia is of vital concern only to the people of Philadelphia; and that this Legislature, if it is to preserve the spirit, the principle and the purpose of home rule, has no prerogative in the matter, beyond that of docile, unquestoning affirmation.

As a matter of fact, that contention is about the only one that has been brought to the defense of this measure up to now; and, not only in the public mind, but also among those whose responsibility it is to delve deeper than they have, it has successfully served its purpose of diverting and forestalling that searching consideration which should be directed to the provisions, purposes and potentialities of the bill itself.

Of course, such a superficial statement is phony on its face, for to accept it would be to lay down the principle that the Constitution of Pennsylvania does not mean what it says, and that the Legislature is bereft of all independent powers in matters which are seemingly—or, by argument, are solely—the primary concern of the lesser political units which go to make up the State. Acceptance of such a contention would give complete validity to its real meaning, namely, that any political unit in this State is entitled to demand and receive Legislative approval of any form of government it wishes to set up, that the rest of the people have no rights or voice in the matter; that the sole determining factor shall be the vote of those in the community itself. Such an argument would be ridiculous in any circumstance, but in this instance it falls completely when it is realized that the primary purpose involved in this bill is so startling a departure from the established practice and the accepted political principles under which candidates for public office have been elected in this State and throughout the Nation for a century and a half, that it is, most emphatically, a matter of vital concern not only to this Legislature, but to the people in every part of the Commonwealth.

Mr. President, I have been one of the chief targets of those who are demanding that this bill be passed by the Legislature, without change. I have no complaint from the personal standpoint, but I do regret that practically all of the criticism up to this time has been of individuals, with almost none directed to the legislation itself. As a

member of the Committee on Municipal Government, I have voted to bring this measure to the floor of the Senate. I propose to strip it of some of its attractive window-dressing and camoflage. I shall vote against it, just as I believe that a majority of the people of Philadelphia will vote against it if comes before them in anything like its present form and they have a clear understanding of what that means.

Mr. President, it may be worth the reminder that periodically, for years, some temporary shortcoming in the functioning of local government in Philadelphia has been seized upon by professional charterchangers as the excuse for highly propagandized demands that the Legislature scrap whatever might be the existing form of government and enact a new charter.

And, it being far easier to condemn than defend any legislative and administrative system which has had to meet the many and acute problems of municipal management over any considerable period, invariably there are those who, having no detailed knowledge of the subject themselves, are swayed by the persuasive prospects offered by the charter-changers, and thereby are enlisted for the time being in the "new charter" movement.

Propaganda is something that is plotted out in advance At the beginning of any controversy, therefore, it has the jump on the solid but unorganized public opinion of a community. And in this instance being composed of about fifty per cent lure and an equal part of political threat, it must, to succeed, "strike while the iron is hot." It must capitalize, if at all, before the support that it has created disintegrates and disappears under the irresistible pressure of deeper examination and more mature thought.

We have seen that technique employed by the supporters of this measure, who demand that every provisoon in it remained as is, including that by which the people of Philadelphia would have only five weeks after enactment of this bill, and I believe it is now only four weeks to inform themselves as to the purposes, operation and effect of the drastic departures from past procedure which have been written into it. Their methods have been "high pressure" in every respect, and ought to be a further warning to the Legislature that its own responsibilities are its first concerns in such a matter; that its clear duty is to proceed with caution, careful consideration and courage; and that its ultimate action, whatever it may be, shall be based upon judgment, in complete disregard of the political threats which are among the chief weapons of the charter-change propagandists.

I call attention to the fact that when Philadelphia's present charter was adopted, it was upon the solemn assurance of some of the foremost advocates of present change, that abandonment of the bicameral Council whose members received no pay, and the substitution of a single-chamber Council of 22 members each receiving $5,000 per year, would be the complete answer to all of Philadelphia's difficulties—the enduring solution of municipal problems which common sense knows are never fully or permanently solved.

The arguments now are similar, but the bait is different.

What Philadelphia really needs, the charter-changers now tell us, is a figurehead Mayor at a clerk's salary of $2,500 a year, and a Council of only eleven members, each of whom shall receive a 50% greater salary than at present, for exercising an authority which, so far as it concerns the responsibility of city management and operation, shall be limited to the power to hire or fire a professional City Manager—if and when any six or more of the 11, having no party obligations or responsibilities, can be gotten to act in concert.

The afore-mentioned "if" is by no means an exaggeration. Upon the contrary, it is not only a possibility, but a probability, under this legislation. For the fact is that the real essence of this whole proposed new charter—the single aspect of it that has rallied the complete and undiluted support of every Socialist, every Communist, and every other political freebooter who owes no allegiance to either of the two major parties—is the definite and specific provision in it for the beginning of the end of the two-party system in this country.

For nearly a century and a half the American form of government has rested securely upon the two-party system by which the people have selected and rejected candidates for public office. Those who are informed upon the subject know that for many years past, the agitators who would abandon the American form of government and substitute some foreign product for it, have regarded that two-party system as the real stumbling block, the one impassable barrier, to the accomplishment of their purposes. And it is equally well known that, openly and publicly, these borers-from-within have set for themselves, as the first tenet of their political program and as the only means of removing this effective barrier to their ultimate objectives, the achievement of that which is called by the euphonious name of Proportional Representation.

What is Proportional Representation? No less a citizen than the Governor of Pennsylvania, long a Judge of the Superior Court of this State and in public life practically from the time he cast his first vote, said the other day he does not know clearly what it is. Perhaps the Governor spoke more or less lightly about his own knowledge. The fact remains, however, and cannot be disputed, that relatively few men and women in this Commonwealth—certainly not one in one thousand—have any real idea of what it does mean.

But, of far more significance than that, although Proportional Representation is by far, and above all else, the most important thing in this proposal, and in my opinion is the one big purpose for which all others in the bill are just selling points—while all of this stands out so clearly that it must impress any impartial mind in an honest examination of this proposal and the propaganda behind it, the irrefutable truth is that not a single word has been said, before the Committee or elsewhere, by any supporter of this measure, in real defense of this radical and far-raching effort to begin here the uprooting and abandonment of established political procedure in this State.

There is another thing that is necessary to a clearer understanding of this situation. The proponents of this proposal tell us that it would apply only to Philadelphia and hence is of no concern to this Legislature or the people of the rest of Pennsylvania. I want to warn the people of the rest of Pennsylvania that right now there is a bill in the legislative hopper of this session that would impose Proportional Representation upon the rest of

Pennsylvania. It is high time that the truth about this be brought into this matter; that the people of Pennsylvania be aroused to what lies behind and within these demands that are being made upon their Legislature.

And now some light upon Proportional Representation and what it would mean.

Under Proportional Representation, candidates do not appear upon the ballot as the affiliates of any political party, and the elections are "at large." Thus Proportional Representation immediately does away with two things—the political party system, and district representation of the people of the various sections. Under it, the entire membership of an elected body could be of one political leaning, and from a single section of the whole area covered by the election. Obviously, if it is good for the largest city in the Commonwealth, it is good for all other cities, towns and boroughs, and the State as a whole. And if it is good for one State it is good for all, and for the Nation as a whole. Clearly, it is the beginning of the end of the two-party political system upon which the whole structure of the American form of government rests—and that is real, it's deliberate, and, at least among Communists, it's frankly avowed purpose.

As to its operation, that can be illustrated best by reviewing the kind of Councilmanic election that would take place in Philadelphia under this proposed new charter.

There would be eleven places to be filled. Now, there have been occasions when Philadelphia has had to fill that many Magisterial vacancies, and hundreds of aspirants have contended for the party nominations. But in such a Councilmanic contest as is proposed, the monetary reward of success would be much larger than in the case of the Magistracy, in addition to which, under Proportional Representation, no political party nomination would have to be procured. No requirements would be imposed as to knowledge, experience, ability, or integrity. Residence, so long as within the city, would have no bearing. Individual candidates would not run for some particular one of the eleven places to be filled, but for any one of the eleven into which he or she, if fortunate, might land. The only test that any citizen would have to pass, in order to get his or her name upon the ballot, would be to procure—through agents, by canvass, by solicitation on a street corner, or what-not—the signatures of 1,000 qualified voters. There is a filing fee of $250, but this is returnable if the candidate withdraws or is elected.

With the help of relatives or friends, the signatures would be a matter of only a day's work. Can there be any doubt that hundreds, perhaps thousands, of citizens would be willing to risk the $250 to enter them in the race for one of the $7,500 jobs?

And can anyone estimate the degree of intelligent discrimination with which the average citizen could go through a ballot containing hundreds of names, many of them similar or perhaps identical, and pick the eleven best fitted for the offices to be filled? And with the complete removal of that guidance which is now afforded by the party identification of all candidates, what sort of an indicator, if any, would the average citizen have, to help him with his choice? Aside from the personal knowledge he might have of perhaps two or three of the candidates, there would be nothing but the names. What significance would they have? Maybe little, maybe much. But they would be the only things on the ballot that would have any significance, or afford any guidance at all. Can anyone imagine a system more surely calculated to divert the voting into religious, racial and group channels?

By whatever might be his method of choosing, the voter would vote for the eleven names of his choice, marking the names in the numerical order of that choice—1, 2, 3, 4, etc. The bill provides that immediately any candidate receives a vote equal to one-twelfth of the ballots cast, plus one, that candidate is elected. If, to use a round figure, 600,000 ballots were cast, any candidate who received 50,000 votes, plus one more, would automatically be elected. His excess above 50,001 votes then would go to the credit of the next highest candidate, where the same process would be repeated, and so on until eleven were under the rope and into the coveted jobs.

No stricture would prevent the entire eleven from coming from one ward, and it is easy to conceive that if not all, at least a substantial majority, could come from one section, with pronounced sectional leanings. Soon or late, under such a system, Communists and Socialists would gain the seats of Council; none is more aware of the fact than they themselves. And under a division of 5-5, a single Communist could be the balance of power—the arbiter of who should be the Manager of the largest city in the Commonwealth of Pennsylvania, and how he should operate it in order to hold his job.

Except as to this hiring and firing of a City Manager, members of Council would enjoy a highly paid impotence in all matters relating to city operation and management. It would be unlawful for any member of Council, or for the entire membership collectively, to direct or even request the appointment or removal of any employee coming within the almost unlimited province of the hired City Manager. Once appointed, the latter could be a virtual czar, and Council, the elected representatives of the people, could deal with the questions of city management only through him. The goal of the real backers of Proportional Representation would be achieved: Party Government and representative government would alike be gone; personal government would be firmly installed in its place. And, as has been said, the City Manager only could be fired when six or more members of the Council were in accord upon such action.

One of the most significant things about this legislation is that they do not want to discuss the principal provision in it. They don't want to talk about Proportional Representation. And that they don't want to give the people of Philadelphia time enough to talk about and clearly understand it, is amply evidenced by the provision in the bill that it shall be submitted to the people of Philadelphia in a Special Election, which shall be held the fourth Tuesday following Legislative enactment.

There is other and equally conclusive evidence that Proportional Representation, the openly-sought goal of all Communists and Socialists, is the real purpose of this whole proposal. We all know that the different problems of municipal operation and management do not continue long in the same form. They loom large, subside or are solved, and are superseded by other and different questions. The important and all-absorbing one of today is

all but forgotten tomorrow, and certainly the remedies of one year do not fit the requirements of the next.

Now, this proposal, Mr. President, comes before us in the fetching garb of a new City Charter, designed to meet the problems of the present in Philadelphia. That is its surface appeal, and the intent avowed by its chief supporters—to meet the problems of the present.

Yet the supporters of this measure when it was introduced in the Senate specifically provided in it that if it fails of adoption now, it shall be submitted every four years until adopted. Will the sponsors and supporters of this measure attempt to say that this important proviso rested upon the supposition, or even the argument, that the bill's so-called remedies for the present will fit the needs of four, eight or twelve years hence? That, in effect, is what this proviso said, and it cannot be interpreted as saying anything else. The purpose, and in my opinion the only purpose, of the repeat referendums, that was in this bill originally, was a dogged determination to fasten Proportional Representation upon the people of this Commonwealth, and by this proviso assuring themselves of a try in the largest city in Pennsylvania at least once every four years.

But they have the hardihood to say that this proposal is of no concern to this Legislature, of no concern to any of the people of Pennsylvania outside of Philadelphia, and therefore the Legislature should pass this measure forthwith, wholly as is, without discussion or debate.

I take this opportunity to say to my fellow members in this chamber, and to the people of Pennsylvania irrespective of section, that if they think the proponents of this measure are right in that statement, and if with their consent the Legislature gives Proportional Representation legal sanction in Pennsylvania by approving it for the largest city in the State, then the precedent will have been established and the way paved to adoption for all other cities and boroughs, and, logically, for the State as a whole.

The sponsors of this bill have harped interminably upon the allegation that it serves, indeed is the very essence, of "home rule." What kind of "home-rule?" Mr. President, Proportional Representation obliterates all district or sectional representation, it thereby completely destroys representative government, and, carried to its logical conclusion, it is the exact anithesis, the acknowledged annihilator of "home rule." Representative government stands challenged in Pennsylvania, and we are told to blink the fact, that it is of no concern to this Legislature!

I have a different concept. I say that it is for the Senators from all other sections of the State, and for the people of more than three-quarters of the counties of this State, to ask themselves, for example, just how much "home rule" they would have—how much representation of themselves and their communities—in a Legislature elected at large, under this principle of Proportional Representation.

I say again that Proportional Representation is the stepping-stone to the eventual abolition of the two-party system, and the destroyer alike of representative government and the true meaning of "home rule." Every Communist is for it; every Socialist is for it; many others who have had no real idea of what it means have thought they were for it; and the Democratic Organization in Philadelphia has seen in this situation the opportunity for what it thinks would be a smart political squeeze-play.

But the facts are that the Democratic Party, when it had the State-wide power to do so, would not enact such a law; and the proposal itself will not stand up under analysis and publicity.

The cry is for a new charter for Philadelphia. But without the real and chief purpose of this legislation—Proportional Representation—its proponents do not want that new city charter! Unbendingly, and rejecting all considerations of compromise, the supporters of this bill have demanded all that is in it, or nothing.

To me, no attitude could be more revealing, and in this circumstance my vote is going to be NO.

I will not betray real "home rule."

I will not destroy the two-party system.

I will not obliterate representative government.

I will not join hands with anyone to put over, in this State or any part of it, the first tenet of the political program of the Communists, Socialists and other avowed enemies of the American form of Government—Proportional Representation.

Mr. DiSILVESTRO. Mr. President and gentlemen of the Senate, I want to assure my colleagues in this Senate that when I vote for the Charter Bill I am not voting for a piece of legislation that has been inspired by Communists or anyone else. But I want to assure my colleagues in this Senate that the people of my district are absolutely tired of the tyrant rule of the Republican party in the City of Philadelphia; and when the opportunity comes, when the constituents of my district come to vote, they will vote "yes" on the Charter Bill, and they are going to answer my colleague from Tioga in a very certain way.

The people of my district are not Communists and they are not Socialists, they are America-loving people, and they believe in and respect the Constitution of the United States and its organized government.

I wish to say, Mr. President, that in voting for this bill I am trying to give the people of Philadelphia an opportunity to vote for something that they desire.

Mr. SHAPIRO. Mr. President, the charter in question was framed by a group of citizens who are well-known in Philadelphia, and the charge that this is communistically inspired is a reflection upon the integrity and standing of those people.

One of the members of the Charter Committee was William G. Schnader, former Attorney General of the Commonwealth of Pennsylvania; another gentleman was Mr. Rue, who is a high official in one of the banks; another gentleman is Mr. Thomas Evans, a well-known citizen of Philadelphia. Several members of the legislature were members of that commission. A well-known Republican, loved by all of us, Dr. Woodward, was a member of that commission. That commission worked on this charter for over a year, and that commission produced a piece of legislation without at any time considering that there were 2,400 or 2,500 Communists in the City of Philadelphia. I would like to assure the gentleman from Tioga that that is all the Communists there are in Philadelphia, and if they are going to vote for this charter I am sure we will all agree that that will not have any affect on the results.

When the gentleman who appeared as president of the

Communistic organization in Philadelphia was asked how many members he had he said about twenty-five hundred.

The Socialist party, about which he seems to have such fear, was so strong that I think they lost their place on the ballot. The people supposed to be back of it, the so-called Communists, have been called "long haired men and short haired women" by some Republicans. For instance, Francis Shunk Brown, President of the Board of City Trusts—he and a number of other gentlemen of his type, Mr. Sidney Hutchinson—I am sure he is not a Communist—I know Mr. Francis Shunk Brown does not like them any more than I do—they gave a thousand dollars toward the expenses of the Charter Committee—which is not the Charter Commission but the Charter Committee—in order to popularize this charter, so that the people would know months in advance, before it came to the Legislature, just what was said, what Proportional Representation would provide under this charter, and how to find out about this charter.

Those are the so-called communistically inspired people to whom my friend refers as instigating this charter. Now, that is all silly and tommy-rot.

My friend from Tioga talks about the fact that it violates the Constitution; and he talks about real home rule—I have distinct recollections about both of those points.

In the first place, I would like to suggest that the Constitution of the Commonwealth of Pennsylvania provided, more than fifteen years ago, that cities should have the right to frame their own charters, and while this Legislature was controlled by the Republican organization for fifteen years thereafter it never passed a law which would enable those people to have their own charter, and my friend is so afraid of this that in order to block the charter he participated in the introduction of a bill here in the Senate, by the gentleman from Montgomery, which would have given the City of Philadelphia the right to frame such a charter if it wanted to, but of course they would have to elect another commission and then go through all this work again and spend $25,000 more to prepare this charter or any charter they would want.

And he was so anxious for home rule that when the City of Philadelphia adopted a resolution to combine the city and the county he took it upon himself to go to Philadelphia and talk against it and to urge to the people of Philadelphia and people all over the State to vote aginst consolidation of Philadelphia City and Philadelphia County.

All during the time that he was campaigning against the consolidation of the City and County of Philadelphia—so that the taxpayers could have some control over the salaries paid to people for whose salaries they were obliged to levy and raise taxes, he complained about the fact that they had no control over the county offices, complained about that fact and yet when we were attempting to correct that misrepresentative form of government my friend was in Philadelphia and all over the State protesting and seeing to it that the bill should be defeated, and that is the net result of that so-called home rule spirit which he has.

In Philadelphia, where the city itself was affected by that constitutional amendment, it was carried. Upstate, where the gentleman from Tioga has influence, and the amendment was lost—a sufficient number of votes were produced against its passage up-State to lick it despite the majoiity in favor of it in Philadelphia; and that is my friend's idea of home rule.

When it suits his purpose he argues for home rule and when it suits his purpose he argues against home rule; and when it suits his purpose he calls upon the Communists. I want to tell the members of this Senate that, much as I hate the Communists and dislike their principle—which is to overthrow this government—I am wondering whether they do not play a part and a necessary part in our legislative matters and in our life, because our friend from Tioga can use them as a red herring to throw over the trail in order to discredit this charter which was advocated by those who have studied and have worked hard on it, by the decent respectable citizens who are entitled to some credit and less condemnation of the kind we are hearing here tonight.

All of this is true but I am afraid it may be forgetton in this tirade of misrepresentation of the whole charter, of the people back of it. The men who framed this charter are respectable citizens of the Commonwealth of Pennsylvania, leaving myself out, and the misrepresantation is carried further by saying the mayor gets only $2,500 a year. Well, if you will read the charter you will see the mayor gets $10,000. They say the mayor will be only a handshaker, well that is all he has amounted to in Philadelphia for the last forty years, and it is time we put the mayor where he belongs in Philadelphia, under this so called American form of government about which my friend harps so much. I do not know what the American form of government means any more, except the kind of government you refer to when you want to lick something you do not like. The other fellow is destroying the American form of Government. It is high time that we look facts in the faces.

Under our so-called American form of Government in Philadelphia not a single mayor who ever became mayor of the City of Philadelpha, with one exception, ever got any higher office or any other public office. Every mayor that left the office of mayor, for forty years, left it in disrepute and such a condition of personal reputation he never could get any other public office, because all he amounted to was a spendthrift and a handshaker and politician; and while it is true that this bill, that those who framed the charter have said that it should be with proportional representation or nothing, there is a very good reason for it. The powers given to council in this charter would never have been given to them without proportional representation. With proportional representation, which means a strong minority, powers are given to council which are extreme, extraordinary, and different from those they have had in the past forty years.

Without proportional representation the right of city council to run the city, giving them the powers that they have here, would be foolsh; and therefore we say the people will know what it is; if we do not tell them the gentleman from Tioga will take good care to do so; either he or somebody else for him will tell the people of Philadelphia about this terrible thing called proportional representation and they will know what proportional representation means.

He will tell them that this means that any group of people can get together and elect their candidate, so that race, creed, politics, religion, labor will get their groups in. Well, if he says that he will be flying in the face of

all experience. If he says there will be five of each party and one Communist and that would result in the ten men joining with the one to vote for the Communist for city manager, then those too men must be crazy or the Communists themselves must be crazy. What would prevent the ten men voting against the Communist? I cannot see anything illogical or wrong in thinking that might happen.

He tried to "strip the charter of its camouflage" by surrounding it with a lot of what I might call, not "baloney as he says, but hooey, which is more understandable.

And now, Mr. President, I do not know whether it is true Mr. Woodward is a long-haired gentleman or not, but I think we know him and have known him for years. I have never known him to associate with Communists but I know he is heart and soul for this charter.

I know that there was a list of contributors to this charter, which the gentleman from Tioga wanted to have, because he felt that he might find amongst them some Communists, I suppose, so he got the list, and as soon as he got the list he discovered that 90 per cent of those gentleman were Republicans; most of them were, anyhow; and so, in order that these gentlemen should not have opportunity to contribuute again, last Wednesday he offered an amendment providing that no corporation should have the right to contribute toward the expense of seeing this charter through the election.

In other words, corporations which have a vital interest in the form of government are now put in the same position as a candidate who runs for office, a candidate who might be controlled, so in order that the corporation should not be able to control this charter how they may I do not know they are not now permitted to contribute.

The real purpose back of that is to, in every way possible, prevent any support financially for this charter; and I should like to say to the gentleman in passing that all these things will not help. The people of Philadelphia are aroused, not because there was temporary mismanagement, as the gentleman says, in the city affairs but because for the last 25 or 30 years the City of Philadelphia has been so grossly mismanaged there must be an end to it.

I suggested a few weeks ago that unless something be done there would be trouble in Philadelphia. Last week we were visited by one of those troubles. For over 25 years there has not been a dollar spent on the substructure of the streets of the City of Philadelphia, and last Saturday the subway was stopped for 24 hours because the sewer system broke down and the subway was filled. Next year you will have some pipes break down, you will have the sewage disposal plant leaking into the drinking water of the city, and you will have every structure which the city needs for the purpose of assuring the safety and well-being of the citizens failing to operate because the money which should have been spent there was wasted in plain words, in graft, plain ordinary graft.

The people of Philadelphia are tired of paying $800,000 for a piece of property which is assessed for taxation at $80,000; the people of Philadelphia are tired of spending money for subways under Arch Street about the existence of which fifty per cent of the people do not know, and the only purpose they serve is, as happened two weeks ago when we had a flood they carry off the water and keep it from the cellars at a cost of millions of dollars.

The people are tired of having a subway under Locust Street, that has been built over three years and costing millions of dollars, that has never been opened; and to this day there is not an entrance or an exit. The people are tired of having assessments on a basis which is absolutely out of line with all decent, common knowledge of today.

The people of Philadelphia are tired of all that kind of government and they say to the Senator from Tioga. "You give us the right to vote on this charter." And we say to him in plain language, "It is not the affair of anybody outside of Philadelphia whether we want this charter or not."

That charter is plain—he is not the only one that can understand it—we know what it means. It is working in New York today. In the Bronx, under proportonal representation, where you would have expected all of the people of one kind who inhabit the Bronx to elect their own man, they did not do it, not a single man of their religion was elected. Why? Because they liked the other candidate better—for personal reasons. That is why we should have this charter; everybody should have the right to exercise his personal preference in voting for candidate; and if the Communists in Philadelphia are of sufficient strength to carry this charter, if they are going to carry this charter into effect, then they are in the majority, and under our form of government they are entitled to have the charter; but that is a farfetched argument and is facetious and is certainly not conformable with the information the committee had before it.

The Governor of Pennsylvania does not know what proportional representation is? I would rather take that suggestion from the gentleman from Tioga if he said it with a smile on his face, because I would hate to think that the Governor of Pennsylvania would make such a remark about an important thing like that without sufficient study. And if he does not, I think he should find out, because he is one of the gentlemen who promised to help Philadelphia.

Now, on the question of the four years, there was a provision in this bill that if it failed this time it could be tried again in four years. That was intended as a limitation and not as a privilege, and when the gentleman from Tioga walked into the committee meeting and presented an amendment to remove this provision entirely, the amendment was passed and adopted by the committee.

There was no scheme or plan back of this bill except one—the real plan back of his proposition is to get those people out of Philadelphia who have been controlling it for their own purposes. The real plan is to get rid of the Republican party control in Philadelphia—that is perfectly plain, and the only way we will get rid of it, and the only way this charter will be passed, is when the decent Republicans in Philadelphia join with the Democrats and pass this charter—then we will get rid of them.

In passing I want to answer one porposition. It has been said here—and I agree—that, after all, the management or government of a city is no better than its manager or governing body. That is true. There is no question about that. If, under this charter, we do not get decent people we will not accomplish the results we expect. But I want to call attention to the fact that this is the only way and the only kind of a plan—certainly one of the plans—which will enable us to get decent candidates to

run. Up until now what decent man wanted to run for mayor of Philadelphia? He could not do what he wanted, he would have the council against him. What could he do except aggravate himself and have his name spread all over the papers as being responsible for conditions over which he had no control. This is a proposition that will invite and encourage decent people to become candidates and participate in the government of their city.

This has not aroused the Communists; this has aroused the decent citizenry of Philadelphia. Mrs. Scott, of Philadelphia, is one of those citizens. George Wharton Pepper, a life long Republican and a man who is a credit to the City of Philadelphia, is one of the first signatories on this petition to this body for the charter—I certainly do not think you would call him a Communist. That is the type of people back of this charter—because they feel, once and for all, we will not have ward heelers in our city offices, we will get rid of waste and extravagance in our city offices. We would call in a cleaning company and pay $50,000 or $60,000 to clean up the City Hall on the inside when it needs it—I do not mean the officials—instead of paying $340,000, which it now costs for janitor services. Take our courts—10 or 12 rooms—where it costs $64,000 a year for janitor service. The Land Title and Trust Company in Philadelphia does not pay that much for cleaning the entire building, and yet here you have 10 room that cost $64,000. It is not the fault of the Courts but of the politicians; every time they need a job for somebody they put him on as a janitor and give him $1800; and when it comes to getting any service from him it is like the installment plan—go and try to find him. You do not see that many people in the hall—as they have janitors.

Go over the the City Treasurer's office, now controlled by the Democrats, and compare the space there with that occupied by the Receiver of Taxes. The Receiver of Taxes pays $16,400 for janitor service and the City Treasurer has it done at contract for $960.00. Is that occasional mismanagement? That has been going on for years. And that is the kind of thing that has caused our $50,000,000 deficit.

The law provides that our budget should be balanced by December 15th, but we do not have the budget balanced yet. The only way our people can get their pay every two weeks is to go to the Supreme Court on their bended knee and say, "Please violate the Constitution and help us so we can get our pay," and the Court says, "We will give you two more weeks, but do not come back again;" and they go back in two weeks and ask the Supreme Court to violate the Constitution again. And yet we speak of Communists! We do not show the Communists the respect for our law we should show them.

For the last six months the law in Philadelphia has been flaunted, because no budget has been made; nobody knows how much money has been spent, nobody knows how much is going to be spent, and nobody knows how we will finish up this year.

I want to say to the members of the Senate that was a nice speech coming from a man in Tioga County who knows nothing about Philadelphia, but to any Philadelphian who has any pride in his city that speck would just make him laugh; and any Philadelphian who would have any pride in his own city would not want anybody else to know about it. I do not like to talk about Philadelphia this way, but I have come to the conclusion the only way we can get any correction in Philadelphia is to talk about it plainly and honestly; and I am presenting these facts to my colleagues on both sides of the house to show to you that I have had experience with the City of Philadelphia's difficulties, contact with its finances; and I want to tell the members of this Senate that when a city gets to the point where 47% of its annual budget of $83,000,000 is spent to pay debt service on $500,000,000—70% of which is graft, corruption and waste—that we are entitled to ask you to give us a chance to vote on a bill that will throw these people out.

I cannot say it any more plainly. I cannot say it any more plainly than I am now—they do not deserve the consideration they have been given under this bill; they have mismanaged the city not temporarily, but consistently; they have utter disregard for the citizens and they are treating the citizens not as Communists but as dictators; and they have not the courage of their convictions. If they had been honestly managing the city they would have imposed the necessary taxes to balance the budget and go through with it; but every time they tried to impose a tax they asked," How much economy are you imposing? How many of these people who are wasting our money are you throwing off the payroll? The Pennsylvania Economy League publicly told them here and there you can cut down $12,000,000 and when the budget estimates were made up there were not $300,000 in the whole budget saved, and I say to the members of this Senate you let the Philadelphians tells you about Philadelphia and why they need a charter. Really the gentleman from Tioga has borne the brunt of criticism because he has made the fight against this charter, he don't know anything about Philadelphia except when he goes there and he protests against some proposition that concerns us alone, and it is not fair for the gentleman from Tioga to say that this charter, sponsored by decent respectable well known citizens, has been inspired by Communists.

If he had not made that remark I would not have said anything about the fact that he comes from Tioga county, which must be the excuse for his remarks, because he comes from Tioga county and not from Philadelphia.

Give us this right at this time to decide whether we want the charter or not and the gentleman from Tioga will get his answer.

Mr. DENT. Mr. President, I do not want to prolong this discussion and not coming from Philadelphia I have no right, either; but I have in front of me, a pamphlet put out by the City Charter Committee.

I listened to a discusion on P. R. or proportional representation and the city charter. I do not know anything about Philadelphia, but I think I know something about Democratic form of government.

The pretex is, of course, to do away with party government in the city; but in this very pamphlet put out it says this, under proportional representation: The party with the majority of votes will get a majority of council, the councilman so chosen will represent the wishes of the voters in local matters and will continue to help his party in State and National Affairs.

Maybe I am wrong but something is screwy about the whole thing.

Mr. OWLETT. Mr. President, I am going to be very brief, but I cannot permit to go unchallenged the statement made by my friend from Philadelphia, Mr. Shapiro, that I accused such high-minded citizens as my friend Mr. Woodward, and George Wharton Pepper, as being Communists. I think everybody who heard what I said knows that that is not so; and it well evidences the lengths to which those who are seeking to pass the charter will go in order to force it on the people.

I said we discovered—and I repeat it—this idea of Proportional Representation is backed by every Communist and every Socialist in Philadelphia, and everybody that was on the Committee of Municipal Government, that held this hearing, heard the head of the Communist party come before us and explain how proportional representation is right down their alley; and so did the Socialists; and I say to you, Mr. President and members of the Senate, that the system of proportional representation is minority bloc government, that it fosters voting by creed and race and therefore I say it is un-American.

I want to pay my tribute here and now to the high-minded character of many of the citizens who are back of this proposal, but it does not change the fact that the system of proportional representation that they have put in this bill is the one system which appeals to every group such as we find in the Socialist and Communist parties; and if we are going to turn this State over to that kind of minority bloc rule, I think the members of this Senate should know what they are voting for.

One of the biggest newspapers in Philadelphia said, in an editorial on the front page of that paper, that the people of Philadelphia should be given a chance to vote on this so they could reject proportional representation if they wanted to; and what did we find here in the Senate? "You cannot have it unless you swallow it all." I am not accusing my friend, Dr. Woodward, with being aligned with Communists; I am not accusing George Wharton Pepper, whom I respect as no other man in Pennsylvania, as being aligned with the Communists; but I am afraid they have been sold a bill of goods on this proportional representation.

I do not believe in it; and I believe that the members of this Senate, without regard to personalities, without being accused of having some sinister motive, have a right to consider this idea of proportional representation and see whether they like it. I believe we have a right to be a little bit afraid of it when we find the Communists and those other groups that appeared before that committee saying, "It is right down our alley; it is what we believed in."

Everything that has wrecked this country under the New Deal has been foisted upon this country during a time of hardship and unemployment; and I say to you, Mr. President, that those who are interested in this plan of proportional representation have seized upon the present plight of Philadelphia to get that across, and they have said to the people of Philadelphia, "You cannot have a new charter, you cannot get good government, unless you will swallow this proportional representation scheme." And I say to you, Mr. President, we have a right in this Senate to decide whether we are for this scheme or not, and if we are told we have to pass the bill with that in in it or not at all, we have a right to vote against it on that ground.

Mr. CAVALCANTE. Mr. President, I should like to interrogate the Senator from Tioga.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. I will, Mr. President.

Mr. CAVALCANTE. Mr. President, will the Senator from Tioga state whether the people that he refers to as Communists and Socialists are American citizens?

Mr. OWLETT. Mr. President, I am sure I don't know. One of the Communists who appeared for this charter bill in Philadelphia said he was born in New Jersey, I believe, and that he was the head of the Communist party. I assume he was an American.

Mr. CAVALCANTE. Mr. President, to what Communists and Socialists is the gentleman from Tioga opposed? To those who are citizens of Russia or a foreign country or to those who are American citizens?

Mr. OWLETT. Mr. President, I am opposed to the theory of Communism in government. I am opposed to this man David Lasher, for instance. He and his crowd came here and they pretty nearly wrecked this Senate. He it was who led the hunger marchers when they were here. I am opposed to this man Benjamin, Secretary of the Workers' Alliance. He appeared down in Washington the other day. He is a representative of the Workers' Alliance and is a Communist. I believe that those men are opposed to the American form of government; and we had an example right here in this country the other day of those men, from the funds collected from relief money, going to Russia to study that system of government. Now, if this Senate is going to give approval, why, all right, but let us know what we are doing.

Mr. CAVALCANTE. Mr. President, nobody wants to approve of a thing like that, but many of us have fought for our country and have bled for it, and surely we are not going to stand for any foreign influence coming here and overthrowing our government; but I would like to ask the gentleman from Tioga to enlighten us who have fought and shed some of our blood for this country, to point out where in the Constitution and American citizen is prohibited from entertaining Socialistic and Communistic ideas without resorting to violence.

Mr. OWLETT. Mr. President, everybody under our Constitution—and I hope it will always be true—has the right to think as they please. For that very reason I, who am opposed to proportional representation, have a right to oppose it in this Senate. But that does not mean because an American citizen has a right to embrace the theory of the Communistic party and the principles under which Russia is governed today—that does not mean we American citizens cannot oppose that system of government.

As far as I am concerned I am going to continue to oppose it.

Mr. SHAPIRO. Mr. President, I do not think it is fair to end this debate and leave it in the way the gentleman from Tioga did. I am opposed to the communistic form of government and also am opposed to flinging a red herring over the charter problem and calling it "communism." From what the gentleman from Tioga says, he has great admiration and respect for Dr. Woodward and George Wharton Pepper, but he is afraid they have been sold a

bill of goods. It looks to me like everybody has been sold a bill of goods except the gentleman from Tioga. These people are backing the charter and know what proportional representation is, and if it is communistic they are responsible and they are communistically inclined.

Is the gentleman from Tioga the only one who can smell a communist? It is unfair to say what he did about Mr. Reeve, who was born in New Jersey. Let me tell a story about Mr. Reeve. This is what he said. He wrote me about this charter and told me a great many of his constituents did not like certain things that were said at those meetings and some of those constituents live in my district. I said to Mr. Reeve and I repeat it now, I am not interested in what the communists think about what I do, or say, or how I vote, and I so told him because he and I are on different ends of the pole. They advocate the overthrow of government and I do not care how they vote, and do not want them to vote for me.

At one of those hearings there was a gentleman who happened to be a former mayor of Philadelphia—and he probably has some present aspirations to be mayor again—and he spent an hour telling us how terrible this charter was and talking about Mr. Reeve, telling him to go back to Russia, where he came from, and Mr. Reeve handed me a note which read something like this, I do not remember the exact words, "I cannot go back to the place I came from, because I lived in New Jersey, in Jersey City—and I will not go back there until Mayor Hague is no longer the mayor."

"My father," he says, "and my grandfather were born in Pennsylvania, my grandfather lived in Pennsylvania and died at the age of ninety-five; he was a Republican and a Presbyterian"—and that is your communism.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bartlett,	Gelder,	Lanius,	Shapiro,
Cavalcante,	Geltz,	Letzler,	Sipe,
Coleman,	Gilson,	McCreesh,	Snowden,
Crowe,	Haluska,	Miller,	Stevenson,
Dando,	Heyburn,	Mundy,	Stiefel,
Deitrich,	Homsher,	Pierson,	Tallman,
DiSilvestro,	James,	Reed,	Walker,
Ealy,	Jaspan,	Rice,	Wolfenden,
Edmonds,	Kilgallen,	Ruth,	Woodward,
Eroe,	Kunkel,		

NAYS—8

Chapman,	Frey,	McGinnis,	Scarlett,
Farrell,	Mallery,	Owlett,	Thomas,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Mr. SHAPIRO. Mr. President, may I be recorded as voting "aye."

The PRESIDENT. You are so recorded.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. SHAPIRO. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 1, Page 2 on the Calendar.

Mr. COLEMAN. Mr. President, I second the motion.

It was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1, entitled:

An Act to amend sections three and eight of the act, approved the thirtieth day of March, one thousand nine hundred and thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration, and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," by providing that the registration commission is to consist of the county commissioners instead of appointed commissioners and by providing that appropriations to carry out the act are to be made in the same manner as other appropriations are made.

And said bill having been read at length the third time, and agreed,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bartlett,	Gelder,	Lanius,	Shapiro,
Cavalcante,	Geltz,	Letzler,	Sipe,
Coleman,	Gilson,	McCreesh,	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Heyburn,	Miller,	Stiefel,
Deitrick,	Homsher,	Mundy,	Tallman,
DiSilvestro,	James,	Pierson,	Walker,
Edmonds,	Jaspan,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Ruth,	

NAYS—6

Chapman,	Mallery,	Scarlett,	Thomas,
Farrell,	Owlett,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. WALKER. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 218, Page 3 of the Calendar.

Mr. MALLERY. Mr. President, I second the motion.

It was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 218, entitled:

An Act for the better government of cities of the second class of the Commonwealth by providing among other things for a councilmanic form of government with a council elected by proportional representation and with a city manager selected by council the creation, abolition and change of departments and the addition to departments of certain functions pertaining to parks planning within the city improvement of the civil service, increased control over finance by requiring balanced current and capital budgets and by greater control over the collection of charges, fees and taxes and over payments of salaries and other expenditures out of the city treasury, abolishing Property Assessment as a city function and penalties

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. WALKER. Mr. President, this bill is the city manager bill for the City of Pittsburgh. Back in Pittsburgh we have the greatest steel mills of the world; we have the greatest glass factories in the world; we have the greatest football teams in the world; and we have some of the greatest universities in the world, one of which is the Cathedral of Learning, which, like Catalon's residence reaches up and kisses the clouds.

We are not asking the members of this Senate to vote for this bill because of the fact that Pittsburgh is full of graft, thievery and corruption, because it is not. How could we? We have the most beautiful women in the world and the smiles of our citizens are brighter, and we do not have graft and thievery and corruption there and that is not why we want the bill. We want the bill because we feel it is a step forward in better government and we feel those who live west of the Alleghenies are entitled to the same considerations and courtesies extended to the people of the great city of Philadelphia.

Mr. KILGALLEN. Mr. President, I might start the few remarks I am going to make stating that Oakmont also has the best golf course in the world.

Mr. WALKER. That is correct, Mr. President.

Mr. KILGALLEN. And, Mr. President, strangely enough this Senate does not have before it now a bill giving the city manager plan to the Borough of Oakmont.

Now, Mr. President, I voted for the bill that gives the city of Philadelphia the right to decide whether or not it wants this city manager business, and I was induced to vote that way because for some eight or nine months—the first General Session, and the next Special Session and now in this Session—I have been hearing about the woes and tribulations of the City of Philadelphia, and it always struck me as being somewhat strange that the City of Philadelphia, by the use of its ballot could not correct that condition, and I do not understand yet why the people of Philadelphia put up with conditions that we are told here exist in that city.

Nevertheless, that picture has impressed itself on my mind and so, as a last resort, I have been somewhat persuaded by that picture to give this new set-up to the City of Philadelphia. Now, I agree with everything the Senator from Tioga said about the system of proportional representation voting. I think it is unAmerican. I think it is entirely foreign to our American ideals and I want to say that, while I am voting for the bill now before the Senate, I reserve to myself the right to go back to my people and bitterly contest the whole idea; meanwhile I am voting favorably on this bill so that once and for all back in Pittsburgh we can settle this question of proportional representation. I do not think it is a good thing but sometime we will have to meet it and we might as well meet it this year, 1939, as any other time.

Mr. FREY. Mr. President, I desire to interrogate the sponsor of this bill, the Senator from Allegheny, Mr. Walker.

The PRESIDENT. Will the Senator from Allegheny, Mr. Walker, permit himself to be interrogated?

Mr. WALKER. Mr. President, I will.

Mr. FREY. Mr. President, just one question. If all the good things the gentleman from Allegheny, Mr. Walker, has said about the City of Pittsburgh are true, how will this bill give better government to the City of Pittsburgh.

Mr. WALKER. Mr. President, never anywhere outside of heaven has there been a place where you cannot have room for improvement. I hate to admit before my colleague of Allegheny that we are not satified with perfection but such is the case. We are never satisfied, even with perfection. I might add, Mr. President, there is one thing I forgot to add in discussing this bill and that is that the great County of Allegheny sends to Harrisburg the greatest collection of Senators that have ever come from any district to Harrisburg.

Mr. FREY. Mr. President, I feel that my colleague from Allegheny County has not answered my question. In view of the fact that we do have an excellent government in the City of Pittsburgh I see no reason for any change, and for that reason and others I intend to vote "no" on this bill.

Mr. McGINNIS. Mr. President, I intend to vote against this bill for the reason that there is no demand for it. I have received very few requests from anybody in the City of Pittsburgh to vote for this bill.

I sympathize with the people down in Philadelphia but if they would do in Philadelphia what we have done in Pittsburgh, elect a Democratic council and mayor, I am sure they would see results immediately.

I have seen a great many reforms and reform administration in cities and am sorry to say that I was never satisfied with any of them.

I believe in two-party government. I believe any city is governed best that has two strong parties. We have in the City of Pittsburgh two strong parties today, one watching the other. I feel that the same condition to a great extent exists in Philadelphia.

The city manager idea is working in a few cities and in many other cities it is working, just as the two-party system is working very good in some cities and, of course, in some cities it is not. I am sure of this, that any city in the United States under the present system can have any kind of government it wants, and for the life of me I cannot see why, by electing a Council by proportional representation and that council picking a manager, how that in itself is going to improve government.

I am sure that in the long run that that manager will do exactly as the council will want him to do, or they will fire him and get a man who will. I can see how, perhaps, in one instance here and there there may be an uprising—they may pick a manager and the people may stay aroused and devote themselves to the govern-

ment in their city and it will show some improvement, but the said part of the whole thing is that the people who become aroused every forty-five or fifty years in a city and become public-spirited citizens—they stood by for years and years and took no interest in politics, did not care what happened, and saw things go to the bad, and then after they have gone they have blamed it on the system of government. It is not the system of government, it is their own dereliction, it is their own fault, it is their own lack of interest in government that was the cause of it all.

The other argument is let these people vote on it. Why not put back in their laps and at least let them vote on it? Well now, in the City of Pittsburgh, Allegheny County, this fall we have a very important election for county Commissioners, for Treasurer, Controller, four members of council, Register of Wills, and Recorder of Deeds, and we have two elections now in this city, the primary and the fall elections, that keep our people stirred up practically the year around and right now, when we are having a very important election in the City of Pittsburgh, here is an added matter of confusion, an added subject of discussion which, to my mind even if adopted, would not improve the city government of Pittsburgh one particle. I say to you, in Philadelphia or Pittsburgh, there is one day in the year that the people have absolute control of their cities. Three hundred and sixty-four days, why they may not have so much to say, but I say to you there is one day in the year that the people have absolute say on the kind of government they should have in their city.

They can have that under our present two-party system and I am not quite sure they can have it under proportional representation.

The experience has been in many cases where they have had it that the minority group stepped in just as trouble makers—no responsibility, they do not have to answer to anybody, and are in there just to dig up or stir up trouble. I say to you in order to get anything constructive in any city or in any state you have to have a strong party to do it. You have got to have a strong administration to do it and even when you have a large majority, because of a difference of opinion in the minds of people, it is hard to put through good legislation and perhaps proper legislation, but if we have proportional representation and a minority group—that experience has shown in many places do nothing but stir up trouble, and with certain groups that might get in—I am sure it would not add to the sum total of knowledge in any city about good government.

Therefore, Mr. President, I am going to vote against this bill.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows viz:

YEAS—38

Bartlett,	Gelder,	Lanius,	Shapiro,
Cavalcante,	Geltz,	Letzler,	Sipe,
Coleman,	Gilson,	McCreesh,	Snowden,
Crowe,	Haluska,	Miller,	Stevenson,
Dando,	Heyburn,	Mundy,	Stiefel,
Deitrick,	Homsher,	Pierson,	Tallman,
DiSilvestro,	James,	Reed,	Walker,
Ealy,	Jaspan,	Rice,	Wolfenden,
Edmonds,	Kilgallen,	Ruth,	Woodward,
Eroe,	Kunkel,		

NAYS—8

Chapman,	Frey,	McGinnis,	Scarlett,
Farrell,	Mallery,	Owlett,	Thomas,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 168, entitled:

An Act to amend paragraph six of section two, and paragraph four of section five of the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 551), entitled "An act prohibiting the employment of miners, as herein defined, in the bituminous coal mines, unless certificated by a miners' examining board; providing for the appointment of such boards, and defining their powers and duties; providing penalties; and making an appropriation," by providing for the suspension of examinations and certifications by the Secretary of Mines and for the issuance of new certificates to replace lost certificates.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate agree to the bill?

SENATE BILL 168

Mr. DENT. Mr. President, I desire to interrogate the Senator from Cambria, Mr. Haluska.

The PRESIDENT. Will the Senator from Cambria permit himself to be interrogated?

Mr. HALUSKA. Mr. President, I will.

Mr. DENT. Mr. President, is it not true that the Senator from Cambria objected to this bill when it was on the calendar in the first place and asked that it be sent back to committee for a public hearing.

Mr. HALUSKA. Mr. President, that is correct.

Mr. DENT. Mr. President, did the Senator from Cambria have an understanding with the Secretary of Mines and Mining that certain amendments were to be inserted into this measure and that the Senator from Cambria would approve it.

Mr. HALUSKA. Mr. President, I did not.

Mr. DENT. Mr. President, I happen to be a member of that committee and I reported the bill out. In the committee meeting I stated that the gentleman from Cambria, Mr. Haluska, raised objections to this bill, inasmuch as he was the original sponsor of this legislation in the session of 1937, and I stated that he had some objections to the bill that seemed very logical.

The Secretary of Mines stated that amendments that he was ready to propose were agreeable and accepted by the gentleman from Cambria.

I find, upon questioning the gentleman from Cambria, that he is not in favor of this legislation nor had he any agreements with the Secretary of Mines. I therefore intend to vote against the measure, although I reported it out of committee.

Mr. HALUSKA. Mr. President, the record shows that on page 1445 of our journal I moved that Senate Bill No. 168 be recommitted back to the Committee on Mines and Mining, for the purpose of a public hearing, and that motion was agreed to. I then walked over to the desk of the Chairman of Mines and Mining, Mr. Thomas, and discussed the matter with him and he agreed that evening to call a public hearing on Senate Bill No. 168.

Later I was met in the lobby of the Penn-Harris hotel by the present Secretary of Mines and Mining, and he then discussed with me the proposed amendments to which, of course, I could not agree. He informed me that the bill would be reported out of committee without a public hearing and now I am quoted as giving my consent to someone to report this bill out—that I have reached some agreement.

Now, Mr. President, those of us who have engaged in the field of sport would call that hitting below the belt. I think it is unfair for anyone to quote me as agreeing to any compromise because I believe I am voicing the opinion of upwards of 130,000 coal miners. I know the contents of this bill, and as my colleague from Westmoreland has said, I was the sponsor of this act in the Session of 1937 and now, after we had called for a public hearing, I was very much surprised to find the bill once again reported out and violating that verbal agreement.

I certainly think we should have a public hearing and I am going to ask tonight to send this bill back to committee, and have some agreement with the chairman of the Committee on Mines and Mining for that proposed public hearing so that those people that are interested in this bill will have an opportunity to voice their objection to this bill.

BILL RECOMMITTED

Mr. HALUSKA. Mr. President, I move that Senate Bill No. 168 be once again recommitted to the Committee on Mines and Mining for the purpose of a public hearing.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 245, entitled:

An Act limiting the liability of fiduciaries for taxes assessments and other charges against real property held by them to the assets of the estate fund or trust of which such property is a part

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Eros,	Letzler,	Ruth,
Cavalcante,	Farrell,	Mallery,	Shapiro,
Chapman,	Frey,	McCreesh,	Sipe,
Coleman,	Gelder,	McGinnis,	Snowden,
Crowe,	Geltz,	Miller,	Stevenson,
Dando,	Gilson,	Mundy,	Tallman,
Deitrick,	Homsher,	Owlett,	Thomas,
Dent,	James,	Pierson,	Walker,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Ealy,	Lanius,	Rice,	Woodward,
Edmonds,			

NAYS—2

Jaspan, Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 280, (House Bill No. 351), entitled:

An Act to amend section twenty-two of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to fees therefor" by providing for the forfeiture of the right to take property under the will of a murdered testator

And said bill having been read at length the third time, and the amendments made thereto having been printed as rquired by the Constitution.

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, the bill under consideration at this time is a very unique bill and I do call upon the members of this Senate who are in the legal profession to consider this bill seriously.

Mr. President, this bill proposes to give to the Orphans Court the power, upon a petition of an interested party, to try the innocence or guilt of a man that is already dead. I agree fully with the principle that a person who is guilty as a principal or an accessory to murder ought not to be permitted to inherit any of the property of the person that he has murdered, but this bill provides that after a man who is alleged to have committed a murder dies and is in his grave, that the Orphans Court may, upon a petition of an interested person, try that dead man and determine whether or not that man was guilty or not guilty of the crime of murder—first degree murder or second degree murder.

Now, gentlemen, it is an extraordinary proposition, when this man is in his grave and cannot defend himself, that we are going to give the Orphans Court the jurisdiction and the power to blacken the memory of that man. I say that it is wrong and we ought not to pass any bill that would permit a thing of that kind.

Mr. SHAPIRO. Mr. President, I think that the remarks of the Senator from Fayette, Mr. Cavalcante, are well taken. I think the purpose of this bill is good, but I think the way we are trying to carry it out is wrong.

BILL POSTPONED

Mr. SHAPIRO. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Mr. SHAPIRO. Mr. President, I move that further

consideration of Senate Bill No. 281, (House Bill No. 352), on third reading, entitled:

An Act to amend section twenty-three of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 429) entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphans' court in connection therewith and the fees therefor" by providing for forfeiture of the right to inherit or to take property of a murdered intestate under the said act.

be postponed for the present.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 294, (House Bill No. 443), entitled:

An Act to amend the appropriation act approved the fifth day of June one thousand nine hundred thirty-seven (Appropriation Act No. 51-A) entitled "An act making an appropriation of the Motor License Fund to the Department of Highways for expendture in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first one thousand nine hundred forty" by providing that the unexpended and unencumbered balance of such appropriation at the time this act becomes effective shall be allocated to and apportioned among the various second-class townships on the basis of the amount of road mileage in such townships authorizing the township supervisors to expend the moneys allocated to the township for the purpose prescribed under the approval and supervision of the Department of Highways and excluding the provision for expenditure by the Department of Highways of such balances the taxing and budgeting limitations on townships of the second class and the right of the Department of Highways to rent road building machinery and equipment belonging to such townships

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, on this bill I wish to make a few remarks and I want to call upon my colleagues to pass judgment. I have insisted for quite a number of sessions that under Article 3, section 33, of the Constitution, a member of the General Assembly ought to disclose any personal or private interests that he might have in legislation and refrain from voting thereon.

This bill deals with the allocation of money to townships of the second class.

Now, Mr. President, I am at this moment employed as legal counsel for the supervisors of South Union Township in my county.

I am not employed at a high salary, I get only a hundred dollars a year from them, but I advise them on all matters.

This bill, if passed, would permit the supervisors to dispose of and use some money here that is left over on an appropriation that was made by the last General Assembly

Now, if I am permitted to vote on this bill by my colleagues after I have disclosed to them my interest, I intend to vote against the bill, because although the bill allocates to second class townships here some money and gives the supervisors some jobs and authority to improve some roads, nevertheless this bill will permit an increase in taxes on real estate and I call the attention of this Senate to Section 5, page 6 of this bill.

The Act of Assembly, as it is now on the books—when the supervisors receive their share of these funds they must comply with section 5 of the Act which reads as follows: "The board of supervisors of townships of the second class shall at the time of the adoption of the annual budget and at the time of fixing the road tax levy for the years 1938 and 1939 exclude from the said annual budget and tax levy for road and street purposes any provisions for the maintenance and repair of the roads and bridges."

This bill now before us strikes that provision out of the act and the money that will be allocated to the supervisors will be used by them and the limitation of their levying power against real estate is lifted, and they will be permitted, in addition to the use of the money which this bill will allocate to them—will permit them to levy additional taxes on the real estate if they want to do that, because the amendment in this bill strikes that part of section 5 from the bill and I say that this bill is bad because of that.

I think that we ought to retain that provision in the bill, that we ought not to lift that bar but ought to allow that bar to remain.

Then, Mr. President, there is another objection that I have to the passage of this bill at this time. If we investigate our history we will find that House Bill 442 is now in the Committee on Highways and that bill deals with an appropriation of $8,500,000 for the same purpose, and I think that these two bills ought to be considered together and dovetailed into each other so that the purposes that we have in mind may be fully effectuated, but if we pass this bill now before us and allow this House Bill 442 to remain in Committee we will have done a very bad job—the job will not be complete.

Now, Mr. President, I do call upon my colleagues, before we come to vote on this bill, to determine whether or not the interests that I have disclosed should disqualify me from voting for or against this bill.

Mr. REED. Mr. President, the Senator from Adams, Mr. Rice, called my attention to something in this bill and I intended to make a motion but my colleagues from Fayette, Mr. Cavalcante, beat me to the gun.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. REED. Mr. President, I now move that this bill,

Senate bill 294, printer's No. 485, go over in its order in order that I may between now and tomorrow, look at the point the Senator from Adams called to my attention.

On the question,

Will the Senate agree to the bill on third reading?

BILL OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 294, (House Bill No. 443) on third reading, entitled:

An Act to amend the appropriation act approved the fifth day of June one thousand nine hundred thirty-seven (Appropriation Act No. 51-A) entitled "An act making an appropriation of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provisions for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first one thousand nine hundred forty" by providing that the unexpended and unencumbered balance of such appropriation at the time this act becomes effective shall be allocated to and apportioned among the various second-class townships on the basis of the amount of road mileage in such townships authorizing the township supervisors to expend the moneys allocated to the township for the purpose prescribed under the approval and supervision of the Department of Highways and excluding the provision for expenditure by the Department of Highways of such balances the taxing and budgeting limitations on townships of the second class and the right of the Department of Highways to rent road building machinery and equipment belonging to such townships

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING

Mr. OWLETT. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 278, (House Bill No. 38), on third reading, postponed.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 278, (House Bill No. 38), entitled:

An Act to amend Sections Three, Four, Five, Nine and Eleven of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (Pamphlet Laws four hundred sixty-three), entitled (as amended), "An Act providing for the incorporation, as bodies corporate and politic, of 'Authorities' for municipalities, counties, and townships; defining the same; prescribing the rights, powers and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," as amended, by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation regulating the publication of such resolutions and ordinances by including waterworks water distribution systems and parts of sewer systems as projects by authorizing the municipalities to limit the projects to be undertaken by an Authority by authorizing a longer term for the bonds issued by an Authority avoiding competition with existing enterprises and by including waterworks water supply works water distribution systems and parts of sewer systems as facilities which may be transferred to an Authority by any owner in addition to the Commonwealth and the political subdivision thereof and authorizing authorities to acquire water and water rights subject to the approval of the Water and Power Resources Board.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. OWLETT. Mr. President, I ask unanimous consent to amend title, page 2, lines 18 and 19 of title, by striking out the following: S "SC and making them legal investments for trust funds etc"; amend Sec. 2 (Sec. 5), page 13, lines 6 to 12, both inclusive, by striking out: S all of said lines.

Mr. OWLETT. Mr. President, I wish to explain that this amendment strikes out the provisions making the bonds of Municipal Authorities legal investments for trust funds.

The PRESIDENT. Is there objection?

The Chairs hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

Mr. WOLFENDEN. Mr. Prseident, I move that the Senate do now resume consideration of Senate Bill No. 661, on Page 16 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

It was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 661, entitled:

An Act for the prevention of congenital syphilis; providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children; imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child, and imposing penalties.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Indiana, Mr. Wolfenden.

The PRESIDENT. Will the Senator from Indiana, Mr. Wolfenden, permit himself to be interrogated.

Mr. WOLFENDEN. Mr. President, I will.

Mr. SHAPIRO. Mr. President, as I understand it these

two bills cover the same subject matter as Senate Bills Nos. 12 and 13.

Mr. WOLFENDEN. That is correct, Mr. President.

Mr. SHAPIRO. Mr. President, I believe Senate Bills Nos. 12 and 13 were vetoed by the governor.

Mr. WOLFENDEN. That is correct, Mr. President.

Mr. SHAPIRO. Mr. President, in what way do those two bills differ from the ones we had before us known as Senate Bills Nos. 12 and 13.

Mr. WOLFENDEN. Mr. President, Senate Bill 661 has a section in it a penalty section, that it did not have before. Senate Bill 662 has been changed so that it includes all types of magistrates and justices of the peace.

Mr. SHAPIRO. Mr. President, in what section does the bill refer to magistrates and justices of the peace.

Mr. WOLFENDEN. Mr. President, if the gentleman from Philadelphia will turn to page 3, line 18, Senate Bill 662, towards the end of the line, he will see "upon conviction thereof in a summary proceeding"—in the original bill it recited in a summary proceeding before a justice of the peace and it did not include the word "magistrate".

Mr. SHAPIRO. As a result the governor vetoed that bill because of that alleged defect?

Mr. WOLFENDEN. That is correct, Mr. President.

Mr. SHAPIRO. Mr. President, is that the opinion of the attorney general as to the words, "Summary convictions."

Mr. WOLFENDEN. That is correct, Mr. President.

Mr. SHAPIRO. Mr. President, will the gentleman from Indiana, Mr. Wolfenden, assure us that if there is any trouble the Attorney General will call it to our attention the next time?

Mr. WOLFENDEN. Mr. President, the gentleman from Philadelphia is asking me a ridiculous question and he knows it.

Mr. SHAPIRO. Mr. President, in the history of my experience in this Senate I have never heard of a bill that was vetoed by the Governor because of a defect in the bill, without it first having been called to the attention of the Senate, and I should like to make record of the fact that those in charge of bills in the executive department or in the judicial or semi-judicial department should at least give us notice when they disagree with our bills.

I think that these two bills are very important, I think that they are a step in the right direction, and I have said so before. I am afraid that the gentleman from Indiana may not have enough votes to get these bills through now. I have urged a number of my colleagues to vote for these bills but I am not sure I have enough votes for their passage. However, having had these bills in their possession, if there were objectionable features in them I feel it was incumbent upon the Governor and the Attorney General to see that we be advised of that fact; and I think it is unfair to the members of the Senate for them to take a position on an important bill, to veto it and then compel the Legislature to pass it all over again.

Mr. WOLFENDEN. Mr. President, as the gentleman from Philadelphia has so well said, these are important bills, but he knows very well that neither he nor I can guess at any action of any Governor. We have no right to do so. The Governor has called our attention to what he considers technical defects in the bill. I think we have corrected that, upon consulting with the Attorney General, and I hope the Senate will remain in the same position as before, when it practically unanimously passed these bills. It would be a shame if they were lost because of any little difference such as the gentleman from Philadelphia pointed out, regardless of who was at fault.

Mr. MUNDY. Mr. President, I too, consider these bills very important and I am going to ask my colleagues to join me in support of these bills.

Mr. CAVALCANTE. Mr. President, I am like the rest of the gentlemen that have spoken. I think the bills are important and I am fully in accord with this attempt to eradicate syphilis; but I would like to be clear on some points, and I would like to have Dr. Mundy or the Senator from Indiana, Mr. Wolfenden, clear me on these points. Section 1 provides that "every physician who attends any woman pregnant with child shall take or cause to be taken a sample of blood." Suppose a woman does not want to permit a doctor to do that. Will this bill punish her for refusing or does this bill impose a penalty on that woman?

Mr. WOLFENDEN. Mr. President, to which bill does the Senator from Fayette refer.

Mr. CAVALCANTE. Mr. President, Senate Bill 661, the one under discussion at this time.

Mr. WOLFENDEN. Mr. President, if the woman does not consent there is absolutely no penalty and there is nothing to it.

Mr. MUNDY. Mr. President, may I say that in actual practice we have no trouble in having women cooperate with this feature of the bill—they are only too anxious and too ready to cooperate with the physician because they are anxious to find out if such a condition exists.

Mr. CAVALCANTE. Mr. President, that may be true, but I know of instances where the person thinks that to disclose that she is in any way affected with syphilis blackens her reputation and character and if she is compelled to expose that fact, by this Act, I say that the tendency might be that a woman might have some fear of that and attempt to bring a child into this world without the aid of a physician.

Now, Mr. President, I am in favor of this bill, but I want these points cleared because I think we cannot, by legislation, compel a woman in that condition to give a test of her blood.

Mr. WOLFENDEN. Mr. President, I am informed that at the present time in the hospitals of this State—and I think Dr. Mundy will bear me out—anyone who is fortunate enough to have the means to go there and have hospitalization get sthis attehtion. All these bills do is give the people who do not have the means the opportunity to get this attention. There is not any forcing about it, or anything of that nature. I think that while the objection of the Senator from Fayette is very sincere, I think it is without foundation in fact.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47.

Bartlett,	Farrell	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,

Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe,	Kunkel,	Ruth,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. WOLFENDEN. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 662, on Page 16, of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

It was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 662, entitled:

An Act regulating the issuance of marriage licenses; prohibiting the issuance thereof to persons infected with syphilis in certain stages; requiring each applicant to produce certain evidence of freedom from such disease; imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47.

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe	Kunkel,	Ruth,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. CHAPMAN. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 673, on Page 18 of the Calendar.

Mr. OWLETT. Mr. President, I second the motion.

It was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 673, entitled:

An Act to amend Section one of the Act approved the first day of December. one thousand nine hundred and thirty-eight (P. L. 111), entitled "An act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires, except by written contract, conferrnig and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for, or intended to be used for, the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal," by excluding therefrom private wires used for fire and burglar alarm purposes, telegraph messenger call boxes and associated circuit time clock circuits, and certain telegraph teleprinters.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44.

Bartlett,	Farrell,	Letzler,	Shapiro,
Chapman,	Frey,	Mallery,	Sipe,
Coleman,	Gelder,	McCreesh,	Snowden,
Crowe,	Geltz,	McGinnis,	Stevenson,
Dando,	Gilson,	Miller,	Stiefel,
Deitrick,	Haluska,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Kilgallen,	Rice,	Wolfenden,
Edmonds,	Kunkel,	Ruth,	Woodward,
Eroe,	Lanius,	Scarlett,	

NAYS—3.

Cavalcante,	Jaspan,	Reed,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. MALLERY. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 669, on Page 17 of the Calendor.

Mr. WALKER. Mr. President, I second the motion.

It was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 669, entitled:

An Act to amend section four hundred eighteen of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicles and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the

burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates, providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," changing the restrictions against public utilities where cooperative associations file with the Public Utility Commission maps of territory to be served by such associations.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL RECOMMITTED

Mr. MALLERY. Mr. President, I move that Senate Bill No. 669, on page 17 of the Calendar, and Senate Bill No. 670, on page 18 of the Calendar, be recommitted to the Committee on public Utilities.

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. JASPAN. Mr. President, may I interrogate the Senator from Blair?

The PRESIDENT. Will the Senator from Blair, Mr. Mallery, permit himself to be interrogated?

Mr. MALLERY. Mr. President, I will.

Mr. JASPAN. Mr. President, I would like to know whether there will be public hearings on these bills.

Mr. MALLERY. Mr. President, they would be recommitted for further consideration.

Mr. JASPAN. Mr. President, it is my understanding there will be public hearings on these bills or, at least, I was given to understand that by the Senator from Tioga; is that correct?

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

Mr. MALLERY. Mr. President, I move that Senate Bill No. 670, on third reading, entitled:

An Act to amend sub-section eight of section two and sub-section twelve of section three of the act, approved the twenty-first day of June, one thousand nine hundred thirty-seven (P. L. 1969), entitled "An act relating to nonprofit cooperative corporations organized to engage in rural electrification, providing for the organization, consolidation and dissolution of such corporations; prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing cooperative or nonprofit corporations and and associations within the provisions of this act; conferring powers, and imposing duties on certain State departments, commissions and officers; fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms in the corporate names of other corporations, exempting such corporations from exercise taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission, and from the provisions of the Securities Act," by re-defining "rural area" and limiting the exercise of the power of eminent domain.

be recommitted to the Committee on Public Utilities.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Mr. KILGALLEN. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 308, (House Bill No. 480) on Page 6 of the Calendar.

Mr. WALKER. Mr. President, I second the motion.

It was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 308, (House Bill No. 480), entitled:

An Act regulating the appointment, promotion, suspension, reduction, removal, and reinstatement of employes (except chiefs, deputy chiefs and chief clerks) in bureaus of fire; and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class; defining the powers and duties of Civil Service Commissions for such purpose in said cities; and repealing inconsistent legislation.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

BILL RECOMMITTED

Mr. KILGALLEN. Mr. President, I move that Senate Bill No. 308, (House Bill No. 480), the bill pust read, be recommitted to the Committee on Municipal Government, for the purpose of a Public Hearing.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. OWLETT. Mr. President, I move that all remaining House Bills on the third reading calendar go over in their order.

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. OWLETT. Mr. President, I rise to suggest that the object of my motion is that we pass the Senate Bills on third reading on the calendar so that they may go over to the House.

Senate Bill No. 408, on page 10 of the calendar, is the first bill to be considered.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 296, (House Bill No. 358), on third reading, entitled:

An Act to amend section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 388), entitled "An act relating to the jurisdiction, powers, and procedure of the orphans' court and the court of common pleas as to sales, mortgages conveyances on ground-rent, leases, extinguishment of ground-rents, partition, exchange, squaring and adjusting of lines between adjoining owners, consolidation and combination of mining lands and the leasing thereof, the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands, and the subdivision of premises so as to command the highest price or greatest rents, and, for such purpose, the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities, where the court shall be of opinion that such decree will be to the interest and advantage of all those interested; and where the legal title is held by minors, lunatics, habitual drunkards, or weak-minded persons, a married person whose spouse is a lunatic, or has abandoned him or her for one year or has been absent and unheard of for seven years; by corporations having no capacity to convey or by any unincorporated association, by any religious, beneficial, or charitable society or association, incorporated or unincorporated, and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law; by a corporation, or individual or individuals; and is subject to a trust of any description whatever; by any person as to whom a presumption of death may have arisen, or any interest wherein is held by any person under legal disability to dispose thereof; where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record, contingent remainders, executory devises, or remainders to a class, some or all of whom may not be in being or ascertained; where estates shall have been devised or granted for special or limited purposes, where there is a power of sale but the time may not have arrived for its exercise, any preliminary act may not have been done to bring it into exercise, the time limited for its exercise may have expired, or any one or more persons required to consent or join in its exercise may be non compos mentis, have removed out of the State, have died, refuse to act, unreasonably withhold consent, or be absent and unheard of; where there has been or shall be a defective appointment in any deed or will, and the necessary power is not given to the executor, devisee, or appointee to make sale and conveyance; where a trust has been created, and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm; and to the effects of such decrees," by conferring on the orphans' court concurrent jurisdiction with the court of common pleas in certain cases.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 305, (House Bill No. 374), on third reading, entitled:

An Act to amend section three of article one and section forty of article four of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws 521) entitled as amended "An act providing or the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death, defining and taxing transfers made in contemplation of death, defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal," providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefor and providing for the repayment of taxes paid in excess of amount due on future estates.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 342, (House Bill No. 373), on third reading, entitled:

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon the profits realized from corporate stock be treated in whole or in part either as principal or income; and repealing inconsistent legislation.

go over in order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 386, (House Bill No. 378), on third reading, entitled:

An Act to amend paragraph (d) of section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing surviving, acting or remaining testamentary trustees to act in respect to real estate left to them to be sold or which they are authorized or directed to sell.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 408, on third reading, entitled:

An Act to authorize insurance companies to include in any general, blanket or group policy covering accidental bodily injuries or sickness a provision for payment of certain expenses incurred by the insured for dependents.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 412, (House Bill No. 331), on third reading, entitled:

An Act defining and prohibiting unfair sales providing remedies for violations thereof and establishing penalties therefor.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 444, (House Bill No. 632), on third reading, entitled:

An Act to amend section ten of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 1011) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March Anno Domini one thousand nine hundred and one creating a department of city planning providing for its organization and powers regulating the platting of ground prohibiting the recording of plans and sales of lots therein before their approval under penalties making it a misdemeanor for the recorder of deeds to record an unapproved plan restricting accepting laying out opening and improving private streets prohibiting the erection of buildings on land not abutting on public streets not shown on the official master plan or an approved plat transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same the preparation and compilation of an official street map providing penalties for the violation of this act and repealing certain statutes" further defining the powers of the planning commission in cities of the second class.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 457, on third reading, entitled:

An Act to amend sections one and five of the act approved the twenty-ninth day of May one thousand eight hundred eighty-five entitled "An act to provide for the incorporation and regulation of natural gas companies" enlarging the powers of such corporations and limiting the cases where certificates setting forth enlargement or alteration of territory of production need be recorded.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 460, on third reading, enttled:

An Act to amend paragraphs (6) and (7) of Section 2, Sections 405 and 915 of, and to add Sections 922 and 1315 to, of the act, approved the twenty-eight day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilties and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultal costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by adding to the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle"; requiring common carriers to deal only with certain common carriers by motor vehicles; providing for additional insurance by certain motor carriers of passengers; authorizing the Commission and the Department of Revenue to co-operate in identification plate requirements; and providing additional penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 461, entitled:

An Act to amend Paragraph 1 of Section 1, Clauses (f), (g) and (h) of Section 202, Paragraph 4 of Section 403, Sections 405 and 406, to add Clause (f) to Section 407, and to amend Section 413 of the act approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1449), entitled "An act establishing a

court of record in the county of Allegheny for control, care, guidance, treatment, trial, placement and commitment of delinquent, neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency, neglect or dependency of children; defining the jurisdiction and powers of the court, and regulating procedure therein; providing for the transfer thereto of certain powers, functions and duties from other courts, providing for the election of judges thereof, the appointment of probation officers, other necessary staff officials and assistants providing for housing of same, and providing for detention facilities; making the contributing to or encouraging of the delinquency, neglect or dependency of children a misdemeanor; and providing penalties," by extending the provisions of the act to children under eighteen years of age.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Consttution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe,	Kunkel,	Ruth,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 462, entitled:

An Act to amend Clause 2 of Section 1, and Sections 4, 6, 7, 8 and 14 of the act approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1433), entitled "An act defining the powers of the courts of quarter sessions, the Municipal Court of Philadelphia, and the County or Juvenile Court of Allegheny County, with respect to the care, guidance, control, trial, placement and commitment of delinquent, dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency, neglect and dependency of children; and amending, revising and consolidating the law relating thereto," by extending the provisions of the act to children under eighteen years of age.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Consttution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe,	Kunkel,	Ruth,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bll No. 492, on third reading, entitled:

An Act designating certain life insurance companies as limited life insurance companies and further describing the powers thereof

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 498, (House Bill No. 436), on third reading, entitled:

An Act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriation to the Department of Commerce and repealing certain laws

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 499, (House Bill No. 437), on third reading, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by establishing a Department of Commerce and defining its powers and duties; placing the State Planning Board within the department as a departmental administrative board, making certain changes in its membership and defining its powers and duties; making available to the department for the use of the board and the current appropriation to the board; and repealing inconsistent acts or parts of acts.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 537, on third reading, entitled:

A Joint Resolution proposing an amendment to section one artcle eight of the Constitution of the Commonwealth of Pennsylvania

go over in its order.

Mr. PRESIDENT, this bill involves a question of poll taxes for voters, and I think it will involve too much of a discussion at this time;

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN. Mr. President, I ask unanimous consent that Senate Bill No. 561, on third reading, entitled:

An Act to amend section two of the act, approved the ninth day of July, one thousand eight hundred and ninety-seven (P. L. 219), entitled "An act providing for the classification of real estate and other property for purposes of taxation, and for the election of assessors and prescribing the duties thereof in cities of the second class." by providing for refund of taxes paid on assessments reduced after appeal and requiring the payment of interest and penalties on taxes based on such reduced assessments.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 569, (House Bill No. 733), on third reading, entitled:

An Act defining the civil service status of certain persons employed by fire departments in cities of the second class

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 596, entitled:

An Act to prohibit the transfer of personal property from a resident decedent to an alien beneficiary of a foreign country which prohibts such transfers to citizens of this Commonwealth and providing for the escheat and distribution of such property

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe,	Kunkel,	Ruth,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 607, (House Bill No. 919), on third reading, entitled:

An Act to further amend section four hundred four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws;" by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. OWLETT. Mr. President, at the request of the sponsor of this bill, I move that Senate Bill No. 84, on second reading, entitled:

An Act to further amend subsection (b) of section one thousand and two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," restricting speed of vehicles within public park areas.

be recommitted to the Committee on Highways.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 398, (House Bill No. 567), entitled:

An Act to amend section one of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (P. L. 275) entitled "An act fixing the salary of sheriffs in counties in the eighth class providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county and prescribing penalties" increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proveded to the second reading and consideration of Senate Bill No. 414, as follows.

An Act authorizing school districts of the first class to fund floating indebtedness incurred prior to December 31 1939 for current expenses and debt service and to issue and sell bonds for this purpose

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It shall be lawful for any school district of the first class to issue bonds to fund floating indebtedness incurred prior to December 31 1939 for current expenses and debt service

Section 2 Bonds authorized by the provisions of this Act shall be issued and sold at not less than par and shall bear interest at a rate not exceeding four per cent (4%) per annum payable in not more than twenty-five (25) years from the date of said bonds Said bonds shall be serial bonds and shall mature in annual installments as nearly equal as the bond issue will permit beginning not later than five (5) years after the date of the bonds Provided that the above provisions shall constitute the minimum requirements for the maturity of bonds and nothing herein shall be construed to prevent a school district of the first class from providing in any bonds issued under this Act for accelerating such maturities

Section 3 Any school district issuing bonds under the provisions of this act shall create a sinking fund for the payment of principal and interest of the bonds and any taxes covenanted to be paid thereon For the purpose of creating such sinking fund the board of public education of the school district of the first class issuing the bonds shall at or before the time of so doing provide for the levy of a tax sufficient to pay principal of the bonds within twenty-five years together with the interest thereon and any taxes covenanted to be paid thereon such tax to be collected annually until payment of said bonds and the interest thereon and any taxes covenanted to be paid thereon be fully met

Section 4 This Act shall become effective immediately upon its approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 415, entitled:

An Act to amend and reenact section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting the total annual school tax for any one year in school districts of the first class and prescribing the method of fixing the levy of school taxes in such districts

The first section of the bill was read as follows:

Section 1 Section five hundred and twenty-four of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by Section One of the Act approved the first day of December one thousand nine hundred and thirty-eight (Pamphlet Laws one hundred and three) is hereby further amended to read as follows

Section 524 In all school districts of the first class the school taxes for the following fiscal year shall be levied annually by the board of school directors thereof on or after the second Monday of November and before the first Monday of December following The board of school directors thereof shall annually levy a tax on each dollar of the total assessments of all property assessed and certified for taxation in said district which said tag shall be ascertained determined and fixed by adding together the following

(a) An amount which with all moneys received from the Commonwealth applicable thereto shall be sufficient to pay the minimum salaries and increments of the teaching and supervisory staff thereof as fixed and provided by law and to pay the contributions of said district to the teachers' retirement system

Provided however That for the purpose of computing the amount required to pay the minimum salaries and increments fixed by law but without otherwise limiting the rights of the district to employ teachers or other employes the number of teachers on the salary schedule of the elementary schools shall not exceed one for every thirty-two pupils in average daily attendance in such schools the number of teachers on the salary schedule of the junior high schools shall not exceed one for every twenty-five pupils in average daily attendance in such schools the number of teachers on the salary schedule of the senior high schools shall not exceed one for every twenty-five pupils in average daily attendance in such schools and the number of teachers with salaries and increments fixed by law on any salary schedule now established or hereafter established and not specially mentioned in this Act shall not exceed one for every twenty-five pupils in average daily attendance

The number of principals in the elementary schools and the principals in charge of all other character of schools now established or hereafter established and not specially mentioned in this Act shall not exceed one for every six hundred pupils in average daily attendance in such schools and the number of principals in the junior and senior high schools shall not exceed one for every twelve hundred pupils in average daily attendance in such schools

The number of supervisors in all schools shall not ex-

ceed one for every fifteen hundred pupils in average daily attendance

The number of attendance officers and home and school visitors shall not exceed one for every two thousand ppuils in average daily attendance in all elementary and secondary schools

In all adult and extension school classes the number of teachers shall not exceed one for every twenty pupils in average daily attendance in such schools

The salary and increments fixed by law of members of the teaching and supervisory staff whose number is not in some manner limited by the present proviso shall not be construed or considered as within item (a) of this section 524 of the act here amended but shall be construed and regarded as constituting expenses within the following item (c) of said section

Average daily attendance as used herein shall be based upon attendance during the preceding school term

(b) An amount sufficient to pay the interest on and retire at maturity the principal of the indebtedness of said district at maturity incurred as authorized by law

(c) An amount sufficient to pay all other expenses and requirements of said school district which amount for the tax years one thousand nine hundred and thirty and one thousand nine hundred and thirty-one shall be equivalent to not less than two and three-quarter nor more than three and one-quarter mills on the dollar of the total assessment of all property assessed and certified for taxation therein and for the tax year one thousand nine hundred and thirty-two and thereafter an amount which shall be equivalent to not less than three nor more than three and one-half mills on the dollar of the total assessment of all property assessed and certified for taxation therein

[Provided however That no school district of the first class shall levy a tax for the fiscal year of one thousand nine hundred and thirty-nine in excess of one mill over the one thousand nine hundred and thirty-eight tax levy in said school district Provided That thereafter no school district of the first class shall levy a tax in excess of its one thousand nine hundred and thirty-eight tax levy]

The total annual school tax levy for all purposes for any one year in any school district of the first class shall not be more than eleven and three-quarter (11¾) mills one the dollar of the total assessment of all property assessed and certified for taxation

On the question,

Will the Senate agree to the section?

Mr. SHAPIRO. Mr. President, I move to amend section 1, page 5, line 17, by striking out the words "for any one year"; amend Section 1, page 5, line 18, by inserting after the words "more than" the following: as follows: for the years one thousand nine hundred and forty and one thousand nine hundred and forty-one; amend Section 1, page 5, line 20, by adding after the word "taxation" the following: in the territory constituting the district and for each subsequent year the levy shall not be more than eleven and one-half mills (11½) mills on the dollars of such assessment

Mr. MUNDY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Wll the Senate agree to the section as amended?

It was agreed to.

The second and third sections of the bill were read as follows and agreed to:

Section 2 The provisions of this Act are severable and if any of its provisions shall be held unconstitutional the decision of the Court shall not effect or impair any of the remaining provisions of this Act It is hereby declared to be the legislative intent that this Act would have been adopted had such unconstitutional provisions not been included herein

Section 3 This Act shall become effective immediately upon its final enactment

The title of the bill was read as follows and agreed to:

An Act to amend and reenact section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the volaton thereof provding revenue to established and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' as amended by limiting the total annual school tax for any one year in school districts of the first class and prescribng the method of fixing the levy of school taxes in such districts

And said bill as amended having been read at length the second time.

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, these bills, Senate Bills Nos. 414, 415 and 416, represent an agreement of the committee, in connection wth the school districts of Philadelphia and Pittsburgh, concerning first class school districts. These bills were subject to an understanding that when these bills are passed Senate Bill No. 45 will be abandoned so that we can get an agreement of the teachers and the taxpayers and the committee to follow out a plan or program which will correct the conditon in Pittsburgh and Philadelphia.

Senate Bill No. 415 is the bill which gives to the school district the right to decrease salaries of the schoql teachers; I have amendments here to that bill which I want to offer now, and I will explan them briefly.

The first amendment to this bill, Mr. President, is to provide that the teachers' salaries under $2,200 shall not be affected by any decrease.

The second amendment is to provide that the decrease shall be limited to a period of two years.

The third amendment would provide that the decrease shall range from one per cent to ten per cent, so that the higher deduction will come in the higher brackets. This third amendment is an amendment as to the retirement fund which enables teachers to elect which of the basic salaries she shall select as the basic for payment into the retirement fund. If her salary is reduced she will have the choice of paying on the reduced salary or on the basis of the previous salary.

These are three sperate amendments and I now offer them and ask their adoption.

Mr. President, let me suggest that when we were talking I thought we were considering Senate Bill No. 416.

On Senate Bill No. 415 the amendments I propose limit the increased tax rate to two years and after two years fixes that rate at eleven and one-half mills instead of eleven and three-quarter mills.

Mr. MUNDY. Mr. President, as one who is concerned in the passage of these bills, I would like to be given a little consideration before these amendments are presented. The Senator from Philadelphia stated that there was an agreement existing on the passage of these bills and coupled them with the consideration of Senate Bill No. 45.

May I say that I feel, and deeply feel, that I might have

been considered in this agreement. So far no one in this Senate has spoken to me that such an agreement existed. I am very vitally interested, not only in these bills, but certainly. I am interested in Senate Bill No. 45.

The statement was made tonight that the agreement was, if these bills were passed, Senate Bill No. 45 would be abandoned. I do not want to doubt the veracty of any of the gentlemen in the Senate, but I am asking the President if I may break in now on my talk in order to interrogate the Senator from Montgomery, Mr. Edmonds.

The PRESIDENT. Will the Senator from Montgomery permit himself to be interrogated?

Mr. EDMONDS. Mr. President, with unusual pleasure.

Mr. MUNDY. Mr. President, is it the purpose of the Senator from Montgomery to abandon Senate Bill No. 45, as indicated?

Mr. EDMONDS. Mr. Presdent, only if there is a substitute for that bill which will accomplish the main results that we have in mind. I see no connection between Senate Bill No. 45 and these three Philadelphia-Pittsburgh bills. I will join with anyone, on either sides of the house, in working out a solution of the tenure problem; but I will not agree to abandon Senate Bill No. 45 unless there is a substitute which is adequate to cope with the emergencies of the situation.

Mr. MUNDY. Mr. Presdent, I would have been very much disappointed in the Senator from Montgomery, Mr. Edmonds, if he had entered into such an agreement—that the passage of these bills depended on the abandonment of Senate Bill No. 45. The bills differ entirely in scope and are only similar in that they deal with educational problems. I want the Senate to judge the merits contained in Senate Bill No. 45 singly and individually, and in no way want it coupled up with the present bills as presented.

I say this to you, Mr. President, and to the members of the Senate, that we, in championing the present Tenure Bill,, do not want to sacrifice the pay, and the pay-envelope, of the teachers of Pennsylvania as the price for retaining their tenure. If we should get and maintain tenure at that expense, then I say to the members of the Senate that tenure to the school teachers of Pennsylvania is worth nothing. If we start in Philadelphia and Pittsburgh and give the school boards power to reduce salaries, then there is no reason why others throughout the State of Pennsylvania should not claim the same power; and if we give school boards in Pennsylvania the right to cut teachers' salaries, then I say we should abandon tenure entirely, because in that there is contained a more powerful political threat than ever was contained in Senate Bill No. 45.

Mr. SHAPIRO. Mr. President, let me say very plainly that these four bills are hooked up together, the three on the calendar and No. 45; and in discussing them I am discussing them as they were discussed in committee.

It is folly to talk to the teachers about security and at the same time have a bill on the calendar which deals with making them insecure. It is folly, it seems to me, while you are asking her to take a reduction, to meet a precauious situation, to say to her "Well, you should not worry about this cut in your salary, because you are secure in your position." But I am sure no teacher will agree to a reduction in salary while at the same time there is hanging over her head the question of security.

These bills were agreed upon as a common-sense proposition; but if you are asking a teacher to take a small reduction in salary and then at the same time you are asking her to take the risk of being dismissed by this Tenure Bill, you will not get anywhere with it.

Philadelphia and Pittsburgh are in a situation that needs immediate correction. Everybody knows also that the outlying districts are in a precarious position. Now, we have granted an additional million dollars out of the public treasury of this State to the outlying districts. What will you do in Phladelphia and Pittsburgh, where they are saying there can be a saving of $81,300,000 by a reduction in salaries of one to ten per cent, and when you realize we have $22,000,000 salaries in Philadelphia you know it is an average of a little over five per cent.

In addition to that we are imposing on the taxpayers in Philadelphia an additional one-and-one-quarter mills, so that they will contribute $3,750,000, and we are passing a third bill allowing the city of Philadelphia, the school district of Philadelphia, to borrow five or six million dollars for the purpose of meeting the present deficit, which I think is $6,500,000, which will occur this year.

Now, those three bills hook together with the proposition of dropping Senate Bill No. 45 mean a program not of bargaining or dealing, but a program of security for the teachers, and a program of cooperation between the school board and the teachers. I am opposed to Senate Bill No. 45 and I will not vote for it and I do not think it will ever pass the Senate. The discussion in committee was along the lines we have had today. I asked permission to appear before the committee and made the same statement and I said there were one or two matters in Senate Bill No. 45 about which there should be no controversy and they should be incorporated in another bill, and I think that was the destinct understanding between everybody in the room today, and I certainly think that is the real solution of the problem and one of the ways in which all problems confronting the Senate should be handled.

I am not a member of that committee but I took it upon myself to go before the committee and, took some time to try to solve the problem.

These three bills in their original form gave the Board of Education in the districts the right forever to reduce salaries. I limited that to two years. They wanted to reduce the limit and I suggested that $2,200 was small enough. I do not see why the Senator from Montgomery says he has not abandoned Senate Bill No. 45. In effect he is abandoning it, if this program goes through. If he has not abandoned Senate Bill No. 45 I am not for this program.

I am not going to ask the teachers of my city to take a reduction and then feel insecure. We have not given the tenure bill a decent real trial. It has only been less than two years in effect and I see no reason why it should be tampered with, unless there is a real emergency, what threatens the school districts today is not so much the tenure bill as the financial situation and we have solved that and I think this is certainly no time to fool with the tenure of the teachers, upon whom we are depending to teach our children and give us our future citizens, and if we deal with our teachers properly I am interested to the extent I am going to ask that my colleagues go along with this program of reduction but I am not going to ask them to go along if Senate Bill No. 45 is pressed.

Mr. MUNDY. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. MUNDY. Mr. President, in these bills, 414, and 415, if I remember correctly, there is permitted a ratio of pupils per teacher. That ratio has to be set by the Board and a reduction in teachers' forces will depend upon the fixing of that ratio, and there also was given them in addition the power of raising revenue. It states that the budget shall be set at a definite time and the experience or ratio of that budget shall be fixed by the preceding period. It also says all pupils attending during a subsequent period shall be judged by the previous quarter. Now, I want to ask the Senator from Philadelphia this: if he votes for this bill for Pittsburgh and for Philadelphia, in the event that the boards from Luzerne, Lackawanna or some other third class counties come in for the same proposition, could he consistently vote against them?

Mr. SHAPIRO. Mr. President, I do not recognize the bill as the gentleman from Luzerne, Dr. Mundy, describes it. As I recognize this bill, it provides salaries shall be based on the ratio of one teacher for twenty-five pupils in the elementary schools and one teacher for thirty-two pupils in the high schools, and that is the present basis upon which they are teaching. As a matter of fact, there are more pupils in the schools than twenty-five or thirty-two. I have been told in Pittsburgh the average is around twenty-seven for the elementary schools and thirty-six to forty-three in the high schools and the basis set up for taxation is the basis upon which they are figuring now. In other words, the tax rate will provide enough teachers without increase or decrease of the teacher to maintain the schools upon the present basis. If Luzerne or Lackawanna or any other third class counties come in with a program which will mean a parity for the teachers certainly I will vote for that and I will be consistent. These other counties apparently cannot meet their situations by that solution. We have given them a million dollars to reach a solution; but Philadelphia and Pittsburgh certainly can solve their problems by these bills. They do not present the same problems suggested by the gentleman from Luzerne, Dr. Mundy.

Mr. MUNDY. Will the Senator from Philadelphia say this bill does not give empiracal powers to the board, in addition to reducing salaries above the figure of $2,200, and that it also gives powers to reduce the teaching force?

Mr. SHAPIRO. Mr. President, it does not, emphatically no.

Mr. MUNDY. Mr. President, in arriving at the figure of $2,200 for the teaching force may I ask what was the guiding principle in arriving at that? It is a cardinal of living wage or is it a standard above what he considers a living wage in proportion to the years these teachers have taught and the expenses incurred in attaining their education.

Mr. SHAPIRO. Mr. President, with regard to that I understand that the low base for the reduction of salaries will begin with $2,200, because these teachers had been receiving in Philadelphia $2,400—$200 above the amount fixed by the Edmonds Act, I think it is the Edmonds Act. The later Act, not the 1911 Act but the later Act, and it was thought they already had taken a reduction of $200 and that was my reason when I was making that one deduction that they had already received a deduction of $200 and they should be as little affected under this bill, as possible.

Mr. MUNDY. Mr. President, has there been provision made in this bill for reducing salaries of other employees proportionately.

Mr. SHAPIRO. Oh, yes, Mr. President, all employees known as professional employees, including heads of departments and secretaries and all persons employed will have their salaries reduced within the ratio of one to ten—the ten percent will come in the higher brackets, and as a matter of fact in Philadelphia the officials have already taken one reduction of ten percent and this will mean another.

Mr. MUNDY. Mr. President, I rise to make this statement. It seems to me all the fault in the management of the school systems and the mismanagement of all the school systems seems to be visited upon the teaching profession itself. I am very much against cutting any wages and I am seriously opposed to cutting the low grade wages given to the teaching profession in the State of Pennsylvania. All professional groups, and particularly the legal profession, are very careful about maintaining their fee standards—I know that is true of the medical profession and the dentistry profession also, and I cannot see why we should begin economy in the school system by cutting the salaries of school teachers.

I feel that the bills should be considered singly, separately voted upon by the members of the Senate on their merits alone, and that we deal with S. 45 on the merits of every single amendment as we meet them.

Mr. SHAPIRO. Mr. President, I have no objection to that. I stated before and I repeat that I do not think there are enough votes in the Senate to carry Senate Bill No. 45 and if the gentleman persists in trying to pass it let it come up and get licked, because I do not think they have got twenty-six men in the Senate to say that this bill should be amended now. I do not think they can get twenty-six members to vote that the married teacher be permitted to be discharged by any Board of Education. I think these matters are controversial and if we intend to settle this problem we had better make up our minds.

Mr. EDMONDS. Mr. President, I agree entirely with the last sentence. There is a controversy in Philadelphia and Pittsburgh with regard to finances. These three bills deal with that problem. S. 45 deals with amending the tenure act. I have listened to the gentleman's prophecy with a great deal of interest, but I think there is a strong desire to amend the act, that is apparent. Now, however, we are faced with the fact that we are considering three Philadelphia-Pittsburgh bills that ought to stand entirely on their merits, but if the gentleman has in mind a statesmanlike approach to the tenure question, whereby both parties will engage in endeavoring to find a proper solution for all time, I will be only too glad to join with him, but I think that is entirely apart from these bills that deal with a specific financial problem in school districts of the first class.

Mr. SHAPIRO. Mr. President, I see no objection to voting on these amendments now but I say very frankly I will not vote for these bills for decreasing salaries of teachers until I am certain there will be no interference

with the tenure of the teachers and I think the approach was made in a statesmanlike manner. In that way I think they are hooked up. I thought it was agreed in committee, when we learned that Senate Bill 45 would not be brought out, I thought in committee we decided it would not be brought out unless we agreed on certain changes.

If we do no agree, then of course the bill should not be passed, and the tenure should not be affected. I want the record to show I will not support these bills unless the teachers' tenure is safe, is not interfered with. I will not vote for a reduction in salary. I think we can vote on these amendments now, because certainly the bills should not be any more drastic.

Mr. GELDER. Mr. President, so far as I am concerned there was no thought of endangering the teachers' tenure in the conference last week. There was some talk of that amendment and about a bill that would be sponsored by both sides of the house, and Senator Mundy's name was mentioned as a possible sponsor with Senator Edmonds, who was responsible for that first bill, giving a salary raise, but I have no recollection of tying in the three bills on the Calendar tonight with the tenure bill itself.

Mr. MUNDY. Mr. President, without betraying any confidence I think Senator Homsher will bear out my statement that I left here before the final session last week and before I left I spoke to the Chairman of the Education Committee and asked him if he was going to have a meeting of that committee to consider tenure, and I had his assurance, before I left, that the tenure bill would not be brought out of committee and would not be discussed in my absense.

I was very much surprised to pick up a newspaper in my home town and saw that an agreement had been reached by which certain provisions of the tenure of Senate Bill No. 45 would be permitted to be passed by agreement, and up to this day I want to say that my position in the matter is that I am remaining yet to be convinced that the present tenure bill needs amendments.

Mr. EROE. Mr. President, I say that Philadelphia and Pittsburgh are not the only districts in this State that have this problem. They are going to come into my district next. Let us be consistent and start with the Governor of the State and cut everybody's salary in the same proportion. Otherwise I shall vote against it.

And the question recurring.

Will the Senate agree to the bill on second reading?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 416, entitled:

An Act to amend and reenact section five hundred and thirty-two of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by empowering school boards in districts of the first class to make for any year such general reductions in salaries fixed by law as will enable the district to keep its estimated annual expenditures within the estimate of funds available to the district for that year and by in such instances so regulating the discretionary power vested in the Superintendent of Public Instruction to withhold requisitions for moneys payable by the Commonwealth to School Districts which have not made provision for full payment of minimum salaries and increments that the exercise of such power shall not interfere with the operation of this act.

The first section of the bill was read as follows:

Section 1 Section five hundred and thirty-two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of colllecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 532 The board of school directors of each school district of the first class shall annually at or before the time of levying the annual school taxes prepare an approximate estimate of the amount of funds that will be required by the school district in its several departments for the following fiscal year Such annual estimate shall be apportioned to the several classes of expenditures of the district as the board of school directors thereof may determine The total amount of such estimate shall not exceed the amount of funds including the proposed annual tax levy and State appropriation available for school purposes in the district as estimated by its Board of Directors For any year in order to bring the expenditures of the district within the annual estimate of available revenue it shall be the duty of each School Board in districts of the first class and such Boards are hereby so empowered to make such general adjustments and reductions in salaries fixed by law incllluding salaries of the professional employes as in the judgment of the Board may be proper and necessary to bring the total of all expenditures within the estimate of revenue to be received and on a finding of necessity therefor by the Board such general decreases may be made notwithstanding any statutory provision fixing and regulating the payment of salaries and increments or forbidding or regulating decreases therein or which otherwise may conflict with the provisions of this amendatory Act The power here conferred to make general decreases in salaries in order to keep within the annual estimate of revenue collectible within a given year may be exercised only after all other economies in the expenses of conducting the school system in the district as the Board may deem proper have been provided for and after all items of customary revenue available for the year in question have been considered by the Board in making its annual estimate including revenue to be derived from the exercise of the taxing power up to maximum limit allowed by law for the School District in question and the Board in each school district of the first class shall have the privilege at its discretion to borrow for any year on delinquent taxes within the limits allowed by law and to include the amount thus borrowed as an item of revenue and in any instance where the power to make a general decrease in salaries below the minimums fixed by law has been exercised if at the end of the year for which the power was exercised there is a surplus of revenue such surplus shall be used to make up ot the employes whose salaries have been affected by the general reduction as much of the loss of salary as an equitable division of the urplus on a pro rata basis among all such employees will permit The decision of the Board as to the existence or non-existence of a surplus in any

given year shall be final When for any year the Board of Directors in a School District has exercised the power to decrease salaries conferred by this Act the Superintendent of Public Instruction shall not be at liberty to exercise the discretion vested in him to refuse to authorize the payment of any amount payable by the Commonwealth to that district or to withhold requisition therefor on the ground that the School District has not made provision for the full payment of minimum salaries and increments of that year

On the question,

Will the Senate agree to the section?

Mr. SHAPIRO. Mr. President, I move to amend Section 1, page 3, line 20 by inserting after the word "Act" the following: In making any general adjustment and reduction in salaries the decreases shall be within the limits of one percent (1%) to ten percent (10%) of the several compensations fixed by law for such position as may be affected and for purposes of this act the Board may classify employes and the decreases may be confined to employes who prior thereto were receiving compensation of Twenty-two Hundred Dollars ($2200.) or more per annum"; amend Bill, page 4, by inserting between lines 26 and 27 the following new section: Section 2. Retirement Options. During the period in which this act is in effect each employe who is a member of the school employes' retirement system may elect to contribute to the school employes' retirement fund either on the basis of the total salary he or she will receive during the effective period of this act or on the basis of the total salary which he or she received during the year which began July 1, 1938 and ends June 30, 1939.

Each employe who makes an election under the provisions of this section shall notify in writing his or her employer on or before September 15, 1939 upon which such salary he or she elects to contribute. Each employer shall thereupon notify the School Employes' Retirement Board in writing of the option elected by each such employe.

During the period in which this act is in effect the employer and the Commonwealth shall contribute on the basis of the salary upon which each such employe shall have elected to contribute.

Nothing in this section shall be construed to supersede any election heretofore made by any employe of a school district of the first class who is a contributor to the public school employes' retirement fund without the consent of such employe. The right of each such employe to make an election under the provisions of this act shall be optional with the said employe. The salary upon which each employe contributes during the effective period of this act shall be used as the salary for such period in the determination of any final salary upon which a retirement allowance will be computed.

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows:

Section 2. The provisions of this Act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this Act It is hereby declared to be the legislative intent that this Act would have been adopted had such unconstitutional provisions not been included herein

On the question,

Will the Senate agree to the section?

Mr. SHAPIRO. Mr. President, I move to amend Section 2, page 4, line 27, by striking out the figure 2 and inserting in lieu thereof 3

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section of the bill was read as follows:

Section 3 This Act shall become effective immediately upon its final enactment

On the question,

Will the Senate agree to the Section?

Mr. SHAPIRO. Mr. Presdient, I move to amend Section 3, page 5, line 5, by striking out the figure 3 and inserting in lieu thereof: 4; amend Section 3, page 5, by striking out all of the lines 5 and 6 and inserting in lieu thereof: This Act shall become effective immediately upon its approval by the Governor and shall remain in force and effect only until December 31, 1941.

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows:

An Act to amend and reenact section five hundred and thirty-two of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An Act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by empowering school Boards in districts of the first class to make for any year such general reductions in salaries fixed by law as will enable the district to keep its estimated annual expenditures within the estimate of funds available to the district for that year and by in such instances so regulating the discretionary power vested in the Superintendent of Public Instruction to withhold requisition for moneys payable by the Commonwealth to School Districts which have not made provision for full payment of minimum salaries and increments that the exercise of such power shall not interfere with the operation of this act

On the question,

Will the Senate agree to the title?

Mr. SHAPIRO. Mr. President, I move to amend title, page 2, by adding after the words "interfere with the operation of this act" in line 9 of said title, the following: during the limited period in which it is to be in effect: and granting certain options to the members of the school employes' retirement system during said period.

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 422, as follows:

An Act to amend section one thousand and four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended by authorizing exchanges which maintain a surplus equal to the capital and surplus requirements of stock insurance companies engaged in the same kind of business to write policies without contingent liability in such policy or in the power of attorney

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand and four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as last amended by the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 464) is hereby further amended to read as follows

Section 1004 Declaration to Be Filed with Insurance Commissioner Contents Such subscribers so contracting among themselves shall through their attorney file with the Insurance Commissioner of this Commonwealth a declaration verified by the oath of such attorney setting forth

(a) The name or title of the office at which such subscribers propose to exchange such indemnity contracts Such name or title shall not be so similar to any other name or title previously adopted by a similar exchange or association or by any insurance company as in the opinion of the Insurance Commissioner is calculated to result in confusion or deception

(b) The kind or kinds of insurance to be effected or exchanged

(c) A copy of the form of policy contract or agreement under or by which such insurance is to be effected or exchanged

(d) A copy of the form of power of attorney or other authority of such attorney under which such insurance is to be effected or exchanged and which shall provide that the liability of the subscribers exchanging contracts of indemnity shall make provision for contingent liability equal to not less than one additional annual premium or deposit charged Provided however That where an exchange has a surplus equal to the minimum capital and surplus required of a stock insurance company transacting the same kind or kinds of business its power of attorney need not provide for such contingent liabilty of subscribers and such exchange so long as it maintains such surplus may issue to its subscribers policies or contracts without contingent liability

(e) The location of the office or offices from which such contracts or agreements are to be issued

(f) That applicants have been made for indemity upon at least one hundred (100) separate risks aggregating not less than one and one-half million ($1,500,000) dollars as represented by executed contracts effective or in case of employes' liability or compensation insurance covering a total payroll of not less than one and one-half million ($1,500,000) dollars

(g) That there is in the possession of such attorney and available for the payment of losses a sum of not less than one hundred thousand ($100,000) dollars

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 424, as follows:

An Act to repeal the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1539) entitled "An act providing for the creation incorporation organization and government of county public utility administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by the Public Utility Commission conferring the power of eminent domain providing for the powers duties functions and immunities of such administrations imposing certain duties and functions in connection with such administrations upon certain county officers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1539) entitled "An act providing for the creation incorporation organization and government of county public utility administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by the Public Utility Commission conferring the power of eminent domain providing for the powers duties functions and immunities of such administrations imposing certain duties and functions in connection with such administrations upon certain county officers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes" is hereby repealed

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 425, as follows:

An Act to amend Sections 2601 2602 2603 and 2604 of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providng for the election or appointment of auditors in merged and other union school districts fixing the term of office and manner of filling vacancies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 2601 and 2602 and Sections 2603 and 2604 of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by Sections 13 and 14 of the act approved the first day of June one thousand nine hundred thirty-three (P. L. 1152) are hereby amended and further amended to read as follows

Section 2601 The finances of every school district in this Commonwealth in every department thereof together with the accounts of all school treasurers school depositories teachers' retirement funds teachers' institute funds directors' association funds sinking funds and other funds belonging to or controlled by the district shall be properly audited as follows

[Section 2602] (a) In all school districts of the first class by the school controller therein

[Section 2603] (b) In all school districts of the second and third class by the controller or auditors of the city borough incorporated town or township in which the whole or the greater or greatest portion of the area of each such district shall be located except in all merged districts and other union districts When in any school district of the second class the annual expenditures exclusive of moneys received from the sale of bonds shall exceed the sum of five hundred thousand dollars such district may employ a certified public accountant within sixty days from the close of the fiscal year

[Section 2604] (c) In all school districts of the fourth class by the auditors of the borough incorporated town or township in which the whole or the greater or greatest portion of the area of each such district shall be located

(d) In all school districts created by the merging of two or more school districts or parts of school districts and in all other union school districts by three auditors to be elected at the municipal election held in the year one thousand nine hundred thirty-nine one for a term of two years one for a term of four years and one for a term of six years and thereafter one auditor shall be elected at each municipal election for a term of six years Provided That the Court of Common Pleas of the county wherein lies the largest part in area of any such district shall appoint three auditors for the auditing of the account for the school year one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine

Any vacancy occurring except by the expiration of the term of office shall be filled by the Court of Common Pleas of the county wherein lies the largest part in area of said district The persons selected to fill said vacancies shall hold office until the next municipal election

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 428, (House Bill No. 386), entitled:

An Act to amend section four hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended providing that boards of school directors may become members of the State School Directors Association and bear a proportionate part of the expenses of such association

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 446, (House Bill No. 268), entitled:

An Act to add section six hundred and two and one-tenth to article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" further regulating the sale of unused and unnecessary land and buildings by boards of school directors

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 459, as follows:

An Act relating to recognizances and official bonds of present and future sheriffs and coroners and to their sureties thereon imposing the expense of corporate suretyships on such obligations upon the several counties and various duties upon the Courts of Common Pleas and county officers thereof authorizing the substitution of approved surety companies for individual or corporate sureties upon such obligations and the release of any surety upon any such recognizance by such Court upon certain conditions dispensing with sureties on such recognizances but providing for the acknowledgment recording and indexing of same as liens on certain real estate regulating such liens and releases therefrom providing for refunds to sheriffs and coroners of certain premiums paid to sureties on their official bonds and recognizances and repealing inconsistent laws except as to existing claims or pending suits thereunder subject to certain limitations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That every existing and future sheriff or coroner in any county of this Commonwealth shall furnish as security on his official bond one or more surety companies authorized to do business in this Commonwealth and duly licensed by the Insurance Commissioner thtreof to be named in such bond and to be approved by the Court of Common Pleas of the proper county or any two judges thereof and that said Court may at any time thereafter upon cause shown and due notice to such sheriff or coroner and his sureties require or allow the substitution of another or an additional surety company acceptable to such Court to make such bond sufficient security for the amount required from such sheriff or coroner in such county by existing law regardless of the solvency of such sheriff or coroner without releasing the surety or sureties first approved from any accrued liability or previous action on such bond

Section 2 All premiums charged or chargeable by any surety company for becoming or remaining as surety on such bond for any period after the last day of December one thousand nine hundred and thirty-eight or the proportionate part of any annual premium covering the period during which any sheriff or coroner remains in office after said date shall be paid out of the treasury of the proper county on warrants drawn by the sheriff or coroner or the commissioners thereof as existing laws may require for the payment of other expenses of the office of such sheriff or coroner it being intended that this section shall apply to all premiums due or accruing on official bonds of sheriffs and coroners now in office for the year one thousand nine hundred and thirty-nine as well as for subsequent years of their terms or of the terms of their successors If any such premium or part thereof has been paid by any sheriff or coroner because of any claim by the surety or other county officers that he was personally liable for same the county shall reimburse him for such expenditure in manner aforesaid upon satisfactory proof of such payment

Section 3 Every sheriff whether elected or appointed to fill a vacancy not including any coroner temporarily acting as sheriff and every coroner before he is commissioned or executes any duties of his respective office shall execute and duly acknowledge before the Recorder of Deeds of the proper county a proper recognizance without any surety to the Commonwealth of Pennsylvania for the faithful discharge of all his official duties in like amount as that of his official bond required by existing law and in a form containing like conditions as such bond which recognizance shall be immediately recorded in said county at the expense of said sheriff or coroner and when so recorded shall be transmitted to the Secretary of the Commonwealth with said Recorder's certificate endorsed thereon of its having been duly recorded and with a reference to the place of record thereof The Secretary of the Commonwealth shall have and keep the custody of every such rcognizance and any copy thereof and of said endorsements certified to by said Secretary of the Commonwealth shall be competent evidence of the execution delivery and recording thereof in any judicial proceedings and may be relied upon by any public officer to the same extent as the original recognizance would be The proper Recorder of Deeds may also certify copies of such recognizance and the time and place of record thereof for like purposes upon receipt of his proper fees therefor according to existing laws Such recognizance or any duly certified copy thereof may likewise be recorded and indexed like a judgment in any other county of this Commonwealth by any person or public officer upon payment of the usual fees to the Recorder of Deeds and Prothonotary of such county respectively for the purpose of creating a lien on any real estate of the sheriff or coroner obligated thereby lying in such other county It shall be the duty of the Recorder of Deeds of the county for which a sheriff or coroner is elected or appointed as soon as said sheriff or coroner is commissioned to certify the date amount and place of record of his recognizance with the name and address of said sheriff or coroner to the Prothonotary of said County who shall enter such information upon his dockets and index the lien of such recognizance like a judgment obtained in the Court of Common Pleas of said County Every sheriff's or coroner's recognizance hereafter given shall inure to the benefit of any surety on his official bond entitled to subrogation to the rights of any person or corporation including any county intended to be benefited thereby injured by any official misconduct or neglect of the sheriff or coroner who executed such recognizance to the extent of any payments by such surety for any damages for which such sheriff or coroner may be held to be liable in any suit or proceedings against such sheriff or coroner on his official bond or recognizance And a similar right of subrogation may be enforced with respect to any such recognizance heretofore given to the extent permitted by law or equity

Section 4 The Court of Common Pleas of the proper county upon petition of any sheriff or coroner now in office praying for a release of any individual or corporate surety or sureties bound by his recognizance heretofore entered may after due notice to the sureties on his official bond and to a majority of the commissioners of said county being satisfied of the sufficiency of the surety or sureties on said bond and that no action has been commenced by any person or corporation on said recognizance or that all suits thereon have been ended by payment of any judgments obtained therein or otherwise release such surety or sureties upon said recognizance from all liability thereunder and their lands from the lien thereof without affecting the liability of the same or other sureties upon said official bond for any existing or subsequent cause of action against such sheriff or coroner or them respecting his office and without releasing such sheriff or coroner his heirs executors or administrators from liability on his recognizance or his lands within the county from the lien thereof

Section 5 All separate premiums charged or chargeable by any surety company or companies for becoming or remaining surety or sureties on the recognizances of sheriffs or coroners now in office for any period subsequent to the last day of December one thousand nine hundred and thirty-eight or the proportionate part of any annual premium covering the period during which any existing sheriff or coroner remains in office shall be paid out of the treasury of the proper county on warrants drawn by the sheriff or coroner or by the commissioners thereof in like manner as other expenses of his respective office are payable according to law If any such premium or part thereof shall have been paid by any sheriff or coroner on account of any claim by any surety company or county that he was personally liable for same the county shall reimburse him for such expenditure in the manner aforesaid upon satisfactory proof of same This section is intended to apply to all premiums which may accrue for corporate suretyships on existing sheriff's or coroners' recognizances pending the release of the surety or sureties from further liability on such recognizances in the manner aforesaid

Section 6 Furthermore in order to avoid any question about the continued qualification of any present sheriff or coroner who does not have an approved corporate surety on his official bond such sheriff or coroner shall have a period of four months from the effective date of this act within which to comply with the provisions hereof at the expense of the county for which he is acting and the Court of Common Pleas of such county upon his petition and due notice to a majority of said commissioners may release each and every individual surety or sureties on such bond from further liability thereon upon the substitution of a qualified corporate surety or sureties to be approved by said Court without releasing such individual surety or sureties from any liability which they may have already incurred respectively on any such bond or releasing said sheriff or coroner from his continued liability thereunder

Section 7 This act shall take effect immediately upon its final enactment and if any section sentence clause or part of this act is held to be unconstitutional such decision shall not affect or impair any of the remaining provisions of the act It is hereby declared as the legislative intent that the latter would have been adopted had such unconstitutional provision if any not been included herein

Section 8 The provisions of this act so far as they are the same as any existing laws shall be construed as a continuation of such laws and not as new enactments The repeal by this act of any provisions of law shall not revive any law heretofore repealed or superseded nor shall this act affect any act done liability incurred or any right accrued or established nor any suit or prosecution pending or to be instituted for past transactions under the authority or by reason of the repealed laws except as expressly provided herein it being intended that the individual or corporate sureties on existing sheriffs' or coroners' recognizances on which any action is taken by any person having any existing claim against any sheriff or coroner bound thereby before the release of such sureties therefrom shall respectively remain liable to such claimant if any damages are subsequently adjudged to be due him and such liability for past transactions may be enforced in the same manner as if such sureties were personally liable for same subject to the limitatons on actions established by other acts All acts or parts of acts inconsistent herewith are hereby repealed including inconsistent provisions of any existing local or special act or acts enacted at this session of the General Assembly prior to the final enactment hereof

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceded to the second reading and consideration of Senate Bill No. 486, as follows:

An Act authorizing certain existing beneficial or protective societies heretofore incorporated to reincorporate as limited life insurance companies for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death regulating such corporations and limiting the amount for which such corporations may issue policies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any corporation now formed or organized under the provisions of the ninth paragraph section two of the act approved the twenty-ninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws seventy-three) entitled "An act to provide for the incorporation and regulation of certain corporations" namely "The maintenance of a society for beneficial or protective purposes to its members from funds collected therein" except fraternal benevolent charitable or secret societies issuing beneficial certificates and paying benefits to their membership through the lodge system and insurance or relief associations formed by or for the exclusive benefit of employes of corporations or firms or formed by or for the exclusive benefit of members of any religious corporation or association may be reincorporated as a life insurance company of the class known as limited life insurance companies for the purpose of making insurance either upon the stock or mutual principle upon the health of individuals and against personal injury or disablement and against death resulting from natural or accidental causes but such corporations shall not issue policies agreeing to pay more than twenty dollars per week in the event of disablement from sickness not more than double that amount in the event of disablement from accident nor more than five hundred dollars in event of death

Section 2 Any such corporation formed or organized as a society for beneficial or protective purposes to its members desiring to reincorporate under the provisions of this act shall proceed in the following manner A meeting of the members of such corporation shall be held and if a majority shall vate in favor of the reincorporation a resolution to that effect shall be adopted and upon the recording of such resolution in the office for the recording of deeds in the county where such corporation has its principal office the directors of such corporation may make articles of association as provided by law for the incorporation of insurance companies upon which articles shall be had the same proceedings as provided by law for the incorporation of new insurance companies and upon the approval of said articles the corporation shall become a corporation under this act and shall be authorized to transact the business of insurance in the same manner and upon the same conditions as insurance companies are by law authorized to do in so far as not inconsistent with the provisions of this act

Section 3 Any such corporation reincorporated under the provisions of this act shall place reserves on the life portion contained in all policies issued based upon a standard table of mortality with interest at three and one-half per cent (3½%) as approved by the Insurance Department of the Commonwealth and reserves shall be carried on the disability feature of fifty per centum of the actual weekly monthly or annual premiums in force and reserves shall be charged on all definite and outstanding incurred claims

Section 4 Capital stock of a joint stock company as reincorporated under this act shall not be less than twenty-five thousand dollars and shall be divided into shares of not les than ten dollars each payment of which shall be made in lawful money ten per centum on each share at the time of subscribnig and the balance at such times as the company may direct not exceeding one year from the time of subscription and the compnay may provide such rules with regard to forfeiture of partial payments on subscriptions as they may deem advisable which rules shall be binding upon the subscribers provided they are made known at the time of subscription Every such company shall in addition thereto have a surplus paid in at least equal to the amount of the capital stock

Section 5 The annual meeting for election of directors of such reincorporated company shall be held at such time in the month of January as the by-laws of the company may direct and such notice of the time and place of meeting shall be given to the stockholders or members as may be provided in the by-laws and at such annual meeting the stockholders or members shall elect by ballot not less than five nor more than thirteen directors to serve for one year and until their successors are duly chosen Provided That at any annual meeting of the stockholders or members it may and shall be lawful to divide the directors which are to be chosen into two three or four classes and to elect the first class to serve for the term of one year and the second third and fourth to serve two three and four years respectively and at all ensuing elections of said company the stockholders or members shall only elect the number of directors necessary to take the place of those whose terms of office shall then expire and such directors shall be elected as hereinbefore provided And in case a vacancy or vacancies shall happen in the number of said directors the board of directors shall choose and elect a proper person or proper persons to fill such vacancy or vacancies during the remainder of the term or terms for which the person or persons in whose place or places such vacancy or vacancies shall have happened shall have been elected

Section 6 Any mutual company or reincorporated under this act shall be authorized to do the business of insurance when it shall have received from not less than two thousand persons applications for insurance against death amounting to not less than two hundred fifty thousand dollars upon which applications one-twelfth of the annual premium shall have been paid Provided That no such company shall be authorized to do the business of insurance until it shall have deposited with the Insurance Commissioner the sum of twenty-five thousand dollars in cash or approved securities which sum the Insurance Commissioner is hereby authorized and empowered to receive and it shall be his duty to hold the same for the benefit of the members of such corporation and its creditors preference being given thereto in the following order to wit first claims under policies second salaries of employes third general creditors

Section 7 This act shall become effective immediately upon final enactment and shall expire the thirty-first day of December one thousand nine hundred forty-two

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed wth,

The Senate proceeded to the second reading and consideration of Senate Bill No. 513, as follows:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class wthin the provisions of this act prescribing the the terms and conditions upon which form nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered b ythis act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended by modifying changing and clarifying the provisions of the act relatng to the corporate name

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph B of section two hundred two of the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissoluton of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescrbing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended by the act approved the seventeenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand one hundred thirty) is hereby further amended to read as follows

B The corporate name shall not be the same as or deceptively smilar to

(1) The name of any other domestic corporation or of any foreign corporation authorized to do business in this Commonwealth or the name of any unincorporated body whatsoever voluntarily registered with the Department of State under any act of Assembly unless such other domestic or foreign corporation or unincorporated body is about to change its name or to cease to do businees or is being wound up or such foreign corporation is about to withdraw from doing business in this Commonwealth and the written consent of such other domestic or foreign corporation or unincorporated body to the adoption of its name or a deceptively similar name has been given and is filed with the application to the Department of State for the registration of the name or unless such other domestic or foreign corporation has filed with the Department of Revenue a certificate of out of existence or unless such domestic or foreign corporation has failed for a period of three succesive years to file with the Department of Revenue or with the Department of State a report or return required by law and failure to file with the Department of Revenue has been certified by the Department of Revenue to the Department of State Provided That nothing herein contained shall be construed to refer or apply to any assumed or fictitious name required by law to be filed with the Department of State

(2) The name of any admisistrative department board or commission or other agency of the Commonwealth

(3) A name of exclusive right to which is at the time reserved by any other corporation whatsoever in the manner provided in this act or any other act of Assembly

Section 2 Paragraph (2) of section nine hundred two of the said act as amended by the act approved the seventeenth day of May one thousand nine hundred thirty-five (Pamphlet Laws one thousand one hundred thirty) is hereby further amended to read as follows

(2) If the name of the corporation is the same as or deceptively similar to the name of any domestic corporation or any other foreign corporation authorized to do business in this Commonwealth or the name of any unincorporated body whatsoever voluntarily registered with the Department of State under any act of Assembly unless such other domestic or foreign corporation or unincorporated body is about to change its name or to cease to do business or is being wound up or such foreign corporation is about to withdraw from doing business in this Commonwealth and the written consent of such other domestic or foreign corporation or unincorporated body to the adoption of its name or a deceptively similar name has been given and is filed with the application for a certificate of authority hereinafter provided for in this article or unless such other domestic or foreign corporation has filed with the Department of Revenue a certificate of out of existence or unless such domestic or foreign corporation has failed for a period of three succesive years to file with the Department of Revenue or with the Department of State a report or return required by law and failure to file with the Department of Revenue has been certified by the Department of Revenue to the Department of State Provided That nothing herein contained shall be construed to refer or apply to any assumed or fictitious name required by law to be filed with the Department of State

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 515, as follows:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commisions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended by

modifying changing and clarifying certain provisions of the act relating to the corporate name

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph B of section two hundred two of the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended by the act approved the seventeenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand one hundred twenty-three) is hereby further amended to read as follows

B The corporate name shall not be the same as or deceptively similar to

(1) The name of any other domestic corporation or of any foreign corporation authorized to do business in this Commonwealth or the name of any unincorporated body whatsoever voluntarily registered with the Department of State under any act of Assembly unless such other domestic or foreign corporation or unincorporated body is about to change its name or to cease to do business or is being wound up or such foreign corporation is about to withdraw from doing business in this Commonwealth and the written consent of such other domestic or foreign corporation or unincorporated body to the adoption of its name or a deceptively similar name has been given and is filed with the articles or unless such domestic or foreign corporation has filed with the Department of Revenue a certificate of out of existence or unless such domestic or foreign corporation has failed for a period of three successive years to file with the Department of Revenue or with the Department of State a report or return required by law and such failure to file with the Department of Revenue has been certified by the Department of Revenue to the Department of State Provided That nothing herein contained shall be construed to refer or apply to any assumed or fictitious name required by law to be filed with the Department of State

(2) The name of any administrative department board or commission or other agency of the Commonwealth

(3) A name the exclusive right to which is at the time reserved by any other corporation whatsoever in the manner provided in this act or any other act of Assembly

Section 2 Paragraph (3) of section one thousand two of the said act as amended by the act approved the seventeenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand one hundred twenty-three) is hereby further amended to read as follows

(3) Which has a name the same as or deceptively similar to the name of any domestic corporation or any other foreign corporation authorized to do business in this Commonwealth or the name of any unincorporated body voluntarily registered with the Department of State under any act of Assembly unless such other domestic or foreign corporation or unincorporated body is about to change its name or to cease to do business or is being wound up or such foreign corporation is about to withdraw from doing business in this Commonwealth and the written consent of such other domestic or foreign corporation or unincorporated body to the adoption of its name or a deceptively similar name has been given and is filed with the statement hereinafter required by this act or unless such other domestic or foreign corporation has filed with the Department of Revenue a certificate of out of existence or unless such domestic or foreign corporation has failed for a period of three successive years to file with the Department of Revenue or with the Department of State a report or return required by law and such failure to file with the Department of Revenue has been certified by the Department of Revenue to the Department of State Provided That nothing herein contained shall be construed to refer or apply to any assumed or fictitious name required by law to be filed with the Department of State

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 611, (House Bill No. 1063), entitled:

An Act to add section six hundred twenty-one and one-tenth to and to further amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining the regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL INTRODUCED

Mr. JASPAN. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JASPAN read in place and presented to the Chair Senate Bill No. 813, entitled:

An Act conferring jurisdiction upon the Courts of the Commonwealth of Pennsylvania over support orders made by it.

Which was committed to the Committee on Judiciary General.

REPORT FROM COMMITTEE

Mr. JAMES. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES from the Committee on County Government, reported as committed, Senate Bill No. 514, entitled:

An Act to amend sections three hundred eight and three hundred nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city

government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners; county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," changing the conditions for borrowing money for current expenses; and authorizing a supplemental budget and the borrowing of money to operate institutions for mental patients heretofore transferred to the Commonwealth.

BILL INTRODUCED

Mr. FARRELL. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FARRELL read in place and presented to the Chair Senate Bill No. 814, entitled:

An Act to amend Section four of the act approved the thirty-first day of May, one thousand nine hundred thirty-three (P. L. 1116), entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and having in possession with intent to sell, of adulterated or deleterious ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbert, ice and fruit ice, including coated ice cream and the coating thereof; fixing standards for ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbert, ice and fruit ice, and to prevent the sale of imitation ice cream and defining said imitation ice cream; providing penalties for the violation thereof; and providing for the enforecement thereof," by making unlawful the selling of ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbert, ice or fruit ice for resale to any purchaser not having cabinets, cans, or other containers exclusively to preserve or hold the same.

Which was committed to the Committee on Public Health.

REPORT FROM COMMITTEE

Mr. OWLETT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT from the Committee on Finance, reported as committed, Senate Bill No. 674, entitled:

An Act constituting a commission to examine the tax laws of the Commonwealth and of other States and countries, and to prepare and submit bills to carry into effect its recommendations; prescribing the powers and duties of said commission; and making an approriation.

BILL INTRODUCED

Mr. EDMONDS. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS read in place and presented to the Chair Senate Bill No. 815, entitled:

An Act to further amend clause (a) of section three of the act, approved the twenty-fifth day of July, one thousand nine hundred and thirteen (P. L. 1024), entitled "An act to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof," regulating the hours of labor for female employes of non-profit charitable or welfare institutions.

Which was committed to the Committee on Labor and Industry.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 514, entitled:

An Act to amend sections three hundred eight and three hundred nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners; county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," changing the conditions for borrowing money for current expenses; and authorizing a supplemental budget and the borrowing of money to operate institutions for mental patients heretofore transferred to the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 674, entitled:

An Act constituting a commission to examine the tax laws of the Commonwealth and of other States and countries, and to prepare and submit bills to carry into effect its recommendations; prescribing the powers and duties of said commission; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Tuesday, May 2, 1939 at 2:00 o'clock, p. m. E. S. T.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 o'clock, p. m. until Tuesday, May 2, 1939, at 2:00 o'clock, p. m. E. S. T.

HOUSE OF REPRESENTATIVES

MONDAY, May 1, 1939.

The House met at 8 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Rev. Dr. T. A. Alspach, St. Paul's Reformed Church, Lancaster, offered the following prayer:

Oh God, our Heavenly Father, Thou art our help in ages past, Thou art our hope for years to come. Thou art great in Thy goodness and Thou art good in Thy greatness. It is in Thee in whom we live and move and for our continued being. We give Thee honor in the name of God in the Heavens, Ruler of nations and of man, the praise that is due Thy name and the homage that is due unto Thy will.

We look unto Thee at all times for health and for strength which Thou dost give freely and dost not withhold any single good thing.

We turn our faces to Thee this evening for guidance for wisdom and for help. What we do right wilt Thou sanctify, what we do amiss wilt Thou over rule it for some good in the end. Give wisdom unto those who lead, and loyalty unto those who follow.

May the hand of Thy blessing rest upon our Commonwealth, especially in these days of trial and trouble in many places. Help us to be fearless before men, and fear only one thing and that is Thee, Oh God, lest we might offend Thee. We would commit ourselves unto Thee in body, soul and spirit. In our ignorance wilt Thou enlighten us; in our weakness wilt Thou strengthen us. Lend Thy help at all times, and thus may the service we render here this evening be acceptable to Thee. All these favors we ask not because we are worthy but alone for His Name's sake. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, April 27, 1939.

The Clerk proceeded to read the Journal of Thursday, April 27, 1939, when, on motion of Mr. IMBRIE, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. STOCKHAM. HOUSE BILL No. 1417.

An Act making an appropriation to the Department of Forests and Waters for the closing of culverts under the Lincoln Highway along the Delaware River at Morrisville Borough, Bucks County.

Referred to the Committee on Appropriations.

By Mr. WINNER. HOUSE BILL No. 1418.

An Act to amend the act, approved the twenty-fifty day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand sixty-three), entitled "An act providing for the payment into the State Treasury, without escheat, of certain moneys and property subject to escheat under existing law, namely unclaimed dividends and profits, certain debts, and interest on certain debts, proceeds of policies of insurance, stock and customers deposits held by certain limited partnerships and unincorporated associations, joint-stock associations, companies and corporations doing business under the laws of this Commonwealth; declaring the legislative intent with respect to such payment, requiring reports of such money and property by, and imposing other duties upon, such partnerships, associations, and corporations; conferring powers and imposing duties on certain State officers, boards, and departments; providing for jurisdiction of courts, and for proceedings for the recovery of such moneys and property by the Attorney General at the suggestion of the Department of Revenue; providing for refunds of such moneys and property; and describing penalties," by further declaring the legislative intent and making further provisions for refunds.

Referred to the Committee on Judiciary General.

By Messrs. ANDREWS and ROSE. HOUSE BILL No. 1419.

An Act authorizing the Department of Property and Supplies to purchase coal underlying the Cresson State Sanatorium; providing for the sale or exchange of part of such coal; and making an appropriation.

Referred to the Committee on Appropriations.

RESOLUTION INTRODUCED AND REFERRED

By Mr. DENMAN. RESOLUTION No. 74.

In the House of Representatives, April 26, 1939.

Whereas, Under the present system of fixing the price of milk in the various districts of the Commonwealth, the producer who bears most of the risk and expense and burden of production, receives but a small part of the profit arising out of the final sale of milk to the consumer; and

Whereas, The farmer and dairyman who assumes this risk and expense and burden of production should in all fairness be entitled to receive proper compensation for his work and efforts; therefore be it

Resolved, by the House of Representatives of the General Assembly of this Commonwealth, that it is the opinion of this House that the Milk Control Commission in fixing the prices to be paid by the consumer for the various grades of milk in the different districts of the Commonwealth, shall fix such prices so that the producer shall in all cases receive at least half of the price fixed by the said board, for payment by the consumer; and be it further

Resolved, That a copy of this resolution shall be immediately transmitted by the Chief Clerk of the House to the Chairman of the Milk Control Commission of the Commonwealth.

Referred to the Committee on Dairy Industries.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 25, 1939.

General Order No. 7 emanating from the office of the Adjutant General's office of the Department of Military Affairs on April 2nd, announced the retirement of Brigadier General Robert McKune Vail, Commanding the 53rd Field

Artillery Brigade, and his promotion in the Retired List to the rank of Major General.

General Vail served with the Pennsylvania National Guard since 1894 and practically all of his service was with the 109th Infantry.

He entered the Federal service with his regiment in the Spanish War, saw service in the Philippine insurrection, on the Mexican Border and in the World War.

He has served as Commander of the Department of Pennsylvania of the American Legion and as United States Marshal for the Eastern District of Pennsylvania.

General Vail was awarded the Distingushed Service Cross with the following citation:

"During the crossing of the Vesle River, Major Vail expedited the construction of bridges by his advice and assistance. He personally cut a passageway through enemy barbed wire along the river, and then led his troops through this opening. When the officers of a supporting Infantry company had been killed and the men were falling back in confusion, Major Vail kept his forces intact 1,200 yards in front of any Infantry support, holding the position until reinforced by an Infantry unit."

He was awarded the French Legion d'Honneur (chevalier) with the following citation:

"At the crossing of the Vesle on September 5, 1918, with admirable ardor he personally prepared for the passage of his battalion by having foot bridges constructed under a violent machine-gun fire, thus permitting the forward movement of an entire regiment of infantry."

He was also awarded the French Croix de Guerre, with Palm, by orders of the French Armies of the East, under date of April 13, 1919.

Although now retired, the experience and ability and courage of General Vail gained during forty-five years of honorable service are still subject to call from his country; therefore be it

Resolved (if the House of Representatives concur), That the General Assembly of the Commonwealth of Pennsylvania congratulates General Vail upon the enviable record of outstanding service performed for the Commonwealth and for the Nation, and extends to him its full measure of gratitude for that service and for the part he has so conspicuously and courageously played in the military annals of the Commonwealth; and be it further

Resolved, That as a lasting testimonial of that gratitude and a fitting tribute to that record, the Secretary of the Senate and the Chief Clerk of the House are hereby instructed to forward a copy of this resolution to General Robert McKune Vail.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to Committee on Rules.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 383

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 1, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 383, Printer's No. 52, entitled, "An Act to amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (Pamphlet Laws 176) entitled 'An act requiring cities of the second and third class to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases, extending the provisions of said act to cities of the second class A."

ARTHUR H. JAMES.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

PHARMACY

Petitions from citizens of Pennsylvania favoring passage of House Bills Nos. 727 and 728.

Referred to the Committee on Professional Licensure.

WELFARE

Resolutions from

State, County and Municipal Workers of Harrisburg:

State, County and Municipal Workers of America, Local No. 184;

opposing passage of House Bill No. 867.

Referred to the Committee on Welfare.

GAMES

Petitions from Our Land of the Holy Souls Parish, Philadelphia, favoring passage of House Bill No. 350.

Referred to the Committee on Ways and Means.

PRINTING

Resolutions from citizens of Schuylkill County opposing passage of Senate Bill No. 52.

Referred to the Committee on Constitutional Amendments.

REPORT FROM DEPARTME7NT OF HIGHWAYS

The SPEAKER laid before the House a report from the Department of Highways presented in compliance with the provisions of a Joint Resolution adopted by the General Assembly November 30, 1938 (Senate Serial No. 113) which was read by the Clerk.

(For report see Appendix).

REPORTS FROM COMMITTEES

Mr. HOCKE from the Committee on Elections reported as committed, House Bill No. 272, entitled:

An Act to amend section five hundred and thirty-one of the act approved the twenty-third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by requiring the county board of elections to fix the compensation for the use of fire houses as polling places at primaries and elections.

Mr. CURRAN from the Committee on Liquor Control re-reported as amended, House Bill No. 1125, entitled:

An Act to further amend Sections 2, 202, 203, 305, 402, 403, 404, 407, 408, 409, 410, 411, paragraph (14) of Section 602, paragraph (e) of Section 609, Sections 610 and 701 of, and to add Section 204 and paragraph (31) to Section 602, and paragraph (f) to Section 611, to the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the

Department of Public Instruction, other officers of the government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by defining "district"; establishing the force of regulations of the board; creating district boards, regulating the appointment of members thereof, and defining their duties and powers; requiring the further advertising of applications for licenses, the issuance thereof and appeals from the decisions of the board; providing for hearings by the district boards; increasing fees for licenses, further regulating the revocation and suspension of licenses, and providing for the disposition thereof; providing for the giving of a bond in order to make any appeal a supersedeas; prohibiting the illegal use of purchase permit cards; changing the hours during which clubs may sell liquor or malt and brewed beverages; regulating licensees, interlocking business and the issuance of permits for entertainment; protecting the interests of holders of bailment leases and conditional sale contracts; prescribing additional penalties for sales to minors; and imposing duties upon municipalities.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1105, entitled:

An Act providing for and regulating the State licensing of nurses of several classes the biennial recording of licenses regulating the profession of nursing imposing penalties and repealing certain existing laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1075, entitled:

An Act to repeal the act, approved the fourteenth day of April, one thousand nine hundred and thirty-seven (P. L. 297), entitled "An act to provide for the leasing of land within the beds of streams, lakes, and other bodies of water, wholly or partly within, or forming part of, the boundary of this Commonwealth, when such land is owned by the Commonwealth; conferring powers and imposing duties upon the Water and Power Resources Board; requiring lessees to establish an amortization fund for improvements placed or erected upon such land; granting certain preference and exemption rights to municipalities of the Commonwealth; and prescribing penalties," saving existing leases until terminated or revoked in accordance with their terms.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 528, entitled:

An Act to further amend section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" by modifying and further defining certain exemptions from said taxes by including specifically employers' thrift or savings associations whether operated by employees or the employer.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1013, entitled:

An Act to repeal the act approved the fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand five hundred ninety-five) entitled "An act relating to peace officers providing for the qualifications and appointments of deputy sheriffs regulating the manner of their selection and compensation regulating the source of compensation for other peace officers declaring void certain contracts inconsistent with the provisions hereof providing penalties and repealing inconsistent acts."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1030, entitled:

An Act to further reenact and amend the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" changing maximum and minimum rates periods total amounts and aggregate of compensation changing the system of computation of wages for compensation purposes changing practices and rules of evidence defining earning power after accident authorizing the board to terminate compensation in certain cases changing the classes of dependents entitled to compensation in case of death increasing powers and duties of the board and imposing additional penalties and generally amending clarifying and changing the provisions of said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1031, entitled:

An Act to repeal the act approved the second day of July one thousand nine hundred thirty-seven (P. L. 2714) entitled "A supplement to the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing a system and schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as amended and re-enacted providing for the inclusion of occupational diseases within the scope thereof and providing definitions provisions and procedure related to such diseases and making an appropriation"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1301, entitled:

A Supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1302, entitled:

A Supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as reenacted and amended to exempt domestic servants and agricultural workers from the provisions thereof except in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1401, entitled:

An Act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating medical boards to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 961, entitled:

An Act authorizing transfers of sums of moneys from the General Fund to the State Stores Fund under certain conditions providing for subsequent transfers of equal sums from the State Stores Fund to the General Fund and making appropriations necessary to effect such transfers

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1249, entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1246, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of Loan and Transfer Agent of the Commonwealth

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1103, entitled:

An Act authorizing the Secretary of Highways to pay portions of judgments heretofore recovered against employes of the department for personal injuries or property damage or both where the insurance provided by the Commonwealth was insufficient to pay such judgments in full and making an appropriation out of the Motor License Fund

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 792, entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about one hundred and ten and six hundred and ninety-eight thousands (110.698) acres of land in Caln Township Chester County Pennsylvania for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States and ceding jurisdiction over such land and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with United States on such land for the service of legal process thereupon

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1172, entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1173, entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1174, entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1175, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1176, entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1177, entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1178, entitled.

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to the State employes receiving compensation from the Manufacturing Fund

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 913, entitled:

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1129, entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase or gift or lease on behalf of the Commonwealth of Pennsylvania the real estate and personal property of the Seventh Da Baptists of Ephrata in whole or in part to provide for the control management and supervision of the property when acquired by the Pennsylvania Historical Commission authorizing the Commission to make and enforce rules and regulations for its preservation and visitation and to charge a fee for admission thereto and exhibition thereof

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1170, entitled:

An Act providing for practical arts and vocational agriculture, home economics, industrial and commercial schools and classes, through public school districts and in cooperation with employment offices for the training, retraining, instruction, and adjustment of out-of-school, unadjusted individuals in order to enable them to enter, re-enter, or continue employment under changing conditions; conferring powers and imposing duties upon the Superintendent of Public Instruction, and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1244, entitled:

An Act making an appropriation to the Department of Welfare to pay any claims against the Commonwealth for improvement to State property at the Western State Penitentiary at Rockview.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1382, entitled:

An Act lapsing all unexpended or unemcumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and thirty-one and prior sessions and at its sessions of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-five.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1127, enttled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks yeomen (female) and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1266, entitled:

An Act making an appropriation to the State Treasurer for the payment of costs in the matter of contested election in Butler County Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 321, entitled:

An Act to amend section three of the act approved the twentieth day of April one thousand nine hundred and twenty-seven (P. L. 322) entitled "An act to amend revise consolidate and change the laws relating to bonus and providing for the imposition computation and collection of bonus for State purposes on the capital stock stated capital or capital of domestic corporations banks and trust companies and certain partnerships" as amended by providing that foreign corporations becoming domestic corporations shall be entitled to a credit on the bonus to which it is liable equal to the amount of bonus theretofore paid by such foreign corporation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1104, entitled:

An Act to create and provide for the Fund of the Board of Nurse Examiners involving moneys paid by nurses licensed attendants or others and collected under the laws adminstered by the State Board of Examiners for Registration of Nurses and regulating the handling and disposition thereof

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1245, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 832, entitled:

An Act to further amend section four hundred and six of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State Government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by changing the method and mode of appointment of mercantile appraisers and the terms thereof in cities of the first class authorizing the appointment of deputies clerks and employes and providing rules and regulations therefor

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 824, entitled:

An Act to further amend section one of the act approved the seventeenth day of July one thousand nine hundred and nineteen (P. L. 1025) entitled "A supplement to an act approved the second day of May one thousand eight hundred and twenty-nine (Pamphlet Laws one hundred and eighty-four) entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax'" by changing the method and mode of appointment of mercantile appraisers and the terms thereof in cities of the first class authorizing the appointment of deputies clerks investigators and other employes and providing rules and regulations

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1072, entitled:

An Act to amend clause (III) of section seven hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" further regulating contracts and tax levies for fire purposes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1320, entitled:

An Act to amend the act approved the fifteenth day of July one thousand nine hundred and nineteen (Pamphlet Laws nine hundred fifty-four) entitled "An act providing for the collection and payment over to the Commonwealth by private and public corporations of State taxes on scrip bonds certificates and evidences of indebtedness issued or assumed by such corporations and requiring certain reports in connection therewith" by conforming said act to existing law relating to the payment and collection of the State tax on corporate indebtedness

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1108, entitled:

An Act to further amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government provid-

ing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended establishing a Fund of the Board of Nurse Examiners by adding clause twenty-one to section three hundred two of said act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1106, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-one (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers an dof all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by making certain changes in the powers and duties of the Board and providing for the election of a Director of Nursing Education who shall also be Secretary and Executive Officer of the Board, and an Assistant Director of Nursing Education who shall also be Assistant Secretary and Assistant Executive Officer of the Board

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1310, entitled:

An Act authorizing county commissioners to prepare and issue to justices of the peace and aldermen at the cost of the county forms used in criminal proceedings before them

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and considera tion of House Bill No. 1204, entitled:

An Act to amend sections two three four five and six o the act approved the eighth day of April one thousand nin hundred thirty-seven (Pamphlet Laws two hundred fifty eight) entitled "An act providing for the appropriation o certain waters of the Commonwealth to the Common wealth for the benefit of the people thereof declaring voi certain condemnations and appropriations of waters b municipalities corporations copartnerships or person providing for ascertainment of the validity and the filin of the records of certain condemnations and appropriation of water by municipalities corporations copartnerships o persons and appeals therefrom conferring jurisdiction o the court of common pleas of Dauphin County in relatio thereto providing for future condemnations and appropria tions of waters by and allocation of waters to municipali ties corporations copartnerships or persons and for com pensation for waters hereafter to be taken for publi water supply purposes and conferring powers and impos ing duties upon the Water and Power Resources Board exempting riparian owners in certain cases from the provisions of said act changing the provisions of said ac which declare void certain condemnations and appropria tions of waters and further regulating the condemnatio appropriation and acquisition of streams and waters b municipalities corporations quasi municipal corporation districts authorities partnerships and persons

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and considera tion of House Bill No. 951, entitled:

An Act to further amend section one and to amend section sixteen of the act approved the seventeenth da of June one thousand nine hundred and thirteen (Pam phlet Laws five hundred seven) entitled "An act to pro vide revenue for State and county purposes and in cities coextensive with counties for city and county purpose imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothono taries and recorders in connection therewith and modi fying existing legislation which provided for raising rev enue for State purposes" imposing taxes on additional classes of personal property excluding from taxation cer tain classes of personal property heretofore taxed making such taxes liens and providing for their entry in the pro thonotary's office and the exoneration of tax collectors in such cases

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and considera tion of House Bill No. 941, entitled:

An Act to amend section seven of the act approved the eighth day of April one thousand nine hundred and thirty seven (P. L. 258) entitled "An act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations copartnerships or persons providing of ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the court of common pleas of Dauphin County in relation thereto providing for future condemnations and appropriations of waters by and allocation of waters to municipalities corporations copartnerships or persons and for compensation for waters hereafter to be taken for public

water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board eliminating the board's power to fix charges for water condemned or acquired for public water supply purposes and fixing certain filing fees.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 909, entitled:

An Act to amend sections nine ten twelve and sixteen of the act approved the seventh day of August one thousand nine hundred and thirty-six (P. L. 106) entitled as amended "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring powers of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" as reenacted and amended regulating the use of impounded waters in Federal Flood control works and improvements restricting the power of eminent domain providing for the payment of the cost of Federal works and improvements conferring powers on the Water and Power Resources Board and further preserving rights of landowners persons and municipalities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1384, entitled:

An Act to amend the act approved the fifth day of December one thousand nine hundred thirty-six (P. L. 2897 1937) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and it agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" redefining "benefit year" eliminating contractor liability and the definition of "full-time weekly wage" taking away the right of probationary employes of the department to appeal from dismissal providing for compromises of contributions and interest in certain cases imposing duties on prothonotaries changing the qualifications for and the rate and duration of compensation authorizing certain payments without administration or the appointment of a guardian or committee and extending and further regulating the provisions for appeal.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 956, entitled:

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war or their dependents.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1148, entitled:

An Act making an appropriation to the Department of Revenue to defray the expenses of investigation and litigation in the estate of Henrietta E. Garrett, deceased.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1215, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and institution district hospitals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 690, entitled:

An Act to further amend the act approved the fifth day of December one thousand nine hundred and thirty-six (one thousand nine hundred thirty-seven Pamphlet Laws two thousand eight hundred ninety-seven) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" excepting employment covered by certain Federal unemployment compensation or insurance systems from the provisions thereof providing for cooperation with Federal local or private agencies in connection with free public employment offices making further provisions for reciprocal arrangements and compacts with agencies of other states and the Federal Government further defining ineligibility for compensation authorizing transfers from the Commonwealth's Unemployment Compensation Fund in the Unemployment Trust Fund of the United States Treasury to Railroad Unemployment Insurance Account and treminating certain compensation rights hereunder

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1335, entitled:

An Act making an appropriation to The General State Authority to defray the costs and expenses of the said Authority in connection with the organization administration and operation thereof

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1336, entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such department with The General State Authority for the use and occupancy by the Commonwealth of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1243, entitled:

An Act making an appropriation to the Department of Welfare for the payment of claims against the Commonwealth arising from construction contracts at the Coaldale State Hospital which have been cancelled

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 623, entitled:

An Act to further amend section one of the act approved the seventeenth day of April one thousand eight hundred and ninety-three (P. L. 21) entitled "An act to facilities the labors of the judges of the court of common pleas of the county in which the seat of government is or may be located in the disposition of the business of the Commonwealth by providing suitable clerical assistance" by providing for the employment and compensation of clerical assistance for the judges of the orphans' court in such county

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1130, entitled:

An Act to amend section two of the act approved the twenty-fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred eighty-one) entitled "An act prohibiting the publication printing or radio broadcasting of advertisements or notices of insurance companies associations exchanges or persons not authorized to do business in this Commonwealth requiring certificates from the Insurance Department before accepting insurance advertisements or broadcasting the same by radio and fixing penalties" by permitting the use of copies of certificates

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1262, entitled:

An Act to further amend section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" excluding proceeds of life insurance policies from the provisions thereof

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1260, entitled:

An Act to further amend section three of the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" excluding proceeds of life insurance policies from the provisions thereof

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1062, entitled:

An Act relating to the acquistion of rights to divert water from rivers streams natural lakes and ponds or other surface waters within the Commonwealth or partly within and partly without the Commonwealth defining various words and phrases vesting in the Water and Power Resources Board certain powers and authorities for the conservation control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth making available for public water supply purposes water rights heretofore or hereafter acquired but not used providing for hearings by the Water and Power Resources Board and for appeals from its decisions fixing fees granting to all public water supply agencies heretofore or hereafter created the right of eminent domain as to waters and the land covered by said waters repealing all acts or parts of acts inconsistent herewith including Act No. 109 P. L. 152 approved April 13 1905 Act No. 307 P. L. 455 approved June 7, 1907 Act No. 64 P. L. 258 approved April 8 1937

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1397 (Senate Bill No. 260), entitled:

An Act to further amend section four hundred four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P.L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws." by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1203, entitled:

An Act making an appropriation to the Department of Justice for the purpose of defraying expenses heretofore or hereafter incurred by any county or the department in connection with or incidental to any grand jury investigation or trial of State officers or former State officers and others

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1374, entitled:

An Act to amend sections two and four of the act approved the first day of June one thousand nine hundred thirty-seven (P. L. 1168) entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring power and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the board prescribing certain penalties" restating the findings and policy in respect thereto prescribing further qualifications for and reducing the salaries of members of the Pennsylvania Labor Relations Board and making rules and regulations of the board subject to the approval of the Secretary of Labor and Industry

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1144, entitled:

An Act to amend the title and Section 3 of the act approved the 12th day of May one thousand eight hundred ninety-seven (Pamphlet Laws sixty-three) entitled "An act to prevent and punish the loan gift sale or distribution of indecent and immoral writings printings pictures photographs or representations of all matters of an indecent or immoral character and of all articles drugs recipes et cetera to prevent conception or to produce unlawful abortion or intended or purporting to be used for such purposes or either of them and also to prevent the advertisement exhibition or publication of the same and to authorize the seizure and destruction of all such matter" by clarifying the provisions of said act further providing for the enforcement thereof and imposing certain duties upon the District Attorneys

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1248, entitled:

An Act to amend section one of the act approved the thirteenth day of April one thousand eight hundred and sixty-seven (Pamphlet Laws seventy-eight) entitled "An act for the relief of wives and children deserted by their husbands and fathers within this Commonwealth" designating the counties in which prosecutions may be brought

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1250, entitled:

An Act to amend section two of the act approved the twelfth day of July one thousand nine hundred and nineteen (Pamphlet Laws nine hundred thirty-nine) entitled "An act making it a misdemeanor for a husband or father to desert or neglect to support his wife or children prescribing a penalty therefor and making the wife or any person having the care custody or control of minor children a competent witness' designating the counties in which prosecutions may be brought

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 642, entitled:

An Act to amend the title and section one of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred sixty-four) entitled "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines and providing a penalty" as amended by including the use of other fraudulent methods and artifices to procure the operation o fsuch instruments or machines

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1405 (Senate Bill No. 317), entitled:

An act to amend sections four hundred fifteen and four hundred sixteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," as amended; further defining group life insurance to include additional classes or persons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1300, entitled:

An Act to amend sections 3 13 18 19 and 20 to repeal sections 21 to 30 both inclusive including both sections numbered 24 and to amend sections 33 and 34 of the act approved the fifteenth day of June one thousand nine hundred thirty-seven (Pamphlet Laws 1743) entitled "An act relating to magistrates and magistrates' courts in the city of Philadelphia imposing certain duties upon and prohibiting certain practices by magistrates imposing certain duties on the city controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in magistrates' courts the entering of bail and the issuance of discharges in criminal cases in the county of Philadelphia conferring certain powers over magistrates and magistrates' courts and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the county of Philadelphia providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts" changing the qualification of magistrates removing certain powers and duties of the city controller and conferring them upon the clerk of the court of quarter sessions authorizing said clerk to employ additional clerks and fixing their salaries further restricting the power to release persons without bail eliminating the provisions of said act which established a civil division of said courts and clarifying the duties of the court of common pleas relative to magistrates' courts

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 3 13 18 19 and 20 of the act approved the fifteenth day of June one thousand nine hundred thirty-seven (Pamphlet Laws 1743) entitled "An act relating to magistrates and magistrates' courts in the city of Philadelphia imposing certain duties upon and prohibiting certain practices by magistrates imposing certain duties on the city controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in magistrates' courts the entering of bail and the issuance of discharges in criminal cases in the county of Philadelphia conferring certain powers over magistrates and magistrates' courts and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the county of Philadelphia providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts" are hereby amended to read as follows

Section 3 [No magistrate shall personally engage in any other business or profession or hold any other public office or serve as a representative of any political party in any assembly district senatorial district or congressional district or on the executive committee or any other governing body of any political party organization] Each of the magistrates shall devote his entire time and attention to the duties of his office and no magistrate clerk stenographer or other officer or employe provided for herein shall demand or receive any money or other thing of value for the performance or nonperformance of any of the duties pertaining to his office other than fees and compensation allowed by law

Section 13 No magistrate shall release on copy of the charge without entry of bail as hereinafter provided any person arrested charged with any of the crimes specified in section eleven of this act except [operating an automobile while intoxicated] fraudulent conversion frequenters of bawdy house or house of assignation and assault and battery In these exceptions to section eleven and in all other cases not specifically mentioned the magistrate may release on a copy of the charge without entry of bail if the circumstances and facts of such case or cases warrant him to do so For the accommodation of the public the director of public safety shall make suitable arrangements for the prompt issuance by the officer in charge of the cell room of the central station or by any other district station house official or such other person as he may designate of certificates or copies of the charge without cost against any person arrested in any police station of the city and all persons arrested shall be given the opportunity to promptly communicate with be interviewed or examined by such persons as they desire

Section 18 Every magistrate before accepting bail secured by real property shall be furnished with a bail certificate issued by the [city controller] clerk of the court of quarter sessions and said certificate shall contain the following information

(a) The name of the owner of the particular property offered to the magistrate as security

(b) The amount of unpaid taxes due thereon

(c) The amount of liens thereon

(d) The assessed value thereof

(e) Whether the same property has heretofore been accepted as security for bail heretofore entered and still in force

It shall further be the duty of the [controller] clerk of the court of quarter sessions to retain a duplicate copy of each bail certificate issued together with the information as to whom the said certificate was issued The magistrate who has finally discharged such person or the district attorney after the grand jury has ignored the bill or bills of indictment or when the court has disposed of the case shall promptly notify the [controller] said clerk in writing of such final disposition and return the bail certificate to the [controller] clerk

Section 19 If the magistrate is satisfied from the information received from the [controller] clerk of the court of quarter sessions and the jurisdiction sworn to by the proposed bondsman that there is sufficient equity in the property tendered as security he may accept the surety or bondsman as bail and thereupon stamp or note upon the deed of the surety or bondsman which said magistrate shall require to be produced before him the fact that bail has been accepted by him the name of the particular case in which it was accepted the date of acceptance and the amount thereof which stamp or notation may only be cancelled by the [city controller] clerk of the court of quarter sessions upon discharge of the bail according to law

Section 20 The [city controller of Philadelphia] clerk of the court of quarter sessions shall provide twenty-four hours service of the information provided in the preceding sections of this act and to enable him to do so said [city controller] clerk is hereby authorized to appoint four additional clerks at an annual salary not exceeding two thousand dollars ($2,000.00) each

On the question,

Will the House agree to the section?

Mr. RHODES. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 1, by inserting after the figure "3" the following: "10."

Amend Sec. 1, page 3, by inserting between lines 23 and 24 the following: "Section 10. There shall be established a central police court in the city hall of the city of Philadelphia which shall be open, with a magistrate continually present thereat, during the entire twenty-four hours of each day, and to which the [mayor of the city of Philadelphia] chief magistrate shall regularly assign from the body of magistrates a sufficient number of magistrates to hold the same for the period of one month Provided however That the same magistrate shall not be assigned for consecutive months and that no magistrate shall be assigned to said court more than once in every six months"

Amend Sec. 1 (Sec. 3), page 3, line 21, by striking out the following "nonperformance" and inserting in lieu thereof: "nonperformance"

On the question,

Will the House agree to the amendments?

Mr. OMINSKY. Mr. Speaker, may I ask the gentleman from Philadelphia, Mr. Rhodes, to explain the purpose of this amendment?

Mr. RHODES. Mr. Speaker and members of the House, this amendment is merely to place the appointment of the magistrates to the Central Police Court in Philadelphia in the hands of the Chief Magistrate instead of in the hands of the mayor as it is at the present time.

Mr. OMINSKY. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Rhodes.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. RHODES. I shall, Mr. Speaker.

Mr. OMINSKY. Mr. Speaker, may I inquire of the gentleman from Philadelphia whether or not under his amendment the only one who will be responsible for the appointment of the Central Police Court magistrate is the Chief Magistrate?

Mr. RHODES. Mr. Speaker, that is correct.

Mr. OMINSKY. Mr. Speaker and members of the House, in opposing this amendment offered by the gentleman from Philadelphia, Mr. Rhodes, I wish to say that an amendment of the kind offered, if accepted, to the magistrates bill of 1937 will put the magistrates act and the working of it back into politics.

The original intent of the magistrates act, which you may remember was passed in 1937 during the regular session, you will recall that there was quite a discussion about the act, and we intended to make it as workable as we possibly could. We provided in that bill that the Chief Magistrate, with the advice and consent of the District Attorney and the Chief of Police or the Director of Public Safety, should select at least ten and not more than fifteen central stations, wherein cases would be heard. In addition to that, we provided a Central Police Court, the magistrate for that court to be appointed by the mayor, and there was a definite reason for that. The mayor of Philadelphia is also the Chief Magistrate of the city of Philadelphia, and he has the right under the present law to sit in any court as a magistrate in any case that he desires, and the intent at that time was to provide that instead of the Mayor sitting in the Central Police Court, the Mayor might designate a magistrate to sit and listen or hear the cases in which the city, especially the Department of Public Safety, was particularly interested.

It was provided under Sections 10 and 11 that the Chief Magistrate shall make all other assignments, not by himself, but with the advice and consent of two other officers of the city of Philadelphia, the Director of Public Safety, and the District Attorney, and rightfully so, because if the chief magistrate alone has the right to designate the various magistrates in other courts it will definitely put the magistrates back into politics and in a worse shape than before the Act of 1937 was enacted.

Therefore, members of the Assembly, we drafted a bill which took care of all contingencies in 1937, but this amendment will practically destroy, in part at any rate, the good intent of the act of 1937. It is no indication that the other side has any interest in clean government in Philadelphia. It is another indication that they are attempting to keep a promise even if it is only in a partial way, to burn laws which were passed in 1937 by the Democratic majority no matter how good the bill is. This amendment is absolutely wrong, it is bad for the city of Philadelphia and I ask the members to vote it down.

Mr. RHODES. Mr. Speaker and members of the House, we have heard much about clean government, and I take it that the Chief Magistrate of Philadelphia is just as honest and just as fair in his appointment of the Magistrates to the Central Police Court as the Mayor of the City of Philadelphia. I feel that all men are honorable and decent until they are proven otherwise. As a matter of fact, the Chief Magistrate of Philadelphia is only one of twenty-eight magistrates in the city of Philadelphia, and I think he is competent to make the appointment. I can see no reason why one magistrate out of the twenty-eight should be appointed by the Mayor and all other magistrates appointed by the Chief Magistrate. For that reason, I ask the members of the House to support these amendments.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER declared the ayes appear to have it.

Whereupon, a division was called for, one hundred and five, or a majority having voted in the affirmative the question was determined in the affirmative and the amendments were agreed to.

On the question,

Will the House agree to the section as amended?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1 (Sec. 18), page 4, line 17, by striking out with light-faced brackets the word "the" where it first appears in said line.

Amend sec. 1 (Sec. 18), page 4, lines 17 and 18, by striking out with heavy-faced brackets the word "clerk of the court of quarter sessions" and insert in lieu thereof "a bail commissioner appointed by the board of judges'

Amend sec. 1 (Sec. 18), page 5, lines 1 and 2, by strking out with heavy-faced brackets the words "clerk of the court of quarter sessions" and insert in lieu thereof "bail commissioner"

Amend sec. 1 (Sec. 18), page 5, line 9, by striking out with heavy-faced brackets the word "clerk" and insert in lieu thereof "bail commissioner"

Amend sec. 1 (Sec. 18), page 5, line 10, by striking out with heavy-faced brackets the word "clerk" and insert in lieu thereof "bail commissioner"

Amend sec. 1 (Sec. 18), page 5, lines 12 and 13, by striking out with heavy-faced brackets the words "clerk of the court of quarter sessions" and insert in lieu thereof "bail commissioner"

Amend sec. 1 (Sec. 18), page 5, lines 22 and 23, by striking out with heavy-faced brackets the words "clerk of the court of quarter sessions" and insert in lieu thereof "bail commissioner"

Amend sec. 1 (Sec. 20), page 5, lines 25 and 26, by striking out with heavy-faced brackets the words "clerk of the court of quarter sessions" and insert in lieu thereof "bail commissioner"

Amend sec. 1 (Sec. 20), page 5, line 29, by striknig out with heavy-faced brackets the word "clerk" and insert in lieu thereof "bail commissioner"

On the question,

Will the House agree to the amendments?

Mr. OMINSKY. Mr. Speaker and members of the House, the suspicions that I had about the other amendments putting the magistrate's act and its working back into politics

will be confirmed if this House votes these amendments down.

Section 18 of the present act provides that every magistrate before accepting bail secured by real estate, shall be furnished with a bail certificate issued by the city comptroller, and "such certificate shall contain the following information," and then it points out several things necessary. That certificate goes to the magistrate but before the magistrate can accept that bail today he must obtain that certificate from the City Comptroller. Before the Clerk of Quarter Sessions accepts a bail today he must obtain a certificate from the City Comptroller. The present act as it is drawn, which is up for consideration, takes that provision out of the City Comptroller's hands and puts it back in the Clerk of the Quarter Sessions Court, which means this, that instead of the Clerk of the Quarter Sessions court having a check on him against bad bail, he will not have that because this act takes it out of the City Comptrollers hands. I feel that in order to avoid further scandals in bail securities in Philadelphia, this amendment is necessary, if the City Comptroller does not now want that duty upon him.

My amendment to this bill provides as follows, that instead of the Clerk of the Quarter Sessions Court giving that certificate to the magistrate, to himself or his deputized bail clerk, whoever he may be, and he is appointed by the Clerk of the Quarter Sessions Court, a Bail Commissioner should be appointed by the Board of Judges who in the ultimate, as you all know, have the right and should have the right of censure as far as bail and the approval of bail is concerned. That is what my amendment will do. It will first provide a check on the Clerk of the Quarter Sessions Court, and, secondly, it will put the Bail Commissioner where he should be, in the hands of the Board of Judges who are, after all, judges of the Courts of Oyer and Terminer in all the criminal courts, and in that way will prevent possibly another bail scandal in Philadelphia such as inspired a former grand jury investigation in Philadelphia.

I therefore ask the members of this House to vote for these amendments.

SPECIAL ORDER ON HOUSE BILL NO. 867

The SPEAKER. The hour of 8:45 p. m. having arrived, the Chair lays before the House the special order of business fixed for this time.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 867, entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" defining responsibility for burial providing for separate administration by county boards of assistance of certain types of public assistance designated "general assistance and pensions" regulating the employment and dismissal of employes therefor authorizing the employment and dismissal of an executive director of general assistance and pensions changing the system of allocation of funds by the Department of Public Assistance changing the powers and duties of county boards authorizing appointment of sub-committees for certain purposes providing for immediate return to assistance rolls of persons accepting temporary employment authorizing appointment of labor review boards to pass on eligibility for assistance of persons refusing offered employment regulating the granting of assistance to aliens and the use of credit agencies changing the definition of dependent children the maximum property allowances for pensions to blind persons and the general qualifications for assistance and changing and adding to penal provisions

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by section one of the act approved the fourteenth day of September one thousand nine hundred and thirty-eight (Pamphlet Laws 31) is hereby further amended to read as follows

Section 2 Definitions as used in this act unless otherwise indicated

"Assistance" means assistance in money goods shelter medical care or [burial] services provided from or with State or Federal funds for indigent persons who reside in Pennsylvania and need assistance to enable them to maintain for themselves and their dependents a decent and healthful standard of living and for indigent homeless or transient persons The word assistance shall be construed to include pensions for those blind persons who are entitled to pensions as provided in this act and to include also burial for those indigent persons who were receiving assistance at the time of their death

"Special Assistance" means assistance provided from or with State or Federal funds for the following classes of persons as hereinafter defined (a) dependent children (b) aged persons and (c) blind persons

"General Assistance and Pensions" mean assistance provided from or with State funds only to persons entitled under this act to assistance other than dependent children aged persons and blind persons It shall also include pensions for the blind as hereinafter defined

"Local Board" means any county board of assistance established under the provisions of this act [and shall include any county relief board or board of trustees of the mothers' assistance fund or board of trustees of pension fund for the blind until abolished in accordance with law]

The masculine pronoun includes the feminine

On the question,

Will the House agree to the section?

Mr. TRONZO. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1 (Sec. 2.) page 4, line 7 to 15, both inclusive, by striking out all of said lines

On the question,

Will the House agree to the amendments?

Mr. TRONZO. Mr. Speaker and members of the House, as you no doubt already know, this section divides relief into two phases, special and general. Special assistance is where the federal government contributes and the general end of assistance will be strictly where the state alone contributes. The reasons for this division are rather simple. General assistance will be given over strictly as a job graft, that is all that it is, pure and simple. Under the General Assistance Act, the merit system will be ripped out and the spoils system will prevail. Now that is exactly what we have been trying to get away from for years, the spoils system, especially in the Department of Public Assistance.

The Department of Public Assistance was put together by public spirited men and women of the Commonwealth of Pennsylvania, and the reason I am so positive that it provides a decent merit system is because it seems that the politicians of both parties are opposed to it. It is the greatest tribute we can pay to the merit system under the Department of Public Assistance.

The people who are going to vote for this section do not have at heart the consideration of the unfortunate citizens on relief in Pennsylvania. In this dual set-up you will have a duplication of effort which means that it won't be a cheap set-up. You will have the special assistance employees covering probably the same territory that the general assistance employees will cover.

This section will also eliminate the pensions for the blind and place them on a relief basis. This must not be done. I realize full well that during the last campaign, the Republican party promised this, they promised more jobs than they can give, but it surely isn't fair and right that on account of those foolish promises, the only decent merit system set-up in the state should have to pay the penalty. For that reason I appeal to those of you who are humane and reasonable beings to vote for my amendments, because my amendments will restore this bill to its original form.

Mr. VAN ALLSBURG. Mr. Speaker and members of the House, the amendments offered by the gentleman from Allegheny, Mr. Tronzo, seek to destroy the whole purpose of the bill. They would render the whole bill senseless. Therefore, Mr. Speaker, I ask the members of the House to vote the amendments down.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Erie, Mr. Van Allsburg.

The SPEAKER. Will the gentleman from Erie permit himself to be interrogated?

Mr. VAN ALLSBURG. I shall, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman, does not the bill as it is presently drawn place the recipients of blind pensions on the basis of relief rather than on the basis of pensions?

The SPEAKER. The Chair is of the opinion that the question of the gentleman from York is out of order. The question is on the amendments offered by the gentleman from Allegheny, Mr. Tronzo, to section 1.

PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, are we not on Section 1, of the bill, page 4, lines 7 to 15?

The SPEAKER. The Chair was under the impression that we were on the amendments to Section 1 which struck out. The gentleman is correct in his position. The Chair is incorrect.

Mr. HERBERT B. COHEN. Mr. Speaker, with the Chair's acquiesence I desire to continue my interrogation of the gentleman from Erie, Mr. Van Allsburg.

The SPEAKER. The gentleman will proceed.

Mr. HERBERT B. COHEN. Mr. Speaker, does not the bill as it is presently drawn and before the House, place the recipients of blind assistance, as it were, on the basis of assistance rather than on the basis of pension?

Mr. VAN ALLSBURG. Mr. Speaker, will the gentleman from York please restate his question?

Mr. HERBERT B. COHEN. Mr. Speaker, does the bill as it is presently drafted on the floor of the House for enactment, place blind persons in the category of those receiving assistance rather than in the category of those receiving pensions?

Mr. VAN ALLSBURG. Mr. Speaker, in reply to the gentleman's question, I would say it does place those who are in need in the category of assistance and also provides for blind pensions.

Mr. HERBERT B. COHEN. Mr. Speaker, does the bill as it is presently drafted provide pensions for the needy blind or assistance for the needy blind?

Mr. VAN ALLSBURG. Mr. Speaker, it provides assistance for the needy blind up to thirty dollars per month, so that they will be receiving, provided the Social Security Board gives us their approval on that provision of the bill, if they O. K. it, they will be placed on an assistance basis, but as I say, they will receive thirty dollars per month by supplemental funds or with general assistance, and if they do not O. K. it the blind pensions will be available to all.

Mr. HERBERT B. COHEN. Mr. Speaker, will the gentleman point out for the benefit of the membership of this House, where in the bill there is a provision that the bill as now amended covers the payment of thirty dollars per month to the needy blind.

Mr. VAN ALLSBURG. Mr. Speaker, if the gentleman will refer to the bottom of page seventeen of the bill, paragraph (c), it provides as follows:

> "(c) The needy blind recipients of special assistance shall receive from general assistance the difference between the amount received as special assistance and the sum of thirty ($30) dollars so that every needy blind person shall receive total assistance in the amount of thirty ($30) dollars.
>
> "No payment made under general assistance to any needy blind person shall be deemed to be an item of income so as to disqualify such needy blind person to receive funds under the special assistance provisions of this act."

POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WOODSIDE. Mr. Speaker, my point of order is that the gentleman is not conducting his interrogation on the amendments now before the House to Section 1 of the bill. The amendments we are considering are amendments to Section 1, and the gentleman is making inquiries concerning the entire bill. He asked the gentleman from Erie to point out where in the entire bill he could find a certain provision. I think the ruling of the Chair in the first instance was right.

The SPEAKER. The gentleman from York should confine his interrogation to the section of the bill which is now under consideration and to the amendments to that section. The question before the House is upon the amendment, striking out lines 7 to 15 inclusive. The gentleman will proceed.

Mr. HERBERT B. COHEN. Mr. Speaker, did I understand the gentleman from Erie to say that the amendment which would strike out lines 7 to 15 inclusive on page 4 of the bill would strike out the very heart of this bill?

Mr. VAN ALLSBURG. Mr. Speaker, by striking out those two paragraphs it, as I said in the beginning, would mean striking out those same words throughout the whole bill and they occur many times. In other words, it would destroy the whole purpose of the bill.

Mr. HERBERT B. COHEN. Mr. Speaker, the amendments seek to strike out the distinction that is being set up relative to special assistance and general assistance and the pensions, does it not?

Mr. VAN ALLSBURG. Mr. Speaker, it does.

Mr. HERBERT B. COHEN. Mr. Speaker, and that distinction is an innovation in the present distribution of relief?

Mr. VAN ALLSBURG. Mr. Speaker, that is the distinction really between the words "special assistance" and "general assistance."

Mr. HERBERT B. COHEN. Mr. Speaker, and do I understand that if the blind persons were continued as pensioners rather than as recipients of assistance, that the very heart of this bill would be striken out?

Mr. VAN ALLSBURG. Mr. Speaker, no.

Mr. HERBERT B. COHEN. Mr. Speaker, may I interrogate the gentleman further, and inquire whether the Federal Social Security Board has agreed to the distinction between special assistance and general assistance, and pensions, as set forth in that part of the bill, ought to be stricken from the bill?

Mr. VAN ALLSBURG. Mr. Speaker, in answer to the gentleman from York, Mr. Cohen, I would say that we have not consulted the Board as to their opinion on these two paragraphs.

Mr. HERBERT B. COHEN. Mr. Speaker, does the gentleman know, and can the gentleman say to the membership, that the transfer of blind persons to the category of special assistance rather than the continuation of the blind persons under the pension, will be met by contributions made by the Federal Social Security Board?

Mr. VAN ALLSBURG. Mr. Speaker, in answer to that question, I will say that we know that the Federal Social Security Board never will give and it is not their custom to give to any Legislature their opinion as to whether or not it will receive the approval of the Federal Social Security Board until the act has become a law.

Mr. HERBERT B. COHEN. Mr. Speaker, does the gentleman know that by continuing in the bill lines 7 to 15 and all the implications that follow thereunder, that recipients of the blind pensions will now be subjected to investigation by the Department of Public Assistance?

Mr. VAN ALLSBURG. They would, Mr. Speaker, if the Social Security Board approved of this plan.

Mr. HERBERT B. COHEN. Mr. Speaker, may I ask the gentleman if the Social Security Board does not approve this plan, what will continuation in the bill of lines 7 to 15 mean?

Mr. VAN ALLSBURG. Mr. Speaker, in answer to the gentleman, when I refer to the plan, I refer to the whole bill. I do not believe that the Federal Social Security Board would object to the general plan. They might have objections as to the question of whether they would give us the grant and to aid pensions under assistance.

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand that the gentleman has indicated that blind persons, if this section is enacted along with the other sections, will then be subject to investigation by the Department of Assistance and placed in the same category as relief recipients?

Mr. VAN ALLSBURG. Mr. Speaker, it seems to me that the gentleman from York is out of order in the questions that he is proposing. The matter of the treatment of the blind is provided away along towards the close of the bill.

Mr. HERBERT B. COHEN. Mr. Speaker, the gentleman from Erie has raised the parliamentary objection as to the continuation of my interrogation along the line that I have pursued. Will the Chair rule upon the propriety of the objection?

The SPEAKER. The question as to whether the gentleman from Erie will answer the interrogation is entirely within the prerogative of the member. The Chair has no authority to demand that he answer or not answer.

Mr. HERBERT B. COHEN. Under those circumstances, Mr. Speaker, I will dispense with my interrogation of the gentleman from Erie and ask to be recognized by the Chair.

The SPEAKER. The gentleman from York will proceed.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, the gentleman from Erie, prior to the injection of his own objection has indicated that lines 7 to 15 contain the very heart and meat of this bill. These particular lines set up a definition heretofore unknown in our assistance laws, whereby the blind are placed in the category of those receiving special assistance and removed from the category of those receiving general assistance and pensions.

I realize the limitations to which I must confine myself in discussing these particular amendments. The Chair has requested, and being very dutiful to the Chair, I will acquiesce in restricting my arguments to the amendments under consideration, but I wish to stress the point to the membership of the House that this is the first departure, the first legislative departure by the General Assembly, from the distinction between pensions and assistance. This is the first time since the passage of the constitutional amendment providing for pensions for the blind, that we find a determined effort to place those receiving pensions in the category of those receiving relief. This necessitates under the distinction of special assistance, throwing the blind into the category that you will find runs through the entire bill requiring investigation, numerous visits, continued observation by the Department of Public Assistance

of those recipients. I say to the membership of this House that if there is the least bit of consideration and appreciation for the situation of those who are afflicted with the worst punishment that can be inflicted upon human individuals, blindness, that they will not further expose them to a change in their status, and that the membership of this House will not take them out of the class of pensioners where they rightfully belong, where the Constitution says they belong, and place them in the category of relief, subject to investigation, supervision and all the problems that go with it.

I ask the membership of this House to vote for the amendments offered by the gentleman from Allegheny, Mr. Tronzo, that will strike from the bill these particular distinctions.

Mr. WOODSIDE. Mr. Speaker and members of the House, as to the question of what should be debated on the amendments which are now before the House, usually when amendments are submitted, they are submitted to carry out one definite, complete purpose. I hope that the submission of these amendments, only to strike out a few lines in the bill, is not an indication that we are going to have unconnected amendments, as it were, all through the bill, which as we have already seen, will interfere with proper and intelligent debate on the amendments and which will interfere with the proper and intelligent passing upon the subject which is before us.

The gentleman from York has not confined his remarks to the immediate amendments, and has indicated, I think, that if these amendments were adopted by the House, there should be additional amendments. Therefore, Mr. Speaker, I feel that we should briefly discuss the entire situation relating to the blind so that we will not have to discuss it every time when one of a dozen, or maybe a score of amendments on the subject might be submitted.

The truth of the matter is that when the 1937 session passed the legislation which they did, concerning the pensions for the blind, or the funds which the blind should receive, they were of the opinion, or at least so stated, that the Commonwealth of Pennsylvania would receive from the Federal Government their share of blind money which would amount approximately to four million dollars during the biennium. It developed that for a time they did receive that money and then all of a sudden it was stopped, and we carried the entire load of payments to the blind out of State funds. If it would be possible to secure the entire amount which should be allotted to us by the Federal Government, we would receive approximately four million dollars during the biennium, and that is a very substantial sum.

Now, it is the intent of this bill to do this: to see that the blind receive exactly the same amount that they are receiving now and at the same time obtain the payments from the Federal government, amounting to approximately four million dollars. We have tried in all kinds of ways, and we have accepted all sorts of suggestions and given them consideration, as to how that could be done, and this is the method which has been worked out as the one which we feel will most likely accomplish that result. We have accepted suggestions from the other side of the House in preparing this bill and the various amendments to bring about this purpose, and we feel that there can be no legitimate objection to any amendment to the Public Assistance law which will give the blind the same amount of money which they are now receiving and at the same time will give the state of Pennsylvania an opportunity to collect four million dollars from the Federal Government during the next biennium. That is the intent of this bill and we feel that we have done everything in our power to carry out that intent.

Mr. ACHTERMAN. Mr. Speaker and members of the House, replying to the gentleman from Dauphin, Mr. Woodside, relative to the leniency permitted in debate, may I just call to the attention of the members of the House that the amendments pertaining to Special Assistance and General Assistance and, as a consequence, attack the entire heart of the proposed bill. It becomes necessary and essential therefore, in order to intelligently discuss the amendments, to discuss certain phases of the bill that appear in different sections. Just as an example, Mr. Speaker, special assistance and general assistance is defined in the bill, which would be removed by the amendments we introduced for a specific reason. First of all, so that it will be possible to break down the civil service that now exists in the Department of Public Assistance. It is generally known, Mr. Speaker, that at the present time in order to receive federal assistance you must have civil service among your employees. Here in order to distinguish between the two types of funds you define special assistance and general assistance.

Going further into the remarks of the gentleman from Dauphin and discussing blind persons that appear under the special assistance and then appear again under general assistance, may I say that while the effort proposed to receive federal moneys for blind persons may be commendable, it is nevertheless a very dangerous proposition as this bill provides. That, of course, goes further than the first section, it carries you on back to the pages that were discussed by the gentleman from York and the gentleman from Erie. May I point out, since the gentleman from Dauphin discussed blind pensions, that while the amendments he referred to which will assure each blind person in Pennsylvania thirty dollars, were introduced primarily at my suggestion, they still, nevertheless, Mr. Speaker, in my opinion fall far short of what they originally did in Pennsylvania. I make that statement for this reason, Mr. Speaker. We may take a blind individual who is receiving perhaps just a small competence in the form of labor, perhaps selling newspapers or pencils or whatnot, he could qualify under special assistance as the bill is drawn, and as a consequence, perhaps, he would come under general assistance, but more likely, a strict interpretation of the rules of the Department would force that blind individual to desist in his employment, and come under special assistance where he would then receive from the Department not necessarily thirty dollars per month, but perhaps eighteen or nineteen dollars per month, and then even after that although we supplement some of that differenc between what he receives and the thirty dollars, so that he receives thirty dollars, you may still be faced with the proposition that the Federal Government would say, "Oh, no, we do not agree with your bill; we do not agree with this law, and therefore we will not permit any Federal contributions." The danger with the entire bill, as I see it Mr. Speaker, is to perhaps destroy the initiative of the blind individuals in their efforts to at least supplement the thirty dollars, which I think each and every member here will say is certainly little enough income for a blind individual to manage to exist on. For

those reasons, Mr. Speaker, I rise to support the amendments offered by the gentleman from Allegheny, Mr. Tronzo.

In reply to the gentleman from Dauphin, I cannot see how we can intelligently discuss the amendments that will be offered without on occasion repeating at least portions of the debate, for the simple reason that we do want to know just how far the majority are going in changing the Department of Public Assistance laws; just which members are anxious to see the blind penalized, and as to the worker who is qualified under the law—perhaps he didn't like Civil Service, I know I didn't—but certain individuals who are now working and have been working, whether you want to tear them out of office, we want to see just how far you are going and to that end, I can frankly say to the gentleman, there will be repetition in the debate.

The SPEAKER. The Chair feels that on a measure of this kind the greatest latitude should be allowed in debate. However, when amendments are offered to just one portion of the bill, it is the custom of the House if they desire to discuss the whole bill, to offer all amendments at one time, and after all amendments are submitted, a request be made that debate shall be on all the amendments and on the entire bill. That has been our custom and the Chair would certainly encourage that that be done.

The amendments of the gentleman from Allegheny, Mr. Tronzo, are to just one portion or one section and do not pertain to any other part of the bill. The Chair therefore was fearful, after the remarks made by the gentleman from Allegheny, Mr. Tronzo, which were certainly not in point on this amendment that the gentleman from York was going astray in his remarks.

Mr. ACHTERMAN. Mr. Speaker and members of the House, in order perhaps to more intelligently discuss the bill, I make this suggestion, that this side of the House submit their amendments to the Chair and we can then discuss, for instance, the amendments that will be offered to section one, the amendments offered to section two, and so on, and perhaps save considerable time. Would that meet with the Chair's approval?

The SPEAKER. The Chair feels that would be a very wise procedure. It would conserve the time of the House. The Chair, however, desires to hear from the majority floor leader.

Mr. WOODSIDE. Mr. Speaker, I would be very glad to have the minority follow that procedure.

The SPEAKER. The gentlemen of the minority will follow the usual procedure of presenting to the desk all their amendments under the agreement between the two leaders, and debate on the entire bill will then be permitted.

Amendments were offered by Mrs. Fauset, Messrs. Edwin F. Thompson, Westrick, Achterman, Rosenfeld, Reuben E. Cohen, Holland, Readinger, Weiss, Levy, Scanlon and Tahl.

Mr. ROSENFELD. Mr. Speaker, I ask the indulgence of the Chair. Inasmuch as other amendments are now being prepared for me by the Bureau, I ask permission to submit them later.

The SPEAKER. During consideration of the bill, of course, the gentleman will have the opportunity to offer further amendments. The Chair, however, cannot guarantee that to the gentleman.

Mr. ROSENFELD. Mr. Speaker, I understand they are in the course of preparation now.

The SPEAKER. It all depends on when they are offered. The Chair cannot hold up the procedure in the House awaiting amendments.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. Tronzo and Mr. Harkins.

A verification of the roll was requested by Messrs. Baker, Tronzo and Russell E. Reese.

The roll was verified and was as follows:

YEAS—70.

Achterman,	Donohoe,	McLane,	Rooney,
Allen,	Fauset,	Melchiorre,	Rosenfeld,
Allmond,	Finnerty,	Mihm,	Rothenberger,
Andrews,	Flanagan,	Mooney,	Sarraf,
Baker,	Furman,	Moran,	Scanlon,
Balthaser,	Harkins,	Munley	Schrope,
Bohn,	Hess,	O'Brien,	Schwab,
Boles,	Holland,	O'Connor,	Skale,
Boney,	Jirolanio,	O'Keefe.	Stank,
Brancato,	Keenan,	Ominsky,	Thompson, E. F.,
Broad,	Kenehan,	O'Neill,	Tronzo,
Brown, H. S.,	Kilroy,	Powers,	Walsh,
Check,	Levy,	Preston,	Weiss,
Chervenak,	Long,	Readinger,	Welsh, E. B.,
Cohen, H. B.,	Lovett,	Regan,	Welsh, M. J.,
Cohen, R. E.,	Malloy,	Reynolds,	Westrick,
Corrigan,	Malone,	Rider,	Williams,
DeNote,			

NAYS—123.

Ackermann,	Fleming,	Lyons,	Sloan,
Alspach,	Foor,	Madden,	Snyder,
Atkins,	Freed,	Marr,	Sollenberger,
Auker,	Fullerton,	Matthews,	Stambaugh,
Balliet,	Gates,	McClester,	Stewart,
Bardes,	Gillan,	McGarrity,	Stockham,
Bennett,	Gillette,	McKinney,	Sweeney,
Boorse,	Goll,	McNally,	Tahl,
Boose,	Habbyshaw,	McVay,	Taylor,
Bower,	Haines,	Montgomery,	Terry,
Boyd,	Hall,	Moser, F. S.,	Thistle,
Bronson,	Hamilton,	Moser, J. L.,	Thompson, G. R.,
Brown, S. W.,	Harbeson,	Muir,	Tiemann,
Brunner,	Haudenshield,	O'Dare,	Trout,
Calvin,	Henry,	Peacock,	VanAllsburg,
Carpenter,	Hewitt,	Peale,	Van Belle,
Christler,	Hoffman, J. N.,	Reagan,	Voorhees,
Clearwater,	Hoyt,	Reese, D. P.,	Wagner,
Cooper,	Huntley,	Rhodes,	Watkins,
Cordier,	Imbrie,	Riley,	Webster,
Cortese,	James,	Robertson,	Wilkinson,
Dalrymple,	Johnston,	Rose,	Wilson,
Denman,	Jones,	Roseberry,	Winner,
Dick,	Kline,	Royer,	Wood, H. M.,
Dix,	Knoble,	Sarge,	Wood, L. H.,
Donahue,	Kowalski,	Schrock,	Wood, N.,
Eckels,	Krise,	Seif,	Woodside,
Ely,	Lee,	Serrill,	Yeakel,
Ewing,	Leisey,	Shearer,	Turner,
Fisher,	Leydic,	Simons,	Speaker.
Fiss,	Lichtenwalter,		

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

Mrs. FAUSET. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 2), page 4, line 9, by inserting after the word "children" the following "and"

Amend Sec. 1 (Sec. 2), page 4, line 10, by striking out the following "and (c) blind persons'

On the question,

Will the House agree to the amendments?

Mrs. FAUSET. Mr. Speaker and members of the House,

this amendment refers particularly to the present status of the blind. It has been so ably defined by the previous speakers, it is not my intention to prolong debate on this particular point, but I do want to say that I feel it would be contrary to public sentiment for the present status of the blind, who are receiving pensions, to be changed. I feel that the people ordinarily have a very different attitude toward people who are well and strong in connection with their going on the dole. I think they feel very differently from what they do in connection with the blind, considering the handicap that is being suffered by those that cannot see. For that reason, Mr. Speaker, I hope very much that the members of this House will vote for this amendment and maintain the present status of the blind as pensioners, making it impossible for any of them, even the most needy to be recipients of relief.

Mr. LEVY. Mr. Speaker and members of the House, on the amendment to Section 1, line 10, I don't think the Republican membership would object to anyone speaking concerning blind pensions, because the amendment deals particularly with those persons. I, however feel, Mr. Speaker, that the Republican party in this piece of legislation is a bit inconsistent. We heard the majority floor leader a few moments ago defend the status of this bill on the ground that they might be able to benefit from certain Federal contributions by the Federal Social Security Board.

Mr. Speaker and members of this House, on October 14, 1938, the candidate for Governor on the Republican ticket, and the present Governor of the Commonwealth, sent this telegram to the blind people of the Commonwealth of Pennsylvania, and I quote from that telegram:

> "When I announced my candidacy for Governor last January, I stated that 'we must have adequate pensions for the blind.' That I mean. The pensions must be adequate; they must be certain. Further, there must be a complete divorce of this form of assistance from any kind of political influence, racketeering or control. The blind of this state have my earnest pledge that as Governor I will safeguard their interest to the full extent of my ability. There is a chapter in my life which makes my interest in the problems and assistance of the blind very deep indeed. About ten years ago my own eyes failed me. In my case, as the result of the fortunate outcome of a delicate and uncertain operation, my sight was saved. But no one who passed through the valley of darkness as I did will ever forget his fellowship with those who must spend their lives in that valley.
>
> ARTHUR H. JAMES."

Mr. Speaker and members of the House, the amendment to line 10, page 4, sponsored by the lady from Philadelphia, would take out of the bill the provision dealing with blind persons and place it back again into the same portion of the 1937 act as it is now. I note in the telegram in October, 1938, that the Governor said nothing about blind assistance; he said they must have "adequate pensions for the blind". I trust the Republican membership of this House will accede to the wishes of the Governor, that is his wishes at that time, and I hope they will join the lady from Philadelphia in voting for this amendment.

Mr. GATES. Mr. Speaker and members of the House, if my memory serves me right, it was the Republican party the majority in the House and the majority in the Senate that first passed the blind pension bill. That bill was signed by a Republican Governor. The gentleman from Philadelphia has misquoted the Governor's telegram. The Governor does say in his telegram: "There is a chapter in my life which makes my interest in the problems and assistance of the blind very deep indeed."

I think it is the Governor's wish to carry out the principles of the Republican party and to see that the blind of the state of Pennsylvania get as adequate pensions in the future as they have in the past.

Mr. ACHTERMANN. Mr. Speaker and members of the House, the reason for the presentation of the amendment we are now considering as offered by the lady from Philadelphia, Mrs. Fauset, is for the purpose of ascertaining the true intent of the majority party of this House. You have heard read the telegram of the Governor of Pennsylvania, Arthur H. James, stating that we must have adequate pensions for the blind.

I realize, concerning the first amendment that we voted upon, that you are keenly interested in ripping out civil service and securing some three or four thousand jobs. Just why you want the jobs, when you are rather busy at home now explaining why you can't hand them out, is more than the average man can comprehend, but if you wish to have more to explain when you go home, not only why you can't hand out jobs but also why you want to destroy civil service in Pennsylvania, after you have been so strong in sponsoring that cause, certainly you shall have all the pleasure of doing so. However, we are curious to find out in addition to that broken promise, whether you wish to add one more broken promise, the broken promise to the blind in this instance, or the destruction of their pension as it exists under the laws of Pennsylvania. You are truly rapidly getting to the point where you are a party of broken promises and it is a rather sad commentary to make in this House that because your party started blind pensions in Pennsylvania, therefore you should now have permission to destroy them. We will observe from the roll call just how strong you are for that, how much you really desire to destroy, to what point you are willing to go in the breaking of promises to the electorate and the individuals of Pennsylvania. For that purpose, Mr. Speaker, I ask for a roll call.

Mr. WOODSIDE. Mr. Speaker and members of the House, if it were a matter of broken promises, we certainly would have the very excellent example set by the Democrats during the last four years.

I want to say one word about blind pensions. The Social Security Act was passed at Washington by an overwhelming Democratic House and by the Senate with an overwhelming Democratic majority and signed by a New Deal President. It is that Social Security Law which is saying to the state of Pennsylvania, "If you give a pension, we won't give you a penny, but if you will put it on the basis of need we will give you four million dollars. If the federal government and the Social Security Board would carry its share of the burden, we could give them, call it a pension if you will, thirty dollars a month and could get that which we are justly and honestly entitled to, but the federal government stepped into Pennsylvania and said, "Oh, no, you have a pension law. You are giving to the blind a pension, and we won't give you a penny. If you put it on the basis of need, then we have four million dollars here for you."

The Republican party in Pennsylvania is saying this: "All right, we will set this up, if you can determine how

much we, in Pennsylvania, are justly and honestly entitled to," and at the same time we turn to the blind and say, "We are going to see that you, out of our own pockets get all the money you are now receiving." That is exactly what this bill aims to do, and I believe, Mr. Speaker, that that is what this bill does do. For that reason I say that all of the remarks which have been made on the other side are not sound, sensible or reasonable, and this bill should be adopted in its present form.

Mr. ACHTERMAN. Mr. Speaker and members of the House, the remarks of the gentleman from Dauphin and the remarks I am about to make, were made, of course, a bit earlier this evening. As this bill was originally prepared, very honestly, all it did, was to divide the blind into two classes, the needy and, let us call them the unneedy blind. The needy blind would qualify on the basis of need, and according to the experience of the past the sum of money they would receive from us would have been approximately nineteen dollars, and those blind who had an income that did not exceed seventy dollars per month would receive a pension and would receive, of course, thirty dollars per month. In other words, as the bill was originally drawn, a blind person that was needy would receive but little and a blind person who was not needy would receive thirty dollars a month. That was the theory upon which this bill originally progressed.

As a result of my protest and as a result of amendments prepared by myself, which you will find in the last two lines on page 17 and at the top of page 18, the blind at least are assured of thirty dollars a month. The Democrats claim credit for that, but I even say this, that although those amendments are an improvement over the bill as introduced, I still insist that it destroys the initiative and the desire of a blind individual to work unless he is fortunate enough to have a job that pays him more than thirty dollars a month. I am saying that you will find under this bill, that it penalizes the blind man who has a desire to work. It is better than what you originally introduced, but it is a long long way from perfect, and the unfortunate thing about it is the fact that you do not know, and I do not know how far the federal government will go in accepting this bill. You insist on haste and you make it impossible to determine or to secure even an expression from the Federal Social Security Board of their reaction to the amendments to the bill. We are saying to you it is a dangerous step to take. We are saying to you that you should not do it. It would be far better to leave the law in its present shape, in the condition it was when the Governor, your Governor, if you please, sent his telegram, in which he stated he was for adequate pensions. It is for that reason that we ask for a roll call, Mr. Speaker. We are breaking no promises, we are watching to see whether the majority party will break them.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Dauphin, if an individual is blind and is earning thirty dollars a month will that individual be susceptible to either blind pension or to assistance?

Mr. WOODSIDE. Mr. Speaker, do I understand the gentleman to say, if a person who is blind is receiving thirty dollars a month, or has an income of thirty dollars a month?

Mr. HERBERT B. COHEN. Mr. Speaker, if he is earning thirty dollars a month.

Mr. WOODSIDE. Mr. Speaker, a person who has an income of thirty dollars a month would be entitled to a payment of thirty dollars.

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand that if a person is blind and by some effort on his or her part is able to earn thirty dollars a month, that they will receive additional moneys, either in the form of a pension or in the form of direct relief?

Mr. WOODSIDE. Mr. Speaker, that is correct.

Mr. HERBERT B. COHEN. Mr. Speaker, to what extent?

Mr. WOODSIDE. Mr. Speaker, they will receive the same amount as they would be getting under the present law.

Mr. HERBERT B. COHEN. Mr. Speaker, may I further inquire of the gentleman, if a blind individual is receiving assistance to the extent of thirty dollars a month and subsequently would inherit four thousand or five thousand dollars, would the moneys received as assistance then be repayable to the Commonwealth?

Mr. WOODSIDE. Mr. Speaker, I think they would not.

Mr. HERBERT B. COHEN. Mr. Speaker, does the gentleman know?

Mr. WOODSIDE. Mr. Speaker, I do not know. I do not know without a study of the bill; I could not answer that question, conclusively, because I was not one of the sub-committee. The gentleman from Monroe, Mr. Achterman, as he has suggested to the House, prepared these amendments which were to carry out the intent which I have stated, and the gentleman from Delaware, Mr. Bretherick, and several other very able lawyers in this House, attempted to work out this problem, knowing exactly what the intent was, and I believe that those very able and intelligent gentlemen worked out this bill in such a way that that intent is carried out.

Mr. HERBERT B. COHEN. Mr. Speaker, it is only because of the extreme courtesy that I always extend to the gentleman from Dauphin that I am prevented from objecting to his reply as not responsive.

I wish to inquire of the gentleman from Dauphin, if an individual who is blind and who is entitled to twenty-five dollars a month, if the earnings of that individual were to increase ten dollars a month, would the assistance provided under this act be decreased by the same amount?

Mr. WOODSIDE. Mr. Speaker, there would be no change in the total amount which the blind recipient would receive. It would just be a matter of bookkeeping. In other words, as to his particular assistance, the Commonwealth would receive less money from the federal government but the blind individual would not receive any decrease in his payment.

Mr. HERBERT B. COHEN. Mr. Speaker, does the gentleman mean by his answer that if an individual is earning twenty-five dollars a month and is receiving an additional twenty-five dollars a month as assistance, if the individual's earnings were increased to thirty-five dollars a month, that the man would still be paid the sum of twenty-five dollars a month as assistance, or would the assistance payment be reduced to the same extent as the earnings of the individual had increased?

Mr. WOODSIDE. Mr. Speaker, the gentleman as I under stand it is submitting an hypothesis which could not exist. It does not exist in the law today and would not exist after the passage of this bill.

Mr. HERBERT B. COHEN. Mr. Speaker, I am asking the gentleman, as the earnings of a blind individual would increase, would the amount of assistance decrease in the same proportion that the earnings increase?

Mr. WOODSIDE. Mr. Speaker, not until it reached seventy dollars a month.

Mr. HERBERT B. COHEN. Mr. Speaker, after it reached seventy dollars a month, would they decrease?

Mr. WOODSIDE. Mr. Speaker, they would, yes, and they do now.

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand from the gentleman, that until the earnings of a blind individual would reach the total of seventy dollars a month, assistance will be provided to the individual up to that point.

Mr. WOODSIDE. Oh, no, Mr. Speaker. I think I have answered the gentleman. That would be figured on exactly the same basis as it is figured at the present time. I think the gentleman knows how it is figured at the present time; he was very active in the passage of the law. I believe he is acquainted with how it is figured, and he knows the minimum is thirty dollars a month that is being paid now.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, what they are trying to do and what is being attempted by this bill is to subject the blind individual to some sort of complicated formula with which apparently the gentleman from Dauphin himself is not entirely familiar. Neither are most of the members of the House entirely familiar with the formula that must be resorted to in order to determine the amount of money that will be received by an individual who is blind under this bill.

I submit to the membership of this House that we have in Pennsylvania the most idealized and far reaching blind pension law that has been passed in any state of the United States. This amendment that was passed by the people of the Commonwealth of Pennsylvania expressly wrote into our fundamental law the constitutional amendment which states that blind people shall receive a pension. If the Federal Government, if the Social Security Board says to the Commonwealth of Pennsylvania, "you cannot receive any contributions because your act is based upon a pension," that is not a request from the Social Security Board to Pennsylvania to lower its standards. The Social Security Board from its very inception has attempted to raise the standards of the various states in the union. The Social Security Board has been offering financial inducements to state after state in order that they might raise their standard of relief so that the Federal Government might come in and contribute to these particular needy individuals who would be the recipients. Never before have I heard such paradoxical arguments on the floor of this House as to say that for a mere four million dollars, the Commonwealth of Pennsylvania is willing to forego its position as the number one state of the union in its care for the blind, and retrogress from that position and sell out the millions of people who voted for the blind pension, as well as sell out the thousands of blind pensioners. Members of the House, it never was the intention, and it is merely a subterfuge resorted to by the majority to come before this House and say that the Federal Government is trying to beat down the standard of relief for the blind. I say to the membership of this House, just as every activity of the Federal Government has been directed toward the desire and the objective of raising the standards, I say to the membership of this House that we should be interested in raising the standards rather than acquiescing in the request of the majority to lower those standards for a paltry four million dollars that will come from the Federal Social Security Board.

I realize that those in charge of the administration have neither the desire, the intestinal fortitude, nor possibly the ability to formulate a tax program for the administration, but I say to them they should at least have the common sense to know that if the people of the Commonwealth have said we are to have blind pensions, they should not turn it into mere assistance. I ask the membership of this House to vote for these amendments.

Mr. HOLLAND. Mr. Speaker and members of the House, I wonder if the members of this House know what special assistance and general assistance means to blind persons. A blind person must be lead to a special assistance board and there he applies for assistance. If he is turned down, he is then shunted to a general assistance board, and when he is shunted to the general assistance board he must be investigated like anyone else applying for relief. You know what that means. If he receives relief under general assistance, he must sign a bond, and when he signs that bond, he promises to pay back any moneys received. I think that the people of Pennsylvania voted to settle that question, they voted to give the blind a pension, not assistance but a pension, and no member of this House has the right to change any issue that was settled by the voters of Pennsylvania a number of years ago. If you do intend to shunt these blind persons, who are led by children or dogs from one place to another, then I say to you, you are derelict in your duty and you are not listening to the voice of the people who decided once and for all that the blind shall get a pension and not assistance.

Mr. LONG. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. LONG. Mr. Speaker, on page 17 of the bill it states:

> "The needy blind recipients of special assistance shall receive from general assistance the difference between the amount received as special assistance and the sum of thirty dollars, so that every needy blind person shall receive total assistance in the amount of thirty dollars"

It is my understanding that recipients of general assistance must sign a bond to repay any money which they receive from this fund. Would that apply to recipients of general assistance who happen to be blind, under this provision?

Mr. WOODSIDE. Mr. Speaker, no, it would not apply.

Mr. LONG. Mr. Speaker, I desire to inquire from the gentleman from Dauphin how he would set up a separate class of recipients of general assistance. Is it not true that all recipients of general assistance must sign a bond for repayment?

Mr. WOODSIDE. Mr. Speaker, I do not think that it is necessary for all recipients of assistance to sign bonds.

I do not think that the law so requires, and it is not the intent to require bonds from those who receive assistance. As I have stated time and time again, if any of the amendments that the gentleman have to submit, will carry out the intent to a larger and more comprehensive degree, we will be glad to agree to those amendments. So far none of them have been submitted. I say again it is the intent that the blind shall be in exactly the same status as they are now. It is a matter of bookkeeping, and we are not going a bit further than the Federal Government has compelled us to go. In fact, the only danger is we may not have gone as far as the Federal Government would like us to go under the circumstances.

Mr. LONG. I have been informed, and it is the general opinion of those I have met that all recipients of general assistance of the Commonwealth of Pennsylvania will be required to sign a bond for repayment. If there is any possibility that this bill, by including a group of blind pensioners of the state, under the general assistance fund would require them to pay back the amount of money which they received from the general assistance fund, it is obviously and palpably unfair, first of all because we have blind pensions under a constitutional amendment, and secondly because we are setting aside the indigent blind and requiring them to sign a bond for repayment, whereas those blind who are not indigent would not be required to sign such a bond. That is obviously unfair and I therefore ask that the members vote for these amendments.

Mr. HOMER S. BROWN. Mr. Speaker, I desire to interrogate the majority floor leader, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. HOMER S. BROWN. Mr. Speaker, I would like to inquire of the gentleman from Dauphin whether or not on page 4, line 7, of the bill under discussion, the term "special assistance" means assistance to the blind other than the assistance that is spoken of in Article XVIII of the State Constitution.

Mr. WOODSIDE. Mr. Speaker, I do not think that that would mean anything different than the provision of the Constitution. In the Constitution the words, "pension gratuities" are mentioned, and here the words, "special assistance" are used, so that the effect in my opinion is exactly the same so that I do not think there is any question about the ability to sustain that as being properly within the constitutional amendments. May I say further, Mr. Speaker, that a blind person always receives a flat rate of the same amount, which is in effect a pension, and I think the courts would unquestionably so hold.

Mr. HOMER S. BROWN. Mr. Speaker, by special assistance does the majority floor leader mean that a blind person will receive a pension of a gratuity?

Mr. WOODSIDE. Mr. Speaker, with the two assistances which a blind person would get, the two assistances made necessary, as I have stated from time to time, as a result of the Social Security Act, the two together would constitute a pension or a gratuity.

Mr. HOMER S. BROWN. Mr. Speaker, if the federal Social Security Act does not make contributions to the state under the act which is being discussed at the present time, does the majority floor leader believe that the amount of assistance provided for the blind, without aid from the Federal Government, would constitute a pension?

Mr. WOODSIDE. Yes, Mr. Speaker, I think it would, a pension or a gratuity.

Mr. HOMER S. BROWN. Mr. Speaker, does the gentleman believe that, notwithstanding the fact that it would come from the relief fund?

Mr. WOODSIDE. Mr. Speaker, I do not quite understand the question of the gentleman from Allegheny.

Mr. HOMER S. BROWN. Mr. Speaker, may I inquire of the majority floor leader, if the funds for the blind will come from the relief department?

Mr. WOODSIDE. Mr. Speaker, does the gentleman mean in the matter of the appropriation?

Mr. HOMER S. BROWN. Mr. Speaker, in the matter of the appropriation, it will be under our general direct relief grant.

Mr. WOODSIDE. Mr. Speaker, that is a matter for the appropriation bill. It is handled that way at the present time and it will continue to be so handled. It is handled by the Department of Public Assistance and is paid now from the appropriation which is made to the Department of Public Assistance, as I understand the situation at least, and that same situation would be continued under the present bill.

Mr. HOMER S. BROWN. Mr. Speaker, then I take it that the terms "special assistance," "general assistance," "pensions" have no distinction as far as the blind are concerned, and that the term "special assistance," "general assistance" mean pensions to the blind.

Mr. WOODSIDE. Mr. Speaker, when they are taken together, I think they do.

Mr. HOMER S. BROWN. Mr. Speaker, when taken separately, would they?

Mr. WOODSIDE. Mr. Speaker, I think the question of whether it is a pension or whether it is not depends upon the amount which is given and the way it is determined.

It is a matter of bookkeeping and having two types of assistance, when you put them together so that the total amount that the person receives is a flat sum, I think it amounts to a pension.

Mr. HOMER S. BROWN. Mr. Speaker, is the test, the question of the substaniability of the amount and the definite fixed amount in the grant, as distinguished from the amount which can be curtailed, which can be diminished by the department head or by anyone in the department in authority, acting in a professional capacity? Isn't that the distinguishing test between assistance and the pension that we give now?

Mr. WOODSIDE. Mr. Speaker, under this bill, that is exactly what would happen; a man would receive a flat amount, a definite amount.

Mr. HOMER S. BROWN. Mr. Speaker, that is providing the Federal Government makes a contribution?

Mr. WOODSIDE. No, Mr. Speaker, whether the Federal Government makes a contributuion or whether it does not.

The yeas and nays were required by Mr. Walsh and Mr. Herbert B. Cohen.

A verification of the roll was requested by Messrs. Moran, Corrigan and Tronzo.

The roll was verified and was as follows:

YEAS—75.

Achterman,	Falkenstein,	Malone,	Rooney,
Allmond,	Fauset,	McLane,	Rosenfeld,
Andrews,	Finnerty,	Melchiorre,	Rothenberger,
Baker,	Flanagan,	Mihm,	Sarraf,
Balthaser,	Furman,	Mooney,	Scanlon,

ohn,	Gorski,	Moran,	Schrope,
ies,	Harkins,	Munley,	Schwab,
oney,	Hess,	O'Brien,	Shaw,
ancato,	Hindman,	O'Connor,	Skale,
oad,	Hoffman, S. K.,	O'Keefe,	Stank,
own, H. S.,	Holland,	Ominsky,	Thompson, E. F.,
rris,	Jirolanio,	O'Neill,	Tronzo,
eck,	Keenan,	Powers,	Walsh,
hervenak,	Kenehan,	Preston,	Weiss,
hen, H. B.,	Kilroy,	Readinger,	Welsh, E. B.,
hen, R. E.,	Levy,	Reese, R. E.,	Welsh, M. J.,
rrigan,	Long,	Regan,	Westrick,
onohoe,	Lovett,	Reynolds,	Williams,
owney,	Malloy,	Rider,	

NAYS—122.

ckermann,	Fleming,	Lichtenwalter,	Simons,
lspach,	Foor,	Lyons,	Sloan,
tkins,	Freed,	Madden,	Snyder,
uker,	Fullerton,	Marr,	Sollenberger,
alliet,	Gates,	Matthews,	Stambaugh,
ardes,	Gillan,	McClester,	Stewart,
ennett,	Gillette,	McGarrity,	Stockham,
oorse,	Goll,	McKinney,	Sweeney,
ouse,	Habbyshaw,	McNally,	Tahl,
ower,	Haines,	McVay,	Taylor,
oyd,	Hall,	Montgomery,	Terry,
ronson,	Hamilton,	Moser, F. S.,	Thistle,
rown, S. W.,	Harbeson,	Moser, J. L.,	Thompson, G.R.,
runner,	Haudenshield	Muir,	Tiemann,
adwalader,	Henry,	O'Dare,	Trout,
alvin,	Hewitt,	Peacock,	VanAllsburg,
arpenter,	Hocke,	Peale,	Van Belle,
hristler	Hoffman, J. N.	Reagan,	Voorhees,
learwater,	Hoyt,	Reese, D. P.,	Wagner,
ooper,	Huntley,	Rhodes,	Watkins,
ortese,	Imbrie,	Riley,	Webster,
urran,	James,	Robertson,	Wilkinson,
alrymple,	Johnston,	Rose,	Wilson,
enman,	Jones,	Roseberry,	Winner,
ix,	Kline,	Royer,	Wood, H. M.,
onahue,	Knoble,	Sarge,	Wood, L. H.,
ckels,	Kowalski,	Schrock,	Wood, N.,
ly	Krise,	Seif,	Woodside,
wing,	Lee,	Serrill,	Yeakel,
isher,	Leisey,	Shearer,	Turner,
iss,	Leydic,		Speaker.

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. ROSENFELD. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 2), page 4, line 9, by inserting after the word "children" the following: "and"

Amend Sec. 1. (Sec. 2), page 4, line 10, by striking out the following: "and (c) blind persons"

Amend Sec. 1 (Sec. 2), page 4, line 13, by inserting after the word "children" the following: "and"

Amend Sec. 1 (Sec. 2), page 4, line 14, by striking out the words: "and blind persons"

On the qestion,

Will the House agree to the amendments?

Mr. ROSENFELD. Mr. Speaker, there appears to be a duplication of the amendments offered by the lady from Philadelphia, Mrs. Fauset, and by myself, and I therefore am willing to withdraw my amendments.

The SPEAKER. The Chair thanks the gentleman from Philadelphia. If there are no objections, the amendments offered by the gentleman from Philadelphia to Section 1 will be withdrawn.

The Chair hears none, and the amendments are withdrawn.

On the question recurring,

Will the House agree to this section?

It was agreed to.

The second section was read as follows:

Section 2 Sections four six seven and eight of said act are hereby amended to read as follows

Section 4 General Powers and Duties of Department of Public Assistance The Department of Public Assistance shall have the power and its duty shall be

(a) To allocate to the [local boards on the basis of need and as may be required for blind pensions funds with which to provide assistance] several assistance programs funds with which to provide assistance and separate funds for [administrative] expenses in administering special assistance and in administering general assistance and pensions and as may be needed from time to time to keep [a] reasonable separate emergency [fund] funds in the hands of local boards which shall be used by the executive director or directors for the furnishing of special assistance and of general assistance and pensions respectively in emergency cases upon application to him or them or under the direction of any member of the local board

(b) To establish with the approval of the State Board of Public Assistance rules regulations and standards consistent with law as to eligibility for assistance and as to its nature and extent

(c) To supervise the local boards and to establish for such boards rules regulations and standards consistent with law

(d) To cooperate with other agencies including any agency of the United States or of another state in all matters concerning the powers and duties of the department under this act and particularly in projects for child welfare for the relief of persons in areas of special need and for the care of transient and homeless persons and to make such reports in such form and containing such information as the Social Security Board of the United States Government or any other agency of the United States may from time to time require and to comply with such provisions as such board or agency may from time to time find necessary to insure the correctness and verification of such reports

(e) To receive and to supervise the disbursement of funds provided by the Federal Government or from any other source for use in this Commonwealth for assistance

(f) To gather and study current information constantly and to report at least annually to the Governor as to the nature and need of assistance as to the [amount allocated to] amounts expended under the supervision of each local board and as to the work of each local board and to cause such reports to be published for the information of the public

(g) To report at least annually to the Governor as to the cost of living in the various counties as related to the standards of assistance and the amounts [allocated] expended for assistance and to cause such reports to be published for the information of the public

(h) To collect and report to the Governor and to cause to be published for the information of the public information as to the work of the department

(i) To direct and supervise the liquidation of the affairs of the Boards of Trustees of the Mothers' Assistance Fund the Boards of Trustees of Pension Fund for the Blind and the State Emergency Relief Board

(j) Whenever the department deems it necessary and advisable to purchase credit reports and other services on a fee basis for the purpose of supplementing the investigation of eligibility for assistance

Section 6 Rules and Regulations The State Board of Public Assistance shall have the power to promulgate rules and regulations concerning the administration of this act including the establishment of standards of eligibility for assistance and its nature and extent

The county boards shall determine the eligibility of an applicant under the standards so established subject to the right of appeal as provided under subsection [(d) of section seven] (c) of section eight of this act

Section 7 Powers and Duties of County Boards of Assistance Each county board of assistance shall have the power and its duty shall be

(a) [In accordance with the laws regulating employment in the Department of Public Assistance to appoint transfer lay off suspend and remove an executive director and other employes which employes shall on behalf of the board and under the supervision of the Executive Director provide assistance in the territory under its jurisdiction in accordance with law

(b)] To conform to the rules regulations and standards established by the Department of Public Assistance as to accounting and as to forms records and reports

[(c)] (b) To submit assistance and administrative budgets to the Department of Public Assistance as the basis of the allocation of funds [for assistance] to the several assistance programs and for administrative costs

[(d) To hear and determine appeals from actions of its employes affecting the rights of those applying for or receiving assistance Any person applying for or receiving assistance of any type covered by the public assistance provisions of the Federal Social Security Act may appeal to the Department of Public Assistance from any decision of the board refusing or discontinuing his assistance in whole or in part in every such appeal an opportunity for a fair hearing shall be granted and the decision of the department on such appeal shall be final All such appeals shall be in accordance with rules and regulations established by the department with the approval of the State Board of Public Assistance]

[(e)] (c) To supervise the administration of and promote any other public function related to assistance or to the work of the Department of Public Assistance or of the county board of assistance which shall be committed to the board by a political subdivision of the Commonwealth with the approval of the State Board of Public Assistance

[(f)] (d) To receive and spend contributions from any source for purposes related to assistance or to the work of the Department of Public Assistance

[(g)] (e) To make recommendations to the Department of Public Assistance as to rules regulations and standards as to eligibility for assistance and as to its nature and extent

[(h)] (f) To study report and interpret its policies problems and work to the Department of Public Assistance and to the public

Section 8 [County Boards of Review Each county board of assistance shall from time to time appoint such board of review as it sees fit and proper to hear and determine appeals by employes of the board from orders of demotion and of removal] Special Assistance Each county board of assistance for the purpose of administering special assistance shall have the power and its duty shall be

(a) In accordance with the laws regulating employment in the Department of Public Assistance to appoint transfer layoff suspend and remove an executive director and other employes which employes shall on behalf of the board and under the supervision of the executive director provide special assistance in the territory under its jurisdiction in accordance with law

(b) From time to time to appoint such board of review as it sees fit and proper to hear and determine appeals by employes of the board from orders of demotion and of removal

(c) To hear and determine appeals from actions of its employes affecting the rights of those applying for or receiving special assistance Any person applying for or receiving assistance of any type covered by the public assistance provisions of the Federal Social Security Act may appeal to the Department of Public Assistance from any decision of the board refusing or discontinuing his assistance in whole or in part in every such appeal an opportunity for a fair hearing shall be granted and the decision of the department on such appeal shall be final All such appeals shall be in accordance with rules and regulations established by the department with the approval of the State Board of Public Assistance

On the question,

Will the House agree to the section?

Mr. EDWIN F. THOMPSON. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by t Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 2 (Sec. 4), page 4, line 28, by striking ou the light-face bracket before the word "local."

Amend Sec. 2 (Sec. 4), page 4, line 29, by striking ou the light-face bracket after the word "funds"

Amend Sec. 2 (Sec. 4), page 5, line 1, by striking ou the light-face bracket before the word "with"

Amend Sec. 2 (Sec. 4), page 5, line 1, by striking ou the light-face bracket after the word "assistance"

Amend Sec. 2 (Sec. 4), page 5, lines 1 and 2, by strikin out the words: "several assistance programs funds wit which to provide assistance"

Amend Sec. 2 (Sec. 4), page 5, line 2, by striking ou the word: "separate"

Amend Sec. 2 (Sec. 4), page 5 , line 3, by striking out the light-face brackets before and after the word "ad ministrative"

Amend Sec. 2 (Sec. 4), page 5, lines 3 and 4, by strik ing out the words: "in administering special assistanc and in administering general assistance and pensions"

Amend Sec. 2 (Sec. 4), page 5, line 5, by striking out the light-face brackets before and after the word "a"

Amend Sec. 2 (Sec. 4), page 5, line 6, by striking ou the word: "separate"

Amend Sec. 2 (Sec. 4), page 5, line 6, by striking out the light-face brackets before and after the word "fund

Amend Sec. 2 (Sec. 4), page 5, line 6, by striking out th word: "funds"

Amend Sec. 2 (Sec. 4), page 5, lines 10 and 11, by strik ing out the words: "or directors"

Amend Sec. 2 (Sec. 4), page 5, lines 11 and 12, by strik ing out the words: "special assistance and of general"

Amend Sec. 2 (Sec. 4), page 5, line 12, by striking ou the words: "and pensions respectively"

Amend Sec. 2 (Sec. 4), page 5, line 13, by striking ou the words: "or them"

On the question,

Will the House agree to the amendments?

Mr. SHAW. Mr. Speaker and members of the Hous early in his Administration Governor Earle asked for an received, authority to appoint a Committee to study th relief question, receiving also an appropriation of thirt thousand dollars for the expenses of this study.

The Committee, headed by Dean Goodrich of the Law School of the University of Pennsylvania was named, an thereafter the Commonwealth was traversed by numer ous persons under the special direction of K. L. M. Pray an official of the Pennsylvania School for Social Work Finally, just after the close of the Extra Session of Decem ber, 1936, the result of the labors of this committee ap peared in the form of a booklet containing the "Goodric Plan." Incidentally, an additional sum of sixty-eigh thousand dollars in the form of a WPA grant was spen in this investigation.

It is interesting, in view of the cost of this investigation to find that practically the same information contained i this Report might have been secured by the expenditur of twenty-five cents for the purchase of a booklet pub lished several years ago, or from the report submitted t Governor Pinchot by his Secretary of Welfare, Mrs Liveright.

Meanwhile, persons in the employ of the Public Chari ties Association had been touring the Commonwealth stirring up enthusiasm for this plan.

Armed with this stupendous Goodrich Report the Gov ernor asked that its proposals be immediately enacte into law. Finding this to be an impossibility those behin this monstrosity changed their strategy, and those presen

wo were members of the House during the 1937 session wl not soon forget the battle which ensued.

'is finally enacted this Law provided (as we thought) fc an examination "practical in character" to be con-d:ted by an Employment Board for the purpose of setting u a civil service for employes in the new Department of Polic Assistance.

After this Employment Board was named, the then Sretary of Public Assistance, together with the present Sretary, requested the then Attorney General to assign a ertain one of his deputies for the purpose of instructing th Employment Board as to the "intent of the Legisla-tie" in the framing of the assistance law. It is inter-eing, in view of what has happened, to note that not one mber of the House and Senate Welfare Committee was consulted as to our "intent."

Thereupon the Employment Board, entirely ignoring th clear wording of the law, proceeded to take their in-suctions from the Secretary and his Deputy and their fends in the Federal Social Security Board outfit.

When the House and Senate Welfare Committees last Fll investigated these examinations it was learned that th examinations had been anything but "practical in caracter" as stipulated in the Assistance Law. On the oier hand they were found to be full of "trick" questions, sne of these being as follows:

"How long is a piece of string?"

"Is dessert necessary to a balanced dinner?"

"What are the duties of a bushelman? a dripman? a coter?"

"Estimate the number of daily and weekly newspapers, i:luding foreign language ones, in Pennsylvania."

Questions as to the forest area in Pennsylvania, number r stores and hotels in Pennsylvania, receipts of electric light, heat and power companies and total number of shool teachers in Pennsylvania.

"A square jaw is a sign of determination. True or lilse."

This was asked in examination for tabulating machine oerator.

Nearly every examination was full of such asinine ques-ons.

Immediately upon learning of these questions and that e law had been violated in this fashion, I got into com-unication with a member of this Board and was told at the Board wished to "determine the attitude and the ptitude of the applicants." In reply, I asked this person when she hired a cook, she inquired as to the cook's titude toward the stove.

Some members of the House will recall how, early in e 1937 session, a resolution was passed by the House di-cting the State Relief Director, Karl DeSchweinitz, to op his plan for an examination for visitors to investigate ending Old Age Assistance applications, and how, after is man promised to not hold such examinations, he then ranged to have them held by the Mothers' Assistance oard, resulting in passage of a joint resolution stopping ie examinations. However, Mr. Speaker, probably none you knew that one of the questions included in that ex-mination was:

"If a bird is flying west, where is it going?"

I cite this merely to show the caliber of the people ien and now in charge of assistance.

I wonder whether or not this House knows the top-heavy setup that prevails throughout this assistance out-fit. Do you know that, after a Visitor investigates a case, and before the case is decided, a Case Reader comes into the picture, then a Junior Supervisor, an Assistant Supervisor and finally a Supervisor? If this setup did not affect human misery it might be amusing, but it is far from so being.

To further illustrate the strange results of these examinations, let me tell you of the following incident, an absolutely authentic one. During a meeting of a Labor Review Board, the secretary of this Review Board was called by the head of the local Financial District and was told that, under orders from the Department heads in Harrisburg he had that day interviewed several persons who had been certified by the Employment Board as Addressograph Operators. Becoming suspicious at the way these people were answering the questions furnished to him by the Department, he asked each of these persons to operate an Addressograph, and not one of them could operate a machine. Yet, these people had been certified by the Employment Board for these positions.

Possibly, Mr. Speaker, this Commonwealth may have fared well at the hands of these Social Security people in the matter of questions, as the newspapers some time ago reported that one of the questions propounded in a similar examination held in Texas was "Button, button who got the button?", but I feel that we have received a rather rank deal.

Mr. Speaker, and Members of the House, if we are to have a civil service it must be an honest one. Honestly arrived at and not one conceived in iniquity and born of trickery such as the one we now have in the Department of Public Assistance.

For this reason, namely, that the civil service examinatons given by the Employment Board of the Department of Public Assistance, with the help of those now in charge of this Department, was entirely against the provisions contained in the assistance law, I am in accord with the provision of House Bill No. 867 permitting County Boards to select those employes dealing solely with general assistance and blind pensions without any regard to any list furnished by the Employment Board, and without any vestige of any control by his Department over such employes.

The provision permitting County Boards to avail themselves of the services of accredited Credit Bureaus may assist the County Boards in their work and can cause no deserving applicant trouble.

As amended the provision in this bill permitting scrutiny of assistance rolls by an interested taxpayer, under rules to be set up by the County Boards, should cause no uneasiness to those legitimately on such rolls. However, Mr. Speaker and members of the House, I believe that most of us are utterly wrong in some of our ideas as to the people now on these rolls.

I was, as you know, chairman of the Welfare Committee during the 1937 term of the General Assembly. Also, from December, 1935, until January 17, of this year, I was chairman of the Labor Review Board in Allegheny County. In this capacity I have passed upon the cases of many hundreds of people who have, for various reasons not accepted WPA and other assignments. My experience has clearly shown me that the vast majority of assistance clients are not there of their own volition.

Any provision of this Act, under which County Boards

may refuse assistance to those refusing work assignments should clearly provide that such assignments should not be made at wages less than those prevailing in such county for such employment. Without such provision an unscrupulous Board might use its power in order to lower the prevailing wage scale.

The provision forbidding assistance to any alien who has failed to apply for citizenship on or before Jan. 1, 1939, is an unjust one. Large numbers of these people were brought into this country in order that the railroads, mines, factories and other establishments might secure laborers to do work that our native-born Americans either would not or could not do. Any member of this House who has even been called upon to help one of these people secure citizenship papers must have realized the fearful handicaps presented to these people in such efforts, and it certainly is not wise to include this provision in House Bill No. 867.

The provision placing certain blind persons on a needs basis, while at the same time others suffering in the same way continue to receive blind pensions springs from a hope that the Federal Social Security Board will agree to participate in payments to those blind placed in the special assstance class. I doubt very much that this will prove to be anything but a hope.

During the entire 1937 session this federal Social Security Board, through its agents who infested this Capitol (later in the year they even attempted to dictate to the Governor as to the people to be named to the County Assistance Boards) assured us that the Federal Social Security Board would share in payment of our blind pensions and it did so share until late in December of 1937 when it suddenly announced that, unless and until this Commonwealth agreed to disregard its blind pension law and place the blind on a needs basis, it would no longer make any contribution in this payment.

In view of such action I fail to see any reason that this House to place any trust in any agreement that this Federal Social Security Board may make with us.

The Secretary of Public Assistance well knows that there is not one word of truth in his statement that a blind person placed on a needs bass would receive more than this same blind person now receives as a pension. If a person is blind and is on a needs basis he would he would receive $19.10 per month as contrasted with the thirty dollars he receives as a blind pension, and the Secretary knows this to be a fact. However, since the Secretary and his Deputy are allied closely with those behind the Goodrich Plan it is reasonable to believe that their estimates are just as reliable as the estimates of the Goodrich Committee when it told us that the amount of money needed for assistance in the biennium ending May 31, 1939, would be one hundred and thirty-nine million dollars whereas the amount will prove to be closer to two hundred and eight million dollars.

In conclusion, Mr. Speaker, I wish to state that I am convinced that, until this assistance matter is entirely removed from the control of the present Department of Public Assistance and returned to local control, this Commonwealth will continue to be faced with staggering costs and those of our citizens unfortunate enough to be compelled to ask for public aid will continue to have their morale undermined.

Mr. LEVY. Mr. Speaker and members of the House, the amendments offered by the gentleman from Philadelphia Mr. Thompson, would in effect destroy the thought behind the double method of assistance, namely, general and special. We find in sponsoring this amendment that the Republican organization has once more shown to the people of this Commonwealth that they do not care for assistance. I heard the majority floor leader stand on this floor many times and say that the Republican organization will attempt to economize. I have just listened to the stirring address by the gentleman on this side of the House relative to economy in public assistance, and yet Section 2 of this act provides distinctly that the Department shall be split into two separate entities, namely, general and special, and along with that thought it also provides that from the enactment of this law there shall be in each county two executive directors instead of one. I might bring to the attention of the membership of this House that in each county we have an executive director under the 1937 act of the Legislature. Under this bill, we will increase it to two. For what reason the good Lord only knows. Nevertheless, the two executive directors will most likely draw the same salary and we will have an additional burden placed upon the Department of Public Assistance.

Further amendments sponsored by the gentleman from Philadelphia have to do with the additional fund created in this bill, and I might point out to the membership of the House that the only reason that this additional executive director and this additional fund is set up is to place blind persons upon a dual system, and the elimination of the civil service system, and I ask the membership of this House, in due justice to the original bill enacted in 1937, to support the two amendments sponsored by the gentleman from Philadelphia.

Mr. ACHTERMAN. Mr. Speaker and members of the House, the gentleman from Allegheny, Mr. Shaw, addressed you at some length relative to the investigation carried on by the Welfare Committees of the House and Senate in 1938. As you recall, that is, those members that were here in 1938, considerable complaint arose as a result of the conducting of civil service examinations, with the result that the Chairman of the Committees on Welfare, both of the House and the Senate, appointed a sub-committee to act jointly for the purpose of investigating those particular civil service examinations. I had the honor and the privilege of being one of the members appointed on the majority side, and Hon. T. Jay Sproul was appointed to serve representing the Republican party and, as I recall it, Senator Wolfenden of the Senate served in a like capacity for your party in the Senate. We discovered in connection with that investigateon that the present Secretary of your Department of Public Assistance, Mr. Russell played no small part in those examinations which Mr. Shaw just recently criticized.

I presume you are very curious to know what the Republican members of that committee thought relative to the questions referred to by Mr. Shaw, and for that purpose I rise to advise you that under date of Februaury 17th of this year, I received a letter from the Hon. T. Jay Sproul in which he expressed his conclusions relative to that examination. I will now quote from his letter:

> "As a member of the joint House and Senate Subcommittee of which you were chairman during the special session of 1938, you are entitled to the various opinions of its members as requested. While this letter should have been written before, it is pertinent at this time when Relief is being currently discussed

to list some of my conclusions in which most of us concurred:

"1. Careful reading of the examinations used for the different series of jobs under civil service was made, and it was found that in some series, especially the large visitor and assistant supervisors' group, there were certain irrelevant questions which might be eliminated. Certain of the series questions were found to be very practical and were, therefore, passed over in our discussion. I was at variance with the views of some concerning a large elimination of the questions but agreed that a certain small percentage should be cut out as not necessary and impractical. I suggest, therefore ,that the House Welfare Committee go over questions jointly with the Employment Board.

"There seemed to be general agreement that politics should not enter into relief that civil service be returned, but that a more practical set of questions be required to be given to applicants.

* * * * * * *

"My personal conclusions have been expressed, hoping they may be of some use in a full discussion of the problem, and I believe they are not far apart from any of us that made the study.

"With kind personal regards, I am

Very truly yours,
T. J. SPROUL"

That, Mr. Speaker, indicates quite clearly that the epresentative of the now major party was not in accord vith the gentleman who just preceded me, but on the ontrary he believed that only a small portion of the uestions asked were impractical and of no use, and he, bove all, believed that civil service should be retained.

Mr. ANDREWS. Mr. Speaker and members of the House, he purpose of the combined amendments is to restore the Van Allsburg bill to the form of the present law. I opposed the Goodrich plan when it was in the state of its ormation, I opposed the Goodrich plan when it was pending in the House and I have seen little to recommend that plan as we have seen it in operation in this state. Up to he present time I have supported the amendments presented by the minority group because I was in sympathy vith their position regarding the treatment of the blind. I will find it impossible to support any considerable number of the amendments that will be submitted from now on.

I am very much interested in what the gentleman from Monroe has stated. I am very much interested in what he gentleman from Allegheny, Mr. Shaw, has said. It s very interesting to turn to the special report to the Department of Public Assistance, and find out what kind of people these very singular questions produced, what was he mentality of some of these visitors; how did they spend their time; what did they write about.

I have taken just a few typical reports by these agents n the present relief system who journeyed around to see people and then returned to the office to write stories.

Here is a report, and it is a typical report Mr. Speaker, t is about a man, and the visitor writes that "this particular man is the kind of man who is too heavy for light work and to light for heavy work, if you get what I mean. He does not care particularly whether he gets relief or not, but if he is so down and out he has it coming to him for he way he acted all his life," which I suggest is a very intelligent report.

Here is another visitor, this was on July 16, 1937, who visited Mrs. "S," and I quite: "She is very prim, a good looking young woman for her age, her skin is very fine and unlined and seems to have a delicate natural color all its own, her hair is mixed grey and black, apparently naturally curly, and it seems to be well cared for." There are are three or four more pages of the same enlightening information.

Here is another one, this was a poor man visitor. He states: "The interview was very trying and the woman quite reticent about any detailed information, she continuously kept on saying that everyone should be as close mouthed as I am", adding to that "there was a ridiculous coyness in her manner which made the woman particularly disgusting to the interviewer. She also tried to take advantage of the difference in sex by trying to touch the interviewer's foot and hand, tapping his foot under the table" and so forth and so on.

You see, Mr. Speaker, under this system to what dire temptations we submit these poor men, who have the ability to answer the very intriguing question, "How long is a string".

Here is another one, "She had a large batch of noodles drying on the table, she preferred those to bought noodles," and incidently Mr. Speaker, so do I. "Her health remains about the same, she is disinclined to complain", and then some information about her wayward grandson.

Just a couple more, Mr. Speaker, maybe just one more, Oh, wait: this is a good one: "As soon as the visitor arrived Mrs. "H" told her all of the choice bits of gossip about her neighbor", and then there is a recital of some of the choice bits of gossip that Mrs. "H" has to tell about her neighbor.

Now, Mr. Speaker, when we go through the files of the relief organization in this state, county by county, and take out this sort of stuff, you will find it by the carload. I do not believe Mr. Speaker that given a moderate amount of local control, and given a moderate amount of emphasis on the sort of practical training that the men and women who have been conducting family welfare, association or church work or neighborhood relief work, given their expericence, I do not believe that we have to place our dependence upon this trained social worker group, and therefore, Mr. Speaker, I shall find it necessary to oppose most of the amendments that will be submitted from now on.

Mr. JIROLANIO. Mr. Speaker and members of the House, I want to tell the members of the House at the very opening of my remarks that it is my personal opinion and I believe in the old theory of Andrew Jackson, "To the victor belongs the spoils." At least, members of the House, I am truthful in my statement, but I can hardly sit in my seat and listen to the learned gentleman from Cambria give you examples of how the case-workers, the so-called socially trained young persons, go to homes of individuals and then make a report. If you want to criticize in this big world of ours, you can always find somebody to criticize, but bear in mind, Mr. Speaker and members of the House, that there were seven hundred and fifty thousand people on relief and there were two hundred and forty thousand cases at the time the learned gentleman was quoting from the reports of certain social workers who made the investigations.

I want to say to you, members of the House, that there are certainly many cases where the social service workers went out and did a splendid job. I do not think it would be fair to the average youth of the state of Pennsylvania that took these examinations and many of them were Republicans in my county, more so than Democrats, and

today many of them who attended our institutions, hold jobs whose parents saw fit to give them that kind of education. Now we come here to the halls of the Legislature and make fun of our children who have gone out into everyday life, into a certain line of work and criticize a few but do not praise those who have gone out and done a splendid job.

I want to say that although I still believe "To the victor belong the spoils," that there is a lot more credit due the social workers than there is criticism.

Mr. LEVY. Mr. Speaker, I would like to interrogate the gentleman from Cambria, Mr. Andrews.

The SPEAKER. Will the gentleman from Cambria permit himself to be interrogated?

Mr. ANDREWS. I will not, Mr. Speaker.

The SPEAKER. The gentleman from Cambria declines to be interrogated.

Mr. LEVY. Mr. Speaker and members of the House, I for one am not satisfied with the reports read by the gentleman from Cambria. If I remember correctly the gentleman from Cambria read from certain reports in the files of the Department of Public Assistance, and if I recall correctly, those reports were dated July, 1937. I believe that the gentleman from Cambria mentioned that specific date in reading from one of the reports. I submit to the House that the Department of Public Assistance under the Goodrich plan did not hold these examinations until much later than that date, and that the new personnel was not in office at that time.

Mr. ACHTERMAN. Mr. Speaker and members of the House, in order to complete the record, as told by the gentleman from Cambria, Mr. Andrews, may I just read to the House the date of these reports? One is under date of June 25, 1937. Another is under date of October 13, 1936. That was before this act, Mr. Speaker, was passed. The other was under date of July 10, 1937. Another was under date of September 2, 1937.

All this was read into the record, Mr. Speaker, for the purpose of belittling the men and women who successfully passed civil service examinations, but those reports were made by individuals who at that time had not taken that examination, and for all we know, if they did take it, were not successful in passing the examination.

I am making this remark, Mr. Speaker, for the sole purpose of showing to the members of the House that the remarks of the gentleman from Cambria, insofar as they referred to the work of the particular visitors he mentioned amounts to nothing, it has no effect, it has no result, it points nowhere for the purpose of guiding us in our conclusions.

Mr. ANDREWS. Mr. Speaker and members of the House, I can only speak from the vantage point of Cambria County. In that county eighty-five per cent of the employes in the relief organization, who were employed prior to the Goodrich Act, managed to "make the riffle," pass the examination and qualify undoubtedly under the Goodrich Act. The other gentlemen can speak for their own counties, but I rather imagine that the same results would be shown in those counties as were shown in Cambria County.

Mr. HOLLAND. Mr. Speaker and members of the House, if the members of this House were not sold on civil service for relief, they were certainly sold tonight after what the gentleman from Allegheny, Mr. Shaw, and the gentleman from Cambria, Mr. Andrews, have stated. I think it was pointed out to this House that there were some members on this side of the House who would like to have politics in relief, but they were in the minority and the majority went along with the Goodrich plan, as pointed out to you by Mr. Shaw of Allegheny as not being a political plan.

I for one, Mr. Speaker and members of the House, represent a district that has suffered considerably during the recent depression. I can honestly say that the administration of relief by those who have passed civil service examinations was considerably better than by those who were appointed originally with political pull. Naturally there are some members who are sore because they have not been able to dictate to the relief workers, and I say to you that no man, whether he be Republican or Democrat, regardless of what position he has been elected to, has the right to dictate his wishes when it comes to administering relief.

I believe that the Goodrich plan was worked out by men and women who made a study of the relief problem, and I say to you, majority members of this House, that one of the biggest mistakes you as a party could make would be to do away with civil service when applied to the administration of relief. You have heard letters being read here and, as pointed out to you by Mr. Achterman, those reports were made by people before they came into the relief setup.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. Edwin F. Thompson and Mr. Finnerty.

A vertification of the roll was requested by Messrs. Keenan, Baker and Corrigan.

The roll was verified and was as follows:

YEAS—69

Achterman,	Falkenstein,	Malone,	Rider,
Allen,	Fauset,	McLane,	Rooney,
Allmond,	Finnerty,	Melchiorre,	Rosenfeld,
Baker,	Furman,	Mihm,	Rothenberger,
Balthaser,	Harkins,	Mooney,	Sarraf,
Bohn,	Hess,	Moran,	Scanlon,
Boles,	Hindman,	Munley,	Schrope,
Boney,	Hoffman, S. K.,	O'Brien,	Schwab,
Brancato,	Holland,	O'Connor,	Skale,
Broad,	Jirolanio,	O'Keefe,	Stank,
Brown, H. S.,	Keenan,	Ominsky,	Thompson, E. F.,
Burris,	Kenehan,	O'Neill,	Tronzo,
Check,	Kilroy,	Powers,	Walsh,
Cohen, H. B.,	Levy,	Preston,	Weiss,
Cohen, R. E.,	Long,	Readinger,	Welsh, E. B.,
Corrigan,	Lovett,	Regan,	Welsh, M. J.,
Donohoe,	Malloy,	Reynolds,	Williams,
Downey,			

NAYS—125

Ackermann,	Ewing,	Lee,	Shearer,
Alspach,	Fisher,	Leisey,	Simons,
Andrews,	Fiss,	Leydic,	Sloan,
Atkins,	Fleming,	Lyons,	Snyder,
Auker,	Foor,	Madden,	Sollenberger,
Balliet,	Freed,	Marr,	Stambaugh,
Bardes,	Fullerton,	Matthews,	Stewart,
Boorse,	Gates,	McClester,	Stockham,
Boose,	Gillan,	McGarrity,	Sweeney,
Bower,	Gillette,	McKinney,	Tahl,
Boyd,	Goll,	McNally,	Taylor,
Bronson,	Habbyshaw,	McVay,	Terry,
Brown, S. W.,	Haines,	Montgomery,	Thistle,
Brunner,	Hall,	Moser, F. S.,	Thompson, G. R.,
Cadwalader,	Hamilton,	Moser, J. L.,	Tiemann,
Calvin,	Harbeson,	Muir,	Trout,
Carpenter,	Haudenshield,	O'Dare,	Van Allsburg,
Chervenak,	Henry,	Peacock,	Van Belle,

Christler,	Hewitt,	Peale,	Voorhees,
Clearwater,	Hocke,	Reagan,	Wagner,
Cook,	Hoffman, J. N.,	Reese, D. P.,	Watkins,
Cooper,	Hoyt,	Rhodes	Webster,
Cordier,	Huntley,	Riley,	Wilkinson,
Cortese,	Imbrie,	Robertson,	Wilson,
Curran,	James,	Rose,	Winner,
Dalrymple,	Johnston,	Roseberry,	Wood, H. M.,
Denman,	Jones,	Royer,	Wood, L. H.,
Dick,	Kane,	Sarge,	Wood, N.,
Dix,	Kline,	Schrock,	Woodside,
Donahue,	Knoble,	Seif,	Yeakel,
Eckels,	Kowalski,	Serrill,	Turner,
Ely,	Krise,		Speaker.

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. WESTRICK. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 2 (Sec. 4), page 5, lines 10 and 11, by striking out the words: "or directors"

On the question,

Will the House agree to the amendment?

Mr. WESTRICK. Mr. Speaker and members of the House, this particular amendment is nothing more than an economy move. Since we have as the head of our state relief set-up a state secretary who is supposed to function and handle this proposition under the dual set-up that is now being proposed, I cannot for the life of me understand why we want a dual-set-up back in the counties. I am asking you in all seriousness, let us put in a provision that these county executives may be one executive rather than a set-up of two or possibly three county directors, and again make this thing a top-heavy proposition, so it is going to be impossible as time goes by for the members of the Legislature to provide the money that is going to be necessary to do this work of relief. I am pleading with you members of the House to approve this amendment.

On the question recurring,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 2 (Sec. 4), page 5, line 4, by inserting after the word "pensions" the following: "provided sufficient funds shall be allotted so that no person now employed under civil service will be discharged, released or dismissed because of insufficient funds"

On the question,

Will the House agree to the amendment?

Mr. ACHTERMAN. Mr. Speaker and members of the House, I can understand how amusing this amendment may seem, as I can also understand how amusing, perhaps the latter part of this year or the fore part of 1940, may be to those men who laugh now when they find out that they have so violated the Federal Social Security law in their over-anxiety to get jobs that suddenly federal contributions for old age assistance and dependent children will be cut off by the federal government. That is no idle statement, Mr. Speaker, it is made in all seriousness. It so happens that in the state of Ohio that very thing occurred. It also happened in Arkansas, as I recall, and it can just as easily happen in Pennsylvania.

All this particular amendment does is to guarantee that there is going to be sufficient money to permit the operation of special assistance in Pennsylvania. It does not mean for one lone minute that the employees that you won't need cannot be laid off or furloughed or discharged, but it does mean that you shall not cut the rolls down to a point that they cannot operate. It does mean that you are going to appropriate sufficient money to operate special assistance in Pennsylvania, and if you do not go wild in your desire for jobs, you may rest assured that the federal contributions will be coming through, and this amendment only intends to see that you do that very thing. It will be no laughing matter in 1940, if you violate the law. Your unbalanced budget will be a complete shambles, and the question of whether there will be more taxes in Pennsylvania, Governor James' promises notwithstanding, will be on your hands. It is for that reason that I am asking that even the laughing Republicans see fit to vote for this amendment, and, Mr. Speaker, I ask for a roll call.

The yeas and nays were required by Mr. Achterman and Mr. Hess and were as follows:

YEAS—73

Achterman,	Fauset,	Malone,	Rider,
Allen,	Finnerty,	McLane,	Rooney,
Allmond,	Flanagan,	Melchiorre,	Rosenfeld,
Baker,	Furman,	Mihm,	Rothenberger,
Balthaser,	Gorski,	Mooney,	Sarraf,
Bohn,	Harkins,	Moran,	Scanlon,
Boles,	Hess,	Munley,	Schrope,
Boney,	Hindman,	O'Brien,	Schwab,
Brancato,	Hoffman, S. K.,	O'Connor,	Skale,
Broad,	Holland,	O'Keefe,	Stank,
Brown, H. S.,	Jirolanio,	Ominsky,	Thompson, E. F.,
Burris,	Keenan,	O'Neill,	Tronzo,
Chervenak,	Kenehan,	Powers,	Walsh,
Cohen, H. B.,	Kilroy,	Preston,	Weiss,
Cohen, R. E.,	Levy,	Readinger,	Welsh, E. B.,
Corrigan,	Long,	Reese, R. E.	Welsh, M. J.,
Donohoe,	Lovett,	Regan,	Westrick,
Downey,	Malloy,	Reynolds,	Williams,
Falkenstein,			

NAYS—125

Ackermann,	Ewing,	Lee	Shearer,
Alspach,	Fisher,	Leisey,	Simons,
Andrews,	Fiss,	Leydic,	Sloan,
Atkins,	Fleming,	Lichtenwalter,	Snyder,
Auker,	Foor,	Lyons,	Sollenberger,
Balliet,	Freed,	Madden,	Stambaugh,
Bardes,	Fullerton,	Marr,	Stewart,
Bennett,	Gates,	Matthews,	Stockham,
Boorse,	Gillan,	McClester,	Sweeney,
Boose,	Gillette,	McGarrity,	Tahl,
Bower,	Goll,	McKinney,	Taylor,
Boyd,	Habbyshaw,	McNally,	Terry,
Bronson,	Haines,	McVay,	Thistle,
Brown, S. W.,	Hall,	Montgomery,	Thompson, G. R.,
Brunner,	Hamilton,	Moser, F. S.,	Tiemann,
Cadwalader,	Harbeson,	Moser, J. L.,	Trout,
Calvin,	Haudenshield,	Muir,	Van Allsburg,
Carpenter,	Henry,	O'Dare,	Van Belle,
Christler,	Hewitt,	Peacock,	Voorhees,
Clearwater,	Hocke,	Peale,	Wagner,
Cook,	Hoffman, J. N.,	Reagan,	Watkins,
Cooper,	Hoyt,	Reese, D. P.,	Webster,
Cordier,	Huntley,	Rhodes,	Wilkinson,
Cortese,	Imbrie,	Riley,	Wilson,
Curran,	James,	Robertson,	Winner,
Dalrymple,	Johnston,	Rose,	Wood, H. M.,
Denman,	Jones,	Roseberry,	Wood, L. H.,
Dick,	Kane,	Royer,	Wood, N.,
Dix,	Kline,	Sarge,	Woodside,
Donahue,	Knoble,	Schrock,	Yeakel,
Eckels,	Kowalski,	Seif,	Turner,
Ely,	Krise,	Serrill,	Speaker.

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 2, page 4, line 23, by inserting after the word "four" the following: "five"

Amend Sec. 2, page 7, by inserting between lines 3 and 4. the following: "Section 5. Establishment of County Boards of Assistance.—(a) For each county of the Commonwealth, there is hereby established a county board of assistance, to be known as the County Board of Assistance, which shall be composed of [men and women, to be appointed, as hereinafter provided.] three qualified electors of said county to be elected at the municipal election of one thousand nine hundred and thirty-nine for the term of four years, and their successors shall be elected every fourth year thereafter. The terms of office of all members shall begin on the first Monday of January following their election to such office. Any vacancy occurring in the membership of the board shall be filled by appointment, for the unexpired term by the Governor, with the advice and consent of two-thirds of all the members of the Senate. The members of the board shall serve without compensation, but shall be reimbursed for necessary expenses. No member of a board shall hold office in any political party. Not all of the members of a board shall belong to the same political party.

[(b)] Each board shall be composed of eleven members in counties of the first and second classes, and of seven members in other counties. In each county having a board of seven, the Governor shall, with the advice and consent of two-thirds of all the members of the Senate, appoint two members to serve for the term ending December thirty-first, one thousand nine hundred thirty-eight, two members to serve for the term ending December thirty-first, one thousand nine hundred thirty-nine, and three members to serve for the term ending December thirty-first, one thousand nine hundred forty. In each county having a board of eleven, the Governor shall, in the same manner appoint three members to serve for the term ending December thirty-first, one thousand nine hundred thirty-eight, four members to serve for the term ending December thirty-first, one thousand nine hundred thirty-nine, and four members to serve for the term ending December thirtyfirst, one thousand nine hundred forty. After the original appointments, any vacancy caused by the expiration of a term shall be filled by an appointment, in the manner above provided, for a term of three years, and any vacancy, otherwise caused, shall be filled for the duration of the unexpired term by appointment, in the same manner. No member of a board shall be eligible to serve for more than two consecutive terms;]

[(c)] (b) Each board shall elect from among its members a chairman and a secretary.

(c) The terms of the members of the board, upon the effective date of this act and the members appointed by the Governor prior to the first Monday of January, one thousand nine hundred forty, shall expire on the first Monday of January, one thousand nine hundred forty."

On the question,

Will the House agree to the amendments?

Mr. ACHTERMAN. Mr. Speaker and members of the House, in 1937 I was very much opposed to the Goodrich bill. As the members who then served well know, I felt that we were going entirely too far in centralization in the appointment of the boards whose functions and whose duties were to supervise and control relief in the various counties in Pennsylvania. In 1937 I offered amendments to the present Goodrich bill substantially as I am offering them here this evening.

May I say to the members of the House, especially the newly elected Republican members, that in 1937 I received the whole hearted and complete support for these very amendments from your side of the House. In 1937 you were thoroughly in accord with the proposition of home rule. You agreed with me that an efficient and satisfactory operation of relief could not and would not be secured unless the local populace had something to say in the management and control, and above all with the personnel of the men and women who had control of the Board in your county. I believe there was not one Republican member of the House that did not vote for the very amendments that I am now offering on this floor.

Mr. Speaker, I feel that if the Republican members were sincere in 1937, and I believe they were, that now I can anticipate the same full and complete support from them that I received in 1937. I felt in 1937 that I was correct in stating that home rule was the one and only effective manner of controlling boards. I still feel the same way, and I believe that if you adopt these amendments you will go a long way toward curing the defects in the Goodrich bill and in the Van Allsburg bill as it seeks to amend the Goodrich bill. I am appealing to those men, especially those who so valiantly fought with me for this very amendment in 1937. Mr. Speaker, I ask for a roll-call.

The years and nays were required by Messrs. Achterman, Jirolanio and Mr. Herbert B. Cohen and were as follows:

YEAS—73

Achterman,	Fauset,	Malone,	Rooney,
Allmond,	Finnerty,	McLane,	Rosenfeld,
Andrews,	Flanagan,	Melchiorre,	Rothenberger,
Baker,	Furman,	Mihm,	Sarraf,
Balthaser,	Gorski,	Mooney,	Scanlon,
Bohn,	Harkins,	Moran,	Schrope,
Boles,	Hess,	Munley,	Schwab,
Boney,	Hindman,	O'Brien,	Shaw,
Brancato,	Hoffman, S. K.,	O'Connor,	Skale,
Broad,	Holland,	O'Keefe,	Stank,
Brown, H. S.,	Jirolanio,	Ominsky,	Thompson, E. F.,
Burris,	Keenan,	O'Neill,	Tronzo,
Chervenak,	Kenehan,	Powers,	Walsh,
Cohen, H. B.,	Kilroy,	Preston,	Weiss,
Cohen, R. E.,	Levy,	Readinger,	Welsh, E. B.,
Corrigan,	Long,	Regan,	Welsh, M. J.,
Donohoe,	Lovett,	Reynolds,	Westrick,
Downey,	Malloy,	Rider,	Williams,
Falkenstein,			

NAYS—124

Ackermann,	Fiss,	Leisey,	Shearer,
Alspach,	Fleming,	Leydic,	Simons,
Atkins,	Foor,	Lichtenwalter,	Sloan,
Auker,	Freed,	Lyons,	Snyder,
Balliet,	Fullerton,	Madden,	Sollenberger,
Bardes,	Gates,	Marr,	Stambaugh,
Bennett,	Gillan,	Matthews,	Stewart,
Boorse,	Gillette,	McClester,	Stockham,
Boose,	Goll,	McGarrity,	Sweeney,
Bower,	Habbyshaw,	McKinney,	Tahl,
Boyd,	Haines	McNally,	Taylor,
Brown, S. W.,	Hall,	McVay,	Terry,
Brunner,	Hamilton,	Montgomery,	Thistle,
Cadwalader,	Harbeson,	Moser, F. S.,	Thompson, G. R.,
Calvin,	Haudenshield,	Moser, J. L.,	Tiemann,
Carpenter,	Henry,	Muir,	Trout,
Christler,	Hewitt,	O'Dare,	Van Allsburg,
Clearwater,	Hocke,	Peacock,	Van Belle,
Cook,	Hoffman, J. N.,	Peale,	Voorhees,
Cooper,	Hoyt,	Reagan,	Wagner,
Cordier,	Huntley,	Reese, D. P.,	Watkins,
Cortese,	Imbrie,	Rhodes,	Webster,
Curran,	James,	Riley,	Wilkinson,

Dalrymple,	Johnston,	Robertson,	Wilson,
Dick,	Jones,	Rose,	Winner,
Dix,	Kane,	Roseberry,	Wood, H. M.,
Donahue,	Kline,	Royer,	Wood, L. H.,
Eckels	Knoble,	Sarge,	Wood, N.,
Ely,	Kowalski,	Schrock,	Woodside,
Ewing,	Krise,	Seif,	Yeakel,
Fisher,	Lee,	Serrill,	Turner,
			Speaker.

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. ROSENFELD. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 2 (Sec. 6), page 7, lines 11 and 12, by striking out: the light-face bracket before the letter "(d)" and after the word "seven"

Amend Sec. 2 (Sec. 6), page 7, line 12, by striking out the following: "(c) of section eight"

On the question,

Will the House agree to the amendments?

Mr. ROSENFELD. Mr. Speaker and members of the House, the purpose of this amendment is to make the county boards the sole judge of the eligibilty of the persons who request relief. It relegates the entire situation back to where it was before the change.

The yeas and nays were required by Messrs. Rosenfeld, Tronzo and Skale and were as follows:

YEAS—76

Achterman,	Downey,	Malloy,	Rider,
Allen,	Falkenstein,	Malone,	Rooney,
Allmond,	Fauset,	McLane,	Rosenfeld,
Baker,	Finnerty,	Melchiorre,	Rothenberger,
Balthaser,	Flanagan,	Mihm,	Sarraf,
Bohn,	Furman,	Mooney,	Scanlon,
Boles,	Gorski,	Moran,	Schrope,
Boney,	Harkins,	Munley,	Schwab,
Brancato,	Hess,	O'Brien,	Shaw,
Broad,	Hindman,	O'Connor,	Skale,
Brown, H. S.,	Hoffman, S. K.,	O'Keefe,	Stank,
Burris,	Holland,	Ominsky,	Thompson, E. F.,
Check,	Jirolanio,	O'Neill,	Tronzo,
Chervenak,	Keenan,	Powers,	Walsh,
Cohen, H. B.,	Kenehan	Preston,	Weiss,
Cohen, R. E.,	Kilroy,	Readinger,	Welsh, E. B.,
Corrigan,	Levy,	Reese, R. E.	Welsh, M. J.,
DeNote,	Long,	Regan,	Westrick,
Donohoe,	Lovett,	Reynolds,	Williams,

NAYS—127

Ackermann,	Ewing,	Lee,	Shearer,
Alspach,	Fisher,	Leisey,	Simons,
Andrews,	Fiss,	Leydic,	Sloan,
Atkins,	Fleming,	Lichtenwalter,	Snyder,
Auker,	Foor,	Lyons,	Sollenberger,
Balliet,	Freed,	Madden,	Stambaugh,
Bardes,	Fullerton,	Marr,	Stewart,
Bennett,	Gates,	Matthews,	Stockham,
Boorse,	Gillan,	McClester,	Sweeney,
Boose,	Gillette,	McGarrity,	Tahl,
Bower,	Goll,	McKinney,	Taylor,
Boyd,	Habbyshaw,	McNally,	Terry,
Bronson,	Haines,	McVay,	Thistle,
Brown, S. W.,	Hall,	Montgomery,	Thompson, G. R.,
Brunner,	Hamilton,	Moser, F. S.,	Tiemann,
Cadwalader,	Harbeson,	Moser, J. L.,	Trout,
Calvin,	Haudenshield,	Muir,	Van Allsburg,
Carpenter,	Henry,	O'Dare,	Van Belle,
Christler,	Hewitt,	Peacock,	Voorhees,
Clearwater,	Hocke,	Peale,	Wagner,
Cook,	Hoffman, J. N.,	Reagan,	Watkins,
Cooper,	Hoyt,	Reese, D. P.,	Webster,
Cordier,	Huntley,	Rhodes,	Wilkinson,
Cortese,	Imbrie,	Riley	Wilson,
Curran,	James,	Robertson,	Winner,
Dalrymple,	Johnston,	Rose,	Wood, H. M.,
Denman,	Jones,	Roseberry,	Wood, L. H.,
Dick,	Kane,	Royer,	Wood, N.,
Dix,	Kline,	Sarge,	Woodside,
Donahue,	Knoble,	Schrock,	Yeakel,
Eckels,	Kowalski,	Seif,	Turner,
Ely,	Krise,	Serrill,	Speaker.

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. REUBEN E. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 2 (Sec. 7), page 8, line 1, by inserting after the letter "(d)" the following: "] (c)"

Amend Sec. 2, (Sec. 7), page 8, line 13, by striking out: the light-face bracket after the word "Assistance"

Amend Sec. 2 (Sec. 7), page 8, line 14, by striking out the letter: "(c)" and inserting in lieu thereof: "d"

Amend Sec. 2 (Sec. 7), page 8, line 21, by striking out the letter: "(d)" and inserting in lieu thereof: "(e)"

Amend Sec. 2 (Sec. 7), page 8, line 24, by striking out the letter: "(e)" and inserting in lieu thereof: "(f)"

Amend Sec. 2 (Sec. 7), page 9, line 1, by striking out the letter: "(f)" and inserting in lieu thereof: "(g)"

On the question,

Will the House agree to the amendments?

Mr. REUBEN E. COHEN. Mr. Speaker, I would like to interrogate the gentleman from Erie, Mr. Van Allsburg.

The SPEAKER. Will the gentleman from Erie permit himself to be interrogated?

Mr. VAN ALLSBURG. I shall not, Mr. Speaker.

The SPEAKER. The gentleman from Erie declines to be interrogated.

Mr. REUBEN E. COHEN. Mr. Speaker and members of the House, the amendments I have offered to this section seek to clarify what was obviously an oversight on the part of the drafter of the bill.

Not so long ago I was discussing this particular section with a friend of mine and I asked him whether or not the purpose of this bill, this particular section, was that the Board of Review, which in Philadelphia county was known and is known as the Job Refusal Committee, was to be eliminated and my friend told me, "Yes, it was." Then I asked my friend whether or not there was any provision made for any Board of Review or Job Refusal Committee. He told me that it provides for such a Job Refusal Committee only in the case of special assistance. However, not being satisfied that I had received an accurate answer from this friend of mine, I came to the conclusion that the purpose of this bill as drawn would make two separate classes of persons under the relief set up proposed in the bill. Under the former system any person who was on relief, if he were offered employment by the State Employment Agency or any private employer, if he refused to take employment for any reason, he was notified that the grant given to him by the board would be cut out on the refusal to take that job. Whereupon he had the right to appeal to the Board and state his reasons for refusing to take the job. If the Board believed that he was right in not taking it, in that possibly the work was not satisfactory to his ability or his health, he was not compelled to take the position but was continued on the relief rolls.

Now, we come to the point where that system is to be broken down. As I was saying, Mr. Speaker, the new set up would mean that persons on special assistance, and we have heard many definitions of special assistance tonight, in fact so many I am quite confused as to who might be put under that classification of special assistance—would be the only persons who would have a right to come to the local board and say, "I cannot take this job," and set forth his reasons and have a real determination in his appeal and his rights under the act. In Philadelphia the Job Refusal Committee was made up of very fine outstanding citizens. Among the members was Philip Staples, the president of the Bell Telephone Company; another one was Judge Theodore Rosen, then whom is no finer quality of social minded jurist in the State, and many other persons of equal caliber. Today we find that a person who is unfortunate enough to have to go on relief and who, being offered a job which he cannot hold because of health and inability to perform the task given to him, or for any other proper reason, apparently has no right to say, "I cannot take the particular job. Won't you please keep me on the relief roll until a better job is offered to me or work that I can do is offered to me." He would apparently be taken off relief and thrown upon the general community for any sustenance at all.

I therefore say, Mr. Speaker and members of the House, that this effort to only appease the Federal Government in th proper manner of handling relief should be eliminated from the bill and the amendment adopted, so that the Job Refusal Committee would be maintained for the recipients of relief.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. HOLLAND. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 2 (Sec. 7), page 8, lines 14 and 15, by striking out the words: "and promote."

On the question,

Will the House agree to the amendments?

Mr. HOLLAND. Mr. Speaker and members of the House, the words "and promote", give very far-reaching power to the county boards. In counties where the relief rolls are very heavy the board could by rules and regulations force the relief recipients to accept positions at lower than current wages. No one objects to providing work for relief recipients, but we must guard against reliefers being forced to take wages that will break down our whole wage scale, and compel the poor unfortunates who accept relief to work at slave wages. I think it is very necessary that the words "and promote" be deleted from this bill, and I ask the members of the House to vote for this amendment.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. Holland and Mr. Achterman were as follows:

YEAS—76.

Achterman,	Downey,	Malloy,	Rider,
Allen,	Falkenstein,	Malone,	Rooney,
Allmond,	Fauset,	McLane,	Rosenfeld,
Baker,	Finnerty,	Melchiorre,	Rothenberger,
Balthaser,	Flanagan,	Mihm,	Sarraf,
Bohn,	Furman,	Mooney,	Scanlon,
Boles,	Gorski,	Moran,	Schrope,
Boney,	Harkins,	Munley,	Schwab,
Brancato,	Hess,	O'Brien,	Shaw,
Broad,	Hindman,	O'Connor,	Skale,
Brown, H. S.,	Hoffman, S. K.,	O'Keefe,	Stank,
Burris,	Holland,	Ominsky,	Thompson, E. F.,
Check,	Jirolanio,	O'Neill,	Tronzo,
Chervenak,	Keenan,	Powers,	Walsh,
Cohen, H. B.,	Kenehan,	Preston,	Weiss,
Cohen, R. E.,	Kilroy,	Readinger,	Welsh, E. B.,
Corrigan,	Levy,	Reese, R. E.,	Welsh, M. J.,
DeNote,	Long,	Regan,	Westrick,
Donohoe,	Lovett,	Reynolds,	Williams,

NAYS—127.

Ackermann,	Ewing,	Lee,	Shearer,
Alspach,	Fisher,	Leisey,	Simons,
Andrews,	Fiss,	Leydic,	Sloan,
Atkins,	Fleming,	Lichtenwalter,	Snyder,
Auker,	Foor,	Lyons,	Sollenberger,
Balliet,	Freed,	Madden,	Stambaugh,
Bardes,	Fullerton,	Marr,	Stewart,
Bennett,	Gates,	Matthews,	Stockham,
Boorse,	Gillan,	McClester,	Sweeney,
Boose,	Gillette,	McGarrity,	Tahl,
Bower,	Goll,	McKinney,	Taylor,
Boyd,	Habbyshaw,	McNally,	Terry,
Bronson,	Haines,	McVay,	Thistle,
Brown, S. W.,	Hall,	Montgomery,	Thompson, G. R.,
Brunner,	Hamilton,	Moser, F. S.,	Tiemann,
Cadwalader,	Harbeson,	Moser, J. L.,	Trout,
Calvin,	Haudenshield,	Muir,	VanAllsburg,
Carpenter,	Henry,	O'Dare,	Van Belle,
Christler,	Hewitt,	Peacock,	Voorhees,
Clearwater,	Hocke,	Peale,	Wagner,
Cook,	Hoffman, J. N.,	Reagan,	Watkins,
Cooper,	Hoyt,	Reese, D. P.,	Webster,
Cordier,	Huntley,	Rhodes	Wilkinson,
Cortese,	Imbrie,	Riley,	Wilson,
Curran,	James,	Robertson,	Winner,
Dalrymple,	Johnston,	Rose,	Wood, H. M.,
Denman,	Jones,	Roseberry,	Wood, L. H.,
Dick,	Kane,	Royer,	Wood, N.,
Dix,	Kline,	Sarge,	Woodside,
Donahue,	Knoble,	Schrock,	Yeakel,
Eckels,	Kowalski,	Seif,	Turner,
Ely,	Krise,	Serrill,	Speaker.

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. READINGER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 2, page 4, line 23, by inserting after the word "six" the following: "and"

Amend Sec. 2, page 4, line 23, by striking out the word: "and eight"

Amend Sec. 2 (Sec. 8), page 9, lines 4 to 28, both inclusive by striking out: "all of said lines."

Amend Sec. 2 (Sec. 8), page 10, lines 1 to 6, both inclusive, by striking out: "all of said lines."

On the question,

Will the House agree to the amendments?

Mr. READINGER. Mr. Speaker and members of the House, these amendments delete section 8 on page 10 of the bill, in line with the amendments offered prior to this time, and well covered by argument up to this time. Inasmuch as it deletes a whole section from a very bad bill, I ask the support of the members on these amendments.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. ROSENFELD. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 2 (Sec. 7), page 7, line 22, by inserting a light-face bracket and the following words after the word "law"] To appoint all its employes from the present civil service lists of the Department of Public Assistance, and to give preference to those now employed by the Department of Public Assistance"

Amend Sec. 2 (Sec. 7), page 7, line 23, by striking out: the light-face bracket after the letter "(b)"

Amend Sec. 2 (Sec. 7), page 7, line 26, by striking out the letter: "(b)" and inserting in lieu thereof: "(c)"

Amend Sec. 2 (Sec. 7), page 8, line 14, by striking out the letter: "(c)" and inserting in lieu thereof: "(d)"

Amend Sec. 2 (Sec. 7), page 8, line 21, by striking out the letter: "(d)" and inserting in lieu thereof: "(e)"

Amend Sec. 2 (Sec. 7), page 8, line 24, by striking out the letter: "(e)" and inserting in lieu thereof: "(f)"

Amend Sec. 2 (Sec. 7), page 9, line 1, by striking out the letter: "(f)" and inserting in lieu thereof: "(g)"

Amend sec. 2 (Sec. 8), page 10, by inserting between lines 6 and 7, the following paragraph: "It is unlawful for any member of any county board of assistance to engage in political activity and failure to comply with this provision by any member of a county board of assistance, shall be sufficient grounds for removal."

On the question,

Will the House agree to the amendments?

Mr. ROSENFELD. Mr. Speaker and members of the House, the amendment I propose on its face needs no explanation. However, in view of the fact that on March 6, a gentleman of the Senate, representing the majority party, made a statement regarding the very subject upon which I am now offering this amendment, I am going to quote an extract from the Journal of March 6, and I quote as follows from page 494, a statement by Senator Deitrick:

> "I was appointed chairman of the Welfare, Public Assistance and Attention Committee of this Senate. I have been working with a joint committee of the House of Representatives since the recess began several weeks ago. Again and again we have been—

The SPEAKER. The Chair desires to advise the gentleman that he is out of order in reading from the record of the Senate, which is an independent body, and its proceedings should not be read into the record of the House.

Mr. ROSENFELD. Mr. Speaker, may it please the Speaker, the purpose of this amendment is predicated upon what Senator Deitrick stated in the Senate with regard to public assistance and relief. I think it is quite material at this time—

The SPEAKER. The Chair will read to the gentleman from Philadelphia from Jefferson's Manual the following:

> "It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses."

The Chair therefore feels that the gentleman should confine his remarks to the amendments that are now before the House.

PARLIAMENTARY INQUIRY

Mr. ROSENFELD. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Philadelphia will state his parliamentary inquiry.

Mr. ROSENFELD. Mr. Speaker, as a member of this House I believe I am entitled to read any record, and further it is my opinion that I am not debating any statement or any address made by any member of the upper body of this Assembly. I am merely repeating the experience of a member who appeared on a board, and I believe it is the privilege of a member of this House to refer to the experience of any member of any board upon which he sits.

The SPEAKER. The Chair understands the gentleman from Philadelphia has read from the Legislative Journal, which is the journal of the proceedings of the Senate. The gentleman is therefore out of order, and the Chair so rules.

APPEAL FROM DECISION OF CHAIR

Mr. ROSENFELD. I appeal, Mr. Speaker, from the decision of the Chair.

Mr. TRONZO. Mr. Speaker, I second the appeal.

The SPEAKER. The Chair calls to the rostrum the gentleman from Cambria, Mr. Andrews, who will preside during the debate on the question raised by the gentleman from Philadelphia, Mr. Rosenfeld, on the appeal from the decision of the Chair.

APPEAL FROM DECISION OF CHAIR

On the question,

Shall the decision of the Chair stand as the judgment of the House?

Mr. ROSENFELD. I thank you, Mr. Speaker. The question before the Houese at this time is whether I can read from the Legislative Journal the following paragraph:

> "I was appointed Chairman of the Welfare, Public Assistance and Pension Committee of this Senate. I have been working with the joint committee" —

The SPEAKER PRO TEMPORE. The gentleman will yield. The Chair recognizes the gentleman from Dauphin, Mr. Woodside.

Mr. WOODSIDE. Mr. Speaker, the gentleman is doing the very thing the Chair by its ruling forbid him to do. I think it is the duty of the Chair to not permit him to proceed, and I ask the Chair so to do.

Mr. ROSENFELD. Mr. Speaker, the question before the House at this time is whether I can read an extract from the proceedings of the Senate with reference to a joint committee, on which sat a member of this Assembly, and related his experience in connection with public assistance work. The page I am referring to is the last paragraph on page 494, and at the top of page 495.

The SPEAKER PRO TEMPORE. The Chair must rule that the gentleman from Philadelphia cannot read from the Senate record until the House has passed upon the pending appeal. The pending question involves the right of the gentleman to present material from the Legislative

Journal. The gentleman will proceed and confine himself to the question on the appeal.

Mr. ROSENFELD. Mr. Speaker, the reference made by the gentleman sitting on this particular Committee has to do with the political situation that the relief set-up under the Earle regime has been subjected to. I therefore present to this House an amendment which would make it unlawful for any person or member of any county board to indulge in any political activity. That was my only reference to the extract from the Journal.

The SPEAKER PRO TEMPORE. The question recurs on the appeal.

Mr. ROSENFELD. Mr. Speaker, I believe that I have every right to refer to this particular paragraph in making clear to the members of this House the purpose of this amendment. I therefore ask for support in this view.

Mr. McVAY. Mr. Speaker, do I understand that we are to vote upon whether or not we can under any circumstances quote from the Legislative Journal proceedings in the Senate?

The SPEAKER PRO TEMPORE. The ruling of the Chair was to the effect that in view of the stipulation in Jefferson's Manual, which governs the proceedings in this House, except when there are rules to the contrary, the gentleman cannot quote from the Legislative Journal the proceedings in the Senate. The stipulation in Jefferson's Manual is that in the course of debate the members of one House cannot refer to the deliberations in the other House, and the Chair ruled that the gentleman from Philadelphia could not read from the Legislative Journal and recount the debate in the Senate.

Mr. McVAY. Mr. SPEAKER, may I ask that the paragraph or rule from Jefferson's Manual be again read?

The SPEAKER PRO TEMPORE. For the information of the members of the House, the Chair will read the section in Jefferson's Manual upon which the Speaker based his decision, as follows:

> "It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses."

PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER PRO TEMPORE. The gentleman from York will state his parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, are there any decisions by former speakers of this House upon the same point?

The SPEAKER PRO TEMPORE. The Chair will inform the gentleman from York, that there was a ruling in 1933 to the effect that the Senate and/or its members cannot be criticized in debate. There appears to have been one other similar ruling.

PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a further parliamentary inquiry.

The SPEAKER PRO TEMPORE. The gentleman will state his parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, was not the procedure that the gentleman from Philadelphia attempted to follow one of praise rather than criticism of the Senate's action?

The SPEAKER PRO TEMPORE. The Chair based its decision upon the stipulation in Jefferson's Manual which is broader in scope, and which in the opinion of the Chair governs the proceedings of the House.

PARLIAMENTARY INQUIRY

Mr. HOMER S. BROWN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER PRO TEMPORE. The gentleman from Allegheny will state his parliamentary inquiry.

Mr. HOMER S. BROWN. Mr. Speaker, has it not been considered heretofore that that provision in Jefferson's Manual applied to a question that was being debated in the House or in the Senate, or had been debated in the House and was now being debated in the Senate, or vice versa.

The SPEAKER PRO TEMPORE. It is not in the province of the Chair to determine the decision of the House on that particular point. The Chair can only present stipulations as found in Jefferson's Manual, it then being the province of the House to interpret that statement in the light of its own wisdom.

PARLIAMENTARY INQUIRY

Mr. HOMER S. BROWN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER PRO TEMPORE. The gentleman from Allegheny will state his parliamentary inquiry.

Mr. HOMER S. BROWN. Mr. Speaker, then the Speaker interprets the provision in Jefferson's Manual, applicable to this situation, to mean that nothing can be read into this record from the other House, and that notwithstanding the fact that the question being debated now has never been debated in the other House?

The SPEAKER PRO TEMPORE. The Chair at the present time is not interpreting Jefferson's Manual. The Chair is presenting to the House the phraseology in Jefferson's Manual, leaving it to the judgment of the House to determine.

PARLIAMENTARY INQUIRY

Mr. HOMER S. BROWN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER PRO TEMPORE. The gentleman from Allegheny will state his parliamentary inquiry.

Mr. HOMER S. BROWN. Mr. Speaker, is it proper to now ask the presiding officer whether or not it is his opinion that provision in Jefferson's Manual applies to the question being debated in this House?

The SPEAKER PRO TEMPORE. The Chair will reply that it is not proper to ask the Chair to interpret a particular question of parliamentary law or parliamentary procedure, which has been specifically referred to the House, as the result of the appeal taken by the gentleman from Philadelphia.

PARLIAMENTARY INQUIRY

Mr. OMINSKY. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER PRO TEMPORE. The gentleman from Philadelphia will state his parliamentary inquiry.

Mr. OMINSKY. May I inquire of the Speaker whether the ruling is based upon House Rule 89?

The SPEAKER PRO TEMPORE. The gentleman is correct.

Mr. OMINSKY. May I inquire of the Chair whether it would be in order, if the sponsor of the appeal from the decision of the Chair withdrew that appeal, to make a motion to suspend Rule 89.

The SPEAKER PRO TEMPORE. The Chair would say that the appeal of the gentleman from Philadelphia is one that can only be determined by the House itself. The only question now pending before the House is on the appeal. Following the determination of the appeal the gentleman from Philadelphia will be privileged to make such motion as would be proper under the Rules of the House. The gentleman could move to suspend the Rules or ask for unanimous consent, but the only question now pending is on the appeal from the decision of the Chair.

Mr. OMINSKY. My parliamentary inquiry, Mr. Speaker, was not exactly answered. It was this: Whether or not it would be in order, not whether or not the House would vote for such a motion, but whether or not it would be in order to present a motion of that kind.

The SPEAKER PRO TEMPORE. The procedure that the gentleman suggests would be in order.

APPEAL WITHDRAWN

Mr. ROSENFELD. Mr. Speaker, I am satisfied, due to the rather late hour, to withdraw my appeal.

The SPEAKER PRO TEMPORE. The gentleman withdraws his appeal from the decision of the Chair. The Chair thanks the gentleman from Philadelphia, and requests the Speaker to return to the rostrum.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR.

MOTION TO SUSPEND RULE 89

Mr. ROSENFELD. Mr. Speaker, I rise at this time to move that Rule 89 be suspended for the specific purpose of being permitted to read into the record an extract from the Legislative Journal with reference to the remarks of a certain Senator made in the Senate.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair will read Rule 89 for the information of the House.

> "The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules of the House."

On the question recurring,

Will the House agree to the motion?

On a rising vote sixty-nine members voted in the affirmative and one hundre dtwenty-two in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the amendments.

Mr. ROSENFELD. Mr. Speaker and members of the House, I am opposed to politically dominated boards of any sort, and I feel more particularly in cases of relief that politically controlled bodies are vicious. I have been advised of a situation that existed in many counties of this state where party affiliation was the basis of any relief. I refer to a particular situation where in one county a Republican county chairman occupied a position on that particular county board. I say to the members of the House, that you should have no objection to an amendment of this sort, to an amendment which would require the members of any particular county board to positively not indulge in political activities. I feel at this time that we are dealing with a very delicate situation; we are dealing with a situation wherein much criticism was directed towards the previous administration. I feel that if we are out for the benefit of human suffering, if we are out to do the best we have in us, we certainly should not vote for a system wherein politics is the end towards relief. I ask you to support this amendment, and I ask for a roll call.

The yeas and nays were required by Mr. Rosenfeld and Mr. Corrigan and were as follows:

YEAS—76

Achterman,	Downey,	Malloy,	Rider,
Allen,	Falkenstein,	Malone,	Rooney,
Allmond,	Fauset,	McLane,	Rosenfeld,
Baker,	Finnerty,	Melchiorre,	Rothenberger,
Balthaser,	Flanagan,	Mihm,	Sarraf,
Bohn,	Furman,	Mooney,	Scanlon,
Boies,	Gorski,	Moran,	Schrope,
Boney,	Harkins,	Munley,	Schwab,
Brancato,	Hess,	O'Brien,	Shaw,
Broad,	Hindman,	O'Connor,	Skale,
Brown, H. S.,	Hoffman, S. K.,	O'Keefe,	Stank,
Burris,	Holland,	Ominsky,	Thompson, E. F.,
Check,	Jirolanio,	O'Neill,	Tronzo,
Chervenak,	Keenan,	Powers,	Walsh,
Cohen, H. B.,	Kenehan,	Preston,	Weiss,
Cohen, R. E.,	Kilroy,	Readinger,	Welsh, E. B.,
Corrigan,	Levy,	Reese, R. E.,	Welsh, M. J.,
DeNote,	Long,	Regan,	Westrick,
Donohoe,	Lovett,	Reynolds,	Williams,

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Ackermann,	Ewing,	Lee,	Shearer,
Alspach,	Fisher,	Leisey,	Simons,
Andrews,	Fiss,	Leydic,	Sloan,
Atkins,	Fleming,	Lichtenwalter,	Snyder,
Auker,	Foor,	Lyons,	Sollenberger,
Balliet,	Freed,	Madden,	Stambaugh,
Bardes,	Fullerton,	Marr,	Stewart,
Bennett,	Gates,	Matthews,	Stockham,
Boorse,	Gillan,	McClester,	Sweeney,
Boose,	Gillette,	McGarrity,	Tahl,
Bower,	Goll,	McKinney,	Taylor
Boyd,	Habbyshaw,	McNally,	Terry,
Bronson,	Haines,	McVay,	Thistle,
Brown, S. W.,	Hall,	Montgomery,	Thompson, G. R.,
Brunner,	Hamilton,	Moser, F. S.,	Tiemann,
Cadwalader,	Harbeson,	Moser, J. L.,	Trout,
Calvin,	Haudenshield,	Muir,	VanAllsburg,
Carpenter,	Henry,	O'Dare,	Van Belle,
Christler,	Hewitt,	Peacock,	Voorhees,
Clearwater,	Hocke,	Peale,	Wagner,
Cook,	Hoffman, J. N.,	Reagan,	Watkins,
Cooper,	Hoyt,	Reese, D. P.,	Webster,
Cordier,	Huntley,	Rhodes	Wilkinson,
Cortese,	Imbrie,	Riley,	Wilson,
Curran,	James,	Robertson,	Winner,
Dalrymple,	Johnston,	Rose,	Wood, H. M.,
Denman,	Jones,	Roseberry,	Wood, L. H.,
Dick,	Kane,	Royer,	Wood, N.,
Dix,	Kline,	Sarge,	Woodside,
Donahue,	Knoble,	Schrock,	Yeakel,
Eckels,	Kowalski,	Seif,	Turner,
Ely,	Krise,	Serrill,	Speaker.

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The third section was read as follows:

Section 3 Said act is hereby amended by adding after section eight thereof a new section to read as follows

Section 8.1 General Assistance and Pensions Each county board of assistance for the purpose of administering general assistance and pensions shall have the power and its duty shall be

(a) To appoint and remove at will and without regard to the laws regulating employment in the Department of Public Assistance such employes as may be necessary under the direction of the executive director appointed under the provisions of section eight of this act to provide general assistance and pensions in the territory under its jurisdiction in accordance with law and at a minimum of cost Provided That any county board of assistance may without regard to the laws regulating employment in said department appoint and remove an executive director of general assistance and pensions who shall direct the administration of general assistance in place of the executive director appointed under the provisions of section eight of this act All persons appointed to the position of executive director of general assistance and pensions if any or any other position in connection with the administration of general assistance and pensions in a supervisory capacity under the county board must be (1) practical fair-minded persons of good character (2) above twenty-five years of age (3) citizens of the United States (4) qualified to vote in the county in which they are to be employed (5) residents of Pennsylvania and have been such for a period of not less than three years immediately prior to their appointment (6) persons whose qualifications are such as best to promote the most efficient and economical administration of general assistance and pensions The selection of such employes shall not be subject to any control or approval by the Departmnet of Public Assistance The county board of assistance shall in every instance be the sole judge of the qualifications of employes chosen to administer general assistance and pensions

(b) To classify employment positions according to types of service and to establish between a maximum and a minimum a sliding scale of salaries reflecting local costs of living and salaries paid in the locality for similar services but in no case less than the minimum salary paid to employes of the board engaged in administering special assistance for the same kind of work Such classifications and scales of salaries shall not be subject to any control or approval by the Department of Public Assistance or by the State Board of Public Assistance

(c) To establish policies and practices as to the amounts of general assistance granted in individual cases but no grants may exceed the maximum amounts for which families of a given size and of given circumstances are eligible as established by the Department of Public Assistance with the approval of the State Board of Public Assistance

(d) To appoint sub-committees of the county board or of local citizens in various communities of the county as circumstances may require to cooperate with the county board in (1) supplying information as to the eligibility of persons for assistance (2) recommending local policies and (3) stimulating local employment and on petition of fifty or more residents of any community it shall be mandatory upon the board to appoint a sub-committee to function in such community

(e) To encourage employable recipients of general assistance to accept full- or part-time employment by guaranteeing to such recipients that they will again be granted general assistance immediately upon the termination of such employment if in need thereof and no rule or regulation of the Department of Public Assistance or of the State Board of Public Assistance or of the county board of assistance heretofore or hereafter adopted shall render impossible the performance of such guarantee

(f) To appoint a labor review board composed of three representative citizens of the county who shall serve without compensation and whose duty it shall be to pass on the eligibility of any applicant for or recipient of general assistance who shall refuse an offer of employment

(g) As need may require to employ services of commercial credit rating agencies for the purpose of determining eligibility for general assistance

(h) To make available for inspection and examination during office hours to any taxpayer in such manner as the county board of assistance may prescribe the names addresses and amount of assistance granted to all persons receiving general assistance

On the question recurring,

Will the House agree to the section?

Mr. WEISS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 3 (Sec. 8.1), page 10, lines 7 to 29, both inclusive, by striking out: "all of said lines."

Amend Sec. 3 (Sec. 8.1), page 11, lines 1 to 28, both inclusive, by striking out: "all of said lines."

Amend Sec. 3 (Sec. 8.1), page 12, lines 1 to 28, both inclusive, by striking out: "all of said lines."

Amend Sec. 3 (Sec. 8.1), page 13, lines 1 to 17, both inclusive, by striking out: "all of said lines."

Amend Sec. 3 (Sec. 8.1), page 10, lines 16 and 17, by striking out the words: "under the direction of the executive director appointed under the provisions of section eight of this act."

Amend Sec. 3 (Sec. 8.1), page 10, lines 20 to 26, by striking out the following: "Provided That any county board of assistance may" in line 20, all of lines 21 to 25, and the words "this act" in line 26.

Amend Sec. 3 (Sec. 8.1), page 10, line 28, by striking out the word: "administration" and inserting in lieu thereof: "supervision"

Amend Sec. 3 (Sec. 8.1), page 10, line 26, by striking out the words: "All persons appointed"

Amend Sec. 3 (Sec. 8.1), page 10, line 29, by striking out the words: "and pensions"

Amend Sec. 3 (Sec. 8.1), page 11, lines 2 and 3, by striking out the following: "(2) above twenty-five years of age"

Amend Sec. 3 (Sec. 8.1), page 11, line 3, by striking out the figure: "(3)' and inserting in lieu thereof: "(2)"

Amend Sec. 3 (Sec. 8.1), page 11, line 3, by striking out the figure: "(4)" and inserting in lieu thereof: "(3)"

Amend Sec. 3 (Sec. 8.1), page 11, line 7, by striking out the figure: "(5)" and inserting in lieu thereof: "(4)"

Amend Sec. 3 (Sec. 8.1), page 11, line 10, by striking out the figure: "(6)" and inserting in lieu thereof: "(5)"

Amend Sec. 3 (Sec. 8.1), page 11, lines 10, 11 and 12, by striking out the following: "(6) persons whose qualifications are such as best" in line 10, all of line 11, and the words "of general assistance and pensions" in line 12.

Amend Sec. 3 (Sec. 8.1), page 11, line 12 to 17, by striking out the following: "HC The selection of" in line 12, and all of lines 13 to 17, both inclusive.

Amend Sec. 3 (Sec. 8.1), page 11, lines 18 to 28, both inclusive, by striking out: "all of said lines."

Amend Sec. 3 (Sec. 8.1), page 12, line 1, by striking out the letter: "(c)" and inserting in lieu thereof: "(b)".

Amend Sec. 3 (Sec. 8.1), page 12, line 8, by striking out the letter: "(b)" and inserting in lieu thereof: "(c)".

Amend Sec. 3 (Sec. 8.1), page 12, line 17, by striking out the letter: "(e)" and inserting in lieu thereof: "(d)".

Amend Sec. 3 (Sec. 8.1), page 12, line 26, by striking out the letter: "(f)" and inserting in lieu thereof: "(e)".

Amend Sec. 3 (Sec. 8.1), page 13, line 3, by striking out the letter: "(g)" and inserting in lieu thereof: "(f)".

Amend Sec. 3 (Sec. 8.1), page 13, line 6, by striking out the letter: "(h)" and inserting in lieu thereof: "(g)".

Amend Sec. 3 (Sec. 8.1), page 11, line 28, by inserting after the word "Assistance" the following: "Provided, That in no case shall the salary of any employe be more than the employe doing similar work in the field of special assistance."

Amend Sec. 3 (Sec. 8.1), page 12, lines 1 to 7, by striking out: "all of said lines."

Amend Sec. 3 (Sec. 8.1), page 12, line 8, by striking out ıe letter: "(d)" and inserting in lieu thereof: "(c)".
Amend Sec. 3 (Sec. 8.1), page 12, line 17, by striking ıt the letter: "(e)" and inserting in lieu thereof: "(d)".
Amend Sec. 3 (Sec. 8.1), page 12, line 26, by striking ıt the letter: "(f)' and inserting in lieu thereof: "(e)".
Amend Sec. 3 (Sec. 8.1), page 13, line 3, by striking out ıe letter: "(g)" and inserting in lieu thereof: "(f)".
Amend Sec. 3 (Sec. 8.1), page 13, line 6, by striking out ıe letter: "(h)" and inserting in lieu thereof: "(g)".
Amend Sec. 3 (Sec. 8.1), page 12, line 2, by striking out ıe words: "in individual cases."
Amend Sec. 3 (Sec. 8.1), page 12, line 3, by inserting fter the word "amounts" the following: "nor be less than ıe minimum amounts."
Amend Sec. 3 (Sec. 8.1), page 12, line 7, by inserting fter the word "Assistance" the following: "Provided, owever, That no person may be discriminated against as ɔ the amount of the grant on the basis of race, religion, olitical or labor union affiliation."
Amend Sec. 3 (Sec. 8.1), page 13, line 2, by inserting fter the word "employment" the following: "Any person /hose grant has been discontinued by a labor review board r county assistance board, may appeal to the Department f Public Assistance any decision of the board refusing or iscontinuing his assistance in whole or in part. In every uch appeal an opportunity for a fair hearing shall be ranted and the decision of the department on such appeal hall be final. All such appeals shall be in accordance vith rules and regulations established by the Department f Public Assistance with the approval of the State Board f Public Assistance."
Amend Sec. 3 (Sec. 8.1), page 13, line 5, by inserting ıfter the word "assistance" the following: "Provided, ıowever, That the employment of and the rates to be ıaid to commercial credit agencies must be approved by he State Department of Public Assistance."
Amend Sec. 3 (Sec. 8.1), page 12, lines 17 to 25, both nclusive, by striking out: "all of said lines."
Amend Sec. 3 (Sec. 8.1), page 12, line 26, by striking ıut the letter: "(f)" and inserting in lieu thereof: "(e)".
Amend Sec. 3 (Sec. 8.1), page 13, line 3, by striking out he letter: "(g)" and inserting in lieu thereof: "(f)".
Amend Sec. 3 (Sec. 8.1), page 13, line 6, by striking out he letter: "(h)" and inserting in lieu thereof: "(g)".
Amend Sec. 3 (Sec. 8.1), page 13, lines 6 to 17, both in-ɪlusive, by striking out: "all of said lines."

On the question,

Will the House agree to the amendments?

Mr. WEISS. Mr. Speaker and members of the House, ask for a division of these amendments. There are prob-ɔbly seventeen or eighteen.

The SPEAKER. The gentleman from Westmoreland ısks for a division on the amendments. The amendments will be divided.

The Clerk again read the first four amendments.

On the question,

Will the House agree to the amendments?

Mr. WEISS. Mr. Speaker and members of the House, his particular amendment deletes completely Section 8.1, which is a new section and which would give complete power to the county boards of assistance. To vote for this particular amendment will help to divorce politics from relief. I recall it was not so long ago in a particular campaign pledge, that Governor James said he was going to start the greatest divorce case in the history of Pennsylvania, and that was to divorce politics from relief. Rather than divorcing politics from relief, I would say this is re-marrying politics to relief. Because of the proposed appointments to the various county boards of assistance, which the Governor is to do, it certainly shows that it is not the intention to divorce politics from relief, but to put politics into relief. I believe it is a bad example to set for people on relief to allow them to play politics, and I believe that this particular amendment should be voted upon favorably.

Mr. ROSENFELD. Mr. Speaker, I have been waiting for recognition from the Chair. I have another amendment to Section 2, which was submitted but not read.

The SPEAKER. The Chair desires to advise the gentleman that all the amendments to Section 2 were read.

Mr. ROSENFELD. Mr. Speaker, I awaited recognition before the amendments to Section 3 were read.

The SPEAKER. Does the Chair understand that the gentleman from Allegheny, Mr. Rosenfeld, now desires to offer further amendments to Section 2?

Mr. ROSENFELD. Mr. Speaker, I do not now offer to submit those amendments to Section 2, they are already on the Speaker's desk.

The SPEAKER. The Chair advises the gentleman from Philadelphia that all the amendments to Section 2, submitted by him, were read and have been voted upon.

Mr. ROSENFELD. Well, Mr. Speaker, the amendment I have now has not been read.

The SPEAKER. The gentleman's amendments will be read in their order.

The yeas and nays were required by Mr. Weiss and Mr. Scanlon and were as follows:

YEAS—76

Achterman,	Downey,	Malloy,	Rider,
Allen,	Falkenstein,	Malone,	Rooney,
Allmond,	Fauset,	McLane,	Rosenfeld,
Baker,	Finnerty,	Melchiorre,	Rothenberger,
Balthaser,	Flanagan,	Mihm,	Sarraf,
Bohn,	Furman,	Mooney,	Scanlon,
Boles,	Gorski,	Moran,	Schrope,
Boney,	Harkins,	Munley,	Schwab,
Brancato,	Hess,	O'Brien,	Shaw,
Broad,	Hindman,	O'Connor,	Skale,
Brown, H. S.,	Hoffman, S. K.,	O'Keefe,	Stank,
Burris,	Holland,	Ominsky,	Thompson, E. F.,
Check,	Jirolanio,	O'Neill,	Tronzo,
Chervenak,	Keenan,	Powers,	Walsh,
Cohen, H. B.,	Kenehan,	Preston,	Weiss,
Cohen, R. E.,	Kilroy,	Readinger,	Welsh, E. B.,
Corrigan,	Levy,	Reese, R. E.	Welsh, M. J.,
DeNote,	Long,	Regan,	Westrick,
Donohoe,	Lovett,	Reynolds,	Williams,

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Ackermann,	Ewing,	Lee,	Shearer,
Alspach,	Fisher,	Leisey,	Simons,
Andrews,	Fiss,	Leydic,	Sloan,
Atkins,	Fleming,	Lichtenwalter,	Snyder,
Auker,	Foor,	Lyons,	Sollenberger,
Balliet,	Freed,	Madden,	Stambaugh,
Bardes,	Fullerton,	Marr,	Stewart,
Bennett,	Gates,	Matthews,	Stockham,
Boorse,	Gillan,	McClester,	Sweeney,
Boose,	Gillette,	McGarrity,	Tahl,
Bower,	Goll,	McKinney,	Taylor,
Boyd,	Habbyshaw,	McNally,	Terry,
Bronson,	Haines,	McVay,	Thistle,
Brown, S. W.,	Hall,	Montgomery,	Thompson, G. R.,
Brunner,	Hamilton,	Moser, F. S.,	Tiemann,
Cadwalader,	Harbeson,	Moser, J. L.,	Trout,
Calvin,	Haudenshield,	Muir,	VanAllsburg,
Carpenter,	Henry,	O'Dare,	Van Belle,
Christler,	Hewitt,	Peacock,	Voorhees,
Clearwater,	Hocke,	Peale,	Wagner,
Cook,	Hoffman, J. N.,	Reagan,	Watkins,
Cooper,	Hoyt,	Reese, D. P.,	Webster,
Cordier,	Huntley,	Rhodes,	Wilkinson,
Cortese,	Imbrie,	Riley,	Wilson,
Curran,	James,	Robertson,	Winner,
Dalrymple,	Johnston,	Rose,	Wood, H. M.,
Denman,	Jones,	Roseberry,	Wood, L. H.,
Dick,	Kane,	Royer,	Wood, N.,
Dix,	Kline,	Sarge,	Woodside,

Donahue,	Knoble,	Schrock,	Yeakel,
Eckels,	Kowalski,	Seif,	Turner,
Ely,	Krise,	Serrill,	Speaker.

So the question was determined in the negative and the amendments were not agreed to.

The Clerk again read the remainder of the amendments offered by Mr. Weiss.

On the question,

Will the House agree to the amendments?

Mr. WEISS. Mr. Speaker and members of the House, I want to call special attention to the amendments to Section three, page twelve, line three, referring to the maximum amount to which families of a given size and circumstances are eligible, that allows the county boards to put up a ceiling and not to put a bottom or floor under it. There really ought to be a minimum amount so that there shall not be any starvation in the state.

Likewise, on page twelve, line seventeen, by inserting after the word "assistance" the following, "provided that no persons may be discriminated against as to the amount of the grant on the basis of race, religion, political or labor union affiliation."

The amendment on page thirteen, line two, by inserting after the word "employment," is a very important one because it allows an appeal from the Labor Review Board or the County Assistance Board to the Department of Public Assistance. I do not believe that any decision by the Labor Review Board or the County Assistance Board should be final. The final action should be taken by the Department of Public Assistance.

Likewise the amendment on page thirteen, line five, which provides that the amount that shall be paid to the commercial credit agencies must be approved by the state Department of Public Assistance, is a very important one. It would cut out any record which might develop from employing any of these commercial credit agencies. I believe all of these amendments should be voted for favorably.

On th question recurring,

Will the House agree to the amendments?

They were not agreed to.

Mr. SARRAF. Mr. Speaker, I wish to withdraw the amendments offered by me.

On the question recurring,

Will the House agree to the section?

Mr. ROSENFELD. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 3 (Sec. 8.1), page 10, line 13, by striking out the word: "To" and inserting in lieu thereof: "Except as hereinafter provided to"

Amend Sec. 3 (Sec. 8.1), page 11, lines 13 to 17, by striking out the following: "not be subject to any HC [super-" in line 13, and all of lines 14 to 17, both inclusive, and inserting in lieu thereof: "be made from the present civil service list of the Department of Public Assistance and preference shall be given to persons now employed by such department"

Amend Sec. 3 (Sec. 8.1), page 12, lines 26 to 28, both inclusive, by striking out: "all of said lines."

Amend Sec. 3 (Sec. 8.1), page 13, lines 1 and 2, by striking out: "all of said lines."

Amend Sec. 3 (Sec. 8.1), page 13, line 3, by striking out the letter: "(g)" and inserting in lieu thereof: "(f)"

Amend Sec. 3 (Sec. 8.1), page 13, line 6, by striking out the letter: "(h)" and inserting in lieu thereof: "(g)"

On the question,

Will the House agree to the amendments.

Mr. ROSENFELD. Mr. Speaker and members of th House, these amendments are also for the purpose o abolishing publication of relief recipients.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. LEVY. Mr. Speaker, I desire to offer the follow ing amendments.

The SPEAKER. The amendments will be read by th Clerk.

The amendments were read by the Clerk as follows

Amend Sec. 3 (Sec. 8.1), page 10, line 9, by insertin after the word "Pensions" the following: "(1)"

Amend Sec. 3 (Sec. 8.1), page 12, lines 1 to 7, both in clusive, by striking out: "all of said lines"

Amend Sec. 3 (Sec. 8.1), page 12, line 8, by strikin out the letter: "(d)" and inserting in lieu thereof: "(c)"

Amend Sec. 3 (Sec. 8.1), page 12, line 17, by strikin out the letter: "(e)" and inserting in lieu thereof: "(d)"

Amend Sec. 3 (Sec. 8.1), page 12, line 26, by strikin out the letter: "(f)" and inserting in lieu thereof: "(e)"

Amend Sec. 3 (Sec. 8.1), page 13, line 3, by strikin out the letter: "(g)" and inserting in lieu thereof: "(f)"

Amend Sec. 3 (Sec. 8.1), page 13, line 6, by strikin out the letter: "(h)" and inserting in lieu thereof: "(g)"

Amend Sec. 3 (Sec. 8.1), page 13, by inserting betwee lines 17 and 18 the following: "(2) Maximum grants fo general assistance in individual cases shall be from tim to time fixed by the General Assembly. The variou grants for general assistance shall be as follows: ,Singl person, six dollars and sixty cents ($6.60) per week.

Two persons, ten dollars ($10.00) per week. Three per sons, twelve dollars and eighty cents ($12.80) per week Four persons, fourteen dollars and fifty cents ($14.50) pe week. Five persons, sixteen dollars ($16.00) per week Six persons, eighteen dollars and twenty cents ($18.20) per week. Seven persons, twenty dollars and fifty cent ($20.50) per week. Eight persons, twenty-two dollar ($22.00) per week. Nine persons, twenty-four dollars and twenty cents ($24.20) per week. Ten persons or over twenty-six dollars and fifty cents ($26.50) per week."

Amend Sec. 3 (Sec. 8.1), page 13, lines 13 to 17, by striking out the words: "To make available for in-" in lin 13, and all of lines 14, 15, 16 and 17.

On the question.

Will the House agree to the amendments?

Mr. LEVY. Mr. Speaker and members of the House section 8.1 of section 3 of this act provides that the county board shall have the power to fix the maximum of grant in general assistance, and further that it shall be set by the rules prescribed by the Department of Public Assistance.

Members of this House, very many of us during the last two years have found that the Department of Public Assistance in regulating policies and rules regarding the Department have time and time again, when they found that the funds were going down instead of notifying the Governor's office, they have instituted new policies, so as to be able to pinch on the money which they have at the present time and that has proven a hardship to the various county boards.

The amendments which I have offered here to section 3 provide that the maximum grant for general assistance in individual cases shall from time to time be regulated by the General Assembly, and I see no reason why the members of the Legislature who appropriate this money shall not from time to time prescribe the proper rules

ıd regulations, and not have the Department or any ıher form of government prescribe such rules. I do ıow that in 1938, the Board of Public Assistance, when found that the money appropriated by the current egislature was rapidly diminishing, handed down certain ıles and regulations to the county board whereby the ·ants were ultimately reduced. Now, Mr. Speaker, if ɔ other member of the House is serious about this ques-on, I am. I might inform the members that in the two .onths prior to the last election, the Republican candidate vo months before the last general election, and I heard in Philadelphia from the lips of the new Governor of ıe Commonwealth, made very, very serious promises re-ırding the adequacy of relief. I remember distinctly ıat in Philadelphia about that time the present Secretary f Revenue made a very important issue in the campaign ı Philadelphia relating to direct relief and old age assist-nce, and I wish to cite for the benefit of the membership, ıe state-wide address made by the Governor of Penn-ylvania on November 1, 1938, which was broadcast from ittsburgh. Speaking on the relief situation in Pennsyl-ania, he said:

"I am going to keep relief and WPA going just as long as one man or woman in the State needs it.

"I'll go further than that. Let me tell you some-thing about myself, that will show you how much that promise means to me. I have lived all my life in the little mining town of Plymouth. There's one mine that employes two thousand men, just a few blocks from my own house, which hasn't turned a wheel since 1932. That's the sort of thing which is going on all around in my home community.

"Every time I walk down the street, I see men and women who haven't been able to find work in years. I know most of these people by their first names, and I know what they have been going through. I know that the only thing which has kept them alive and held their families together and kept their children in school has been relief and WPA.

"Every time a WPA truck passes me, it's "How are you, Arthur?" and I say, "How are you Dave?"—or Mike, or Pete or Blodick. These are people I have known all my life, boys I went to school with.

"I am about to be elected Governor, and for four years I will live in Harrisburg, but after that I'm go-ing right back to the same little house in Church Street.

"Here is what I want you to think about. If I let these men and women on relief and WPA down—if I cut off relief or stop WPA, if I fail to keep my promise to try to get industry going again so as to open up jobs for these people—I would never be able to hold up my head again among my own friends and neighbors.

"Don't loose sight of that. I don't live in a fashion-able town like Alvin Jones and George Earle, where there is hardly any relief and WPA—it's going on all around me all the time when I am home.

"And I'm not going to Europe after I get through being Governor, or to Guatemala either—I'm going right back to where I was born and raised. And when I go back there, I'm going to be able to be proud that I have done everything I could to help the poor and unfortunate people of this State—both those I know and those I've never met."

Members of the House, by the inclusion of Section 8.1 in this present relief bill, sponsored by the gentleman from Erie, Mr. Van Allsburg, you are in no way attempt-ing to keep the promise of the Governor. The first thing you have done is to create a political county board, and a political county board in itself is a broken promise of Governor James, and I am going to tell you why. Not so long ago, a person over in the Senate, in a release to the newspapers concerning the conditions in his county said this:

> "When I was a member of the Committee on Wel-fare, it was understood among the Repulicans in my party we were not to have politics in relief."
>
> "The Senator then went on to say, "That no sooner had that assertion been made to me and definitely through my party, the Governor fired every man and woman on the county board in Northumberland County and replaced them with another board."

He went on to tell that each and every member of the board that he had recently appointed were men and women actively engaged in politics in Northumberland County. In addition to that he specifically brought to the attention of the people of the Commonwealth that the chairman of the board was also the chairman of the Republican County Committee.

Now, members of the House, in my opinion, Section 8.1 is a very vicious addition to this bill. It creates one thing and one thing alone, it gives to the county board, made up throughout of politicians, the power to grant direct relief. If that is the type of general assistance the Re-publican party promised, then you vote for it, but in my interpretation of the present Secretary of Revenue, who resides in Philadelphia, that we want to have a non-political set up in Pennsylvania and we want to have blind pensions in relief, this bill is certainly not that. I ask every member of the House, if they are true to the party which they represent, and if they are true to the thousand of citizens back home, to insert amendments in the bill so as to take the power from the county boards to say who shall get assistance and who shall not. My amendment provides that the General Assembly shall fix the rate. I have taken the time and trouble to make a personal survey of the relief situation in the state at the present time and I have a schedule appended to the amendment.

I ask every member of the House to vote for this amend-ment.

Mr. TROUT. Mr. Speaker and members of the House, I have just sent down for a half dozen sandwiches and a cup of coffee, so I am here to stay.

You know, Mr. Speaker and members of the House, the few Democrats who were re-elected to office certainly have become orators. I did not have any idea that we had as many orators on the minority side of the House as we have discovered tonight, and the surprising part to me is that the accusation has been made that the Re-publicans are going to put relief in politics or politics in relief. I would just like to know where it was for the past four years. I want to say to the members of the House, Mr. Speaker, to the minority especially, that what-ever we do, whatever the majority does, we are perfectly willing to abide by the result. We believe conscientiously that we are starting along proper lines. This bill isn't perfect, there are a lot of faults, probably a lot of things that might seem better as we go along, but the Lord knows the people of the Commonwealth have said that the set-up we have had up until this time was not satis-factory. If this proves as unsatisfactory as the system we have had up to this time, well, there isn't any doubt as to what the people will do in the 1940 campaign but at least I want to say to the minority, "Give us a chance and seen how this works out." The amendments that have been offered and the suggestions that have been

made would have been very nice in 1937, when we went along with you as far as we could and it was your time at bat. It now happens that the people of Pennsylvania have said, "We will have a little change; we will give the Republicans a chance." There is only one thing, Mr. Speaker, so far as broken promises are concerned. I remember the campaign back in 1934 when as I recall there were many promises made and they were not all fulfilled, so I suppose, when it comes to making political promises during a campaign, the Democrats and the Republicans go down the same alley.

I want to say to the members of the House, this bill has some merit, and if it doesn't have, the people of Pennsylvania will decide in 1940 and say, "We have had enough of this Republican group," and then we will let you boys do the trick yourselves.

Mr. TRONZO. Mr. Speaker and members of the House, if you will permit me, I would like to answer in part the statement of the gentleman from Lancaster, Mr. Trout.

The SPEAKER. The Chair feels that the House will be delighted.

Mr. TRONZO. Mr. Speaker and members of the House, I have in my left hand a copy of today's Pittsburgh Press, an independent newspaper.

Starting at the lower section of the page, I wish to answer the gentleman from Lancaster, or rather the Pittsburgh Press shall answer the gentleman from Lancaster and also answer the Republican Party by this statement.

"ANOTHER BROKEN PLEDGE"

"The republican majority in the Legislature evidently has made up its mind to ignore all protests and rip out the civil service system that now protects the employes of the Public Assistance Department.

"The Van Allsburg bill, which will take 4000 jobs out of the civil service class, has come out of committee and is in a position for final passage. All indications are that the Republican bloc in the House will be solidly behind it.

"Thus, another major plank in the Republican state platform of 1938 is about to be tossed out of the window. And from his statements, the platform-scrapping evidently is being done with the tacit approval of Governor Arthur H. James.

"Although Mr. James raised his hands in horror last fall over the patronage-grabbing activities of the Democrats, he now apparently sees nothing wrong in a Republican grab that in size surpasses anything the Democrats ever attempted. Moreover, he seems to have conveniently forgotten his pre-election statement of last fall when he announced that upon inauguration he intended to file the "largest divorce suit ever filed in Pennsylvania, a divorce between politics and relief." This is a divorce suit all right, but between civil service and relief.

"There are no valid arguments that can be offered in defense of the Van Allsburg bill. It is simply a gigantic ripper. But its only purpose is to give 4000 relief administrative jobs, jobs that by their very nature calls for skilled and trained personnel, to "deserving" Republicans. The politicians simply are endeavoring to build up a formidable political machine at the public's expense.

"The politicians responsible for the Van Allsburg bill probably are congratulating themselves for having thought of this wholesale patronage grab. Actually, they have only demonstrated their own lack of political foresight by trying to ram such measures as this down the public's throat.

"For political victories in Pennsylvania are no longer made possible by powerful machines built upon payrollers. If they were, the Democrats, whose patronage last fall far exceeded that of the present Republican regime, should have won in a walk.

"That they didn't is a warning to the Republicans that Pennsylvania voters base their decisions upon performance in office, not upon how much patronage is handed out and that all the patronage in the world can't save a bad administration. Unfortunately, Governor James and the Republican legislators do not seem inclined to heed that warning."

MOTION TO ADJOURN

Mr. O'BRIEN. Mr. Speaker, inasmuch as we have arrived at a new legislative day, the time now being 1:26 I move that this House do now adjourn until May 2, 1939, at 1 o'clock p. m., Eastern Standard Time.

The motion was not agreed to.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question,

Will the House agree to the section?

Mr. ROSENFELD. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 3 (Sec. 8.1), page 12, lines 26 to 28, both inclusive, by striking out: "all of said lines."

Amend Sec. 3 (Sec. 8.1), page 13, lines 1 and 2, by striking out: "all of said lines."

Amend Sec. 3 (Sec. 8.1), page 13, line 3, by striking out the letter: "(g)" and inserting in lieu thereof: "(f)"

Amend Sec. 3 (Sec. 8.1), page 13, line 6, by striking out the letter: "(h)" and inserting in lieu thereof: "(g)"

Amend Sec. 3 (Sec. 8.1), page 13, lines 13 to 17, by striking out the following: "To make available for in- in line 13, and all of lines 14 to 17, both inclusive.

On the question,

Will the House agree to the amendments?

MOTION TO RECESS

Mr. KILROY. Mr. Speaker, the hour is getting late and I wish first to withdraw my amendment on the desk I also wish to state that I do not know whether the soda fountain is working on daylight or standard time, but being thirsty, I move you that this House recess until 2:30, eastern standard time.

The SPEAKER. The motion of the gentleman from Philadelphia is out of order. A motion to recess is not a privileged motion. The question before the House is on the amendment submitted by the gentleman from Philadelphia, Mr. Rosenfeld.

Mr. ROSENFELD. Mr. Speaker, I agree that the hour is late, and I therefore withdraw my amendment.

The SPEAKER. The Chair, on behalf of the members thanks the gentleman.

On the question recurring,

Will the House agree to the section?

Mr. SCANLON. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 3 Sub-section 8.1, paragraph (c), page 12, insert between line 2 and line 3 following the word "cases," as follows: "with no grant to be below the following minimum amounts per month:

person case	$21.05	6 person case	$77.45
person case	$35.50	7 person case	$89.25
person case	$45.90	8 person case	$95.85
person case	$57.45	9 person case	$104.70
person case	$66.65	10 person case	$114.35"

Amend Section 3, Sub-section 8.1, paragraph (c), page 1 line 7 after the word "Assistance" add as follows: "nd in no case shall the minimum grant be less than the ndards set by the State Board of Public Assistance as January 1, 1939"

Amend Section 3, Sub-section 8.1, paragraph (f), page 1 line 2 after the word "employment" add as follows: rovided that refusal to accept employment under the lowing conditions shall not constitute grounds for re- sing or discontinuing asistance to any applicant or re- ient of general assistance: (1) labor disputes (2) em- yment at wages below the union scale (3) employ- nt where no union scale has been established, at less an the prevailing wages in the industry or community) and at hours exceeding forty-four hours in any one ek at a maximum of eight hours in any one day (5) e inability to perform the work offerred."

On the question,

Will the House agree to the amendments?

Mr. SCANLON. Mr. Speaker and members of the House, this amendment will provide that the minimum assistance granted will equal a minimum subsistance level as determined by the Department of Public Assistance in their Current Living Costs as of December 31, 1938.

As provided by the Public Assistance Act, the Department of Public Assistance submitted a report to the Governor as to the cost of living in the various counties, as related to the standards of assistance and the amounts allocated for assistance. In this report we find that the present assistance granted to the unemployed is less than a "minimum subsistance level." In fact the actual grants to the unemployed is only 85% of a minimum subsistance level.

This report states, and I quote: "Living costs are computed for a 'minimum subsistance' standard only. As described by the U. S. Bureau of Labor Statistics, this standard represents a substantially lower level than does a standard of 'health and decency.' Living at the minimum subsistance level for a prolonged period 'may prove harmful to both health and morale.'"

It states further, and I quote: "The minimum subsistence standard provides for only food, clothing household supplies, shelter, and fuel and light. Moreover, it provides only the minimum requirements for these items."

Here we have an actual study of the present grants as compared with a minimum subsistence standard of living computed at only the minimum requirements and the admission of the Department of Public Assistance that living at this level for a prolonged period, and unfortunately the majority of our unemployed in the State have been living below this standard for quite some time, will prove harmful to both health and morale.

The present grants, we find in this study, make no provision for household supplies such as soap, toilet paper, washing materials, etc. They make no provisions for hair cuts, toothbrush and paste, razor blades, sanitary supplies and many other personal necessities which a family will require. No provisions for church donations, carfares, recreation, life insurance, and many other items which do become necessities to some extent and therefore, these items are taken from the small food allowances now granted and thereby further endanger the health of the unemployed.

The present grants provide only 65% of the minimum subsistance level for shelter according to this study. Now what happens when the unemployed are allowed only 65% of what their housing cost them. Either they do not pay their rent and the landlords are forced to evict them or they must cut down on some of the other items in their budget, particularly food in order to make up this deficiency. I must point out that this study states that a special study was made in December 1938 to obtain shelter prices in the various counties and the prices obtained were the amounts of rent asked by landlords for living quarters occupied by DPA cases and WPA workers. In other words, slums. The actual grants were 65% of what it cost to live in slums.

If this is allowed to continue then either we must ask the landlords to cut their rents practically in half or we must ask these receiving assistance to cut their food allowance in order to make up this deficiency in their shelter allowance.

We also find that the clothing allowance is only 69% of the minimum subsistence standard. If a study is made of the number of deaths from pneumonia during the past winter, I am sure you will find that the vast majority of these cases were due to inadequate clothing and that this very definite was harmful to the health of the unemployed.

This study has revealed definitely that this Legislature will have to take some steps to alleviate the inadequacies of the present grants to the unemployed of our State.

While House Bill No. 867 gives the Department of Public Assistance the power to set the maximum grants it does nothing to provide minimum grants which would correct some of the conditions which now exist. In fact this bill leaves the way open for wide-spread discrimination by the County Boards of Assistance.

The manner in which this bill is now written, these county boards could grant assistance of a maximum to one family and could cut this grant in half or even more to another family of similar circumstances because of political discrimination, personal dislike or for any other reason they desire.

Very definitely the manner in which this section is now worded the way is open for wide-spread political discrimination. County Boards could give a very low grant to a family who did not vote the way they considered right, and reward a family of exactly the same type with a much higher grant because they did vote right. If there ever was a piece of legislation which inserted "Politics in Relief," this is one.

Are we to assume that the thousands of negroes now on the relief roles are to be discriminated against at the will of the County Boards because they think a negro should live at a lower standard?

Is this section not leaving the way open for relief cuts? Or I might say, that the purpose of this section is to give relief cuts to the unemployed.

We see the Congress of the U. S. appropriating millions of dollars to build battleships, airplanes, and guns for national defense. Can we speak of national defense only in the terms of battleships and guns or must we also take into consideration the man-power necessary to man these battleships, airplanes and guns.

Unless we take steps in this Legislature to put a stop to the break-down of the health and moral of almost a million of the unemployed in our State, we must take

the responsibility of undermining our National Defense. The man power of our national defense in the Commonwealth of Pennsylvania is being undermined by the present standards granted to our unemployed. This must be stopped at once.

The least this Leigslature can do is to set a minimum of assistance granted equal to a minimum subsistence level. I am sure that had this study been prepared and submitted to the prior administration, immediate steps would have been taken to eliminate these inadequacies. Unfortunately this study is the first which has been prepared since the Public Assistance Act has become effective.

I am sure this Legislature will vote its approval of this amendment and thereby guarantee to the unemployed of our State that the minimum assistance granted will not be less than a minimum subsistence level. Surely we can not expect the unemployed to live at a lower level when it is admitted that this level may prove harmful to both health and moral. This is the least the majority can do if they are sincere in their promises to the unemployed that assistance will be provided at an adequate and humane basis.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. Scanlon and Mr. Falkenstein and were as follows:

YEAS—76.

Achterman,	Downey,	Malloy,	Rider,
Allen,	Falkenstein,	Malone,	Rooney,
Allmond,	Fauset,	McLane,	Rosenfeld
Baker,	Finnerty,	Melchiorre,	Rothenberger,
Balthaser,	Flanagan,	Mihm,	Sarraf,
Bohn,	Furman,	Mooney,	Scanlon,
Boles,	Gorski,	Moran,	Schrope,
Boney,	Harkins,	Munley,	Schwab,
Brancato,	Hess,	O'Brien,	Shaw,
Broad,	Hindman,	O'Connor,	Skale,
Brown, H. S.,	Hoffman, S. K.,	O'Keefe,	Stank,
Burris,	Holland,	Ominsky,	Thompson, E. F.,
Check,	Jirolanio,	O'Neill,	Tronzo,
Chervenak,	Keenan,	Powers,	Walsh,
Cohen, H. B.,	Kenehan,	Preston,	Weiss,
Cohen, R. E.,	Kilroy,	Readinger,	Welsh, E. B.,
Corrigan,	Levy,	Reese, R. E.,	Welsh, M. J.,
DeNote,	Long,	Regan,	Westrick,
Donohoe,	Lovett,	Reynolds,	Williams,

NAYS—127.

Ackermann,	Ewing,	Lee,	Shearer,
Alspach,	Fisher,	Leisey,	Simons,
Andrews,	Fiss,	Leydic,	Sloan,
Atkins,	Fleming,	Lichtenwalter,	Snyder,
Auker,	Foor,	Lyons,	Sollenberger,
Balliet,	Freed,	Madden,	Stambaugh,
Bardes,	Fullerton,	Marr,	Stewart,
Bennett,	Gates,	Matthews,	Stockham,
Boorse,	Gillan,	McClester,	Sweeney,
Boose,	Gillette,	McGarrity,	Tahl,
Bower,	Goll,	McKinney,	Taylor,
Boyd,	Habbyshaw,	McNally,	Terry,
Bronson,	Haines,	McVay,	Thistle,
Brown, S. W.,	Hall,	Montgomery,	Thompson, G. R.,
Brunner,	Hamilton,	Moser, F. S.,	Tiemann,
Cadwalader,	Harbeson,	Moser, J. L.,	Trout,
Calvin,	Haudenshield,	Muir,	VanAllsburg,
Carpenter,	Henry,	O'Dare,	Van Belle,
Christler,	Hewitt,	Peacock,	Voorhees,
Clearwater,	Hocke,	Peale,	Wagner,
Cook,	Hoffman, J. N.,	Reagan,	Watkins,
Cooper,	Hoyt,	Reese, D. P.,	Webster,
Cordier,	Huntley,	Rhodes,	Wilkinson,
Cortese,	Imbrie,	Riley,	Wilson,
Curran,	James,	Robertson,	Winner,
Dalrymple,	Johnston,	Rose,	Wood, H. M.,
Denman,	Jones,	Roseberry,	Wood, L. H.,
Dick,	Kane,	Royer,	Wood, N.,
Dix,	Kline,	Sarge,	Woodside,
Donahue,	Knoble,	Schrock,	Yeakel,
Eckels,	Kowalski,	Seif,	Turner,
Ely,	Krise,	Serrill,	Speaker.

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The fourth section was read as follows:

Section 4 Sections nine and thirteen of said act are hereby amended to read as follows

Section 9 Eligibility for Assistance A [Except as hereinafter specifically otherwise provided in the case of pensions for the blind all] All persons of the following classes shall be eligible to receive special assistance in accordance with rules regulations and standards established by the Department of Public Assistance with the approval of the State Board of Assistance as to eligibility for special assistance and as to its nature and extent Provided They have not conveyed or transferred real or personal property of the value of five hundred ($500) dollars or upwards without fair consideration within two years preceding the date of making such application

(a) Dependent Children A dependent child is defined as any child under the age of sixteen who (1) resides with his mother and has been deprived of the support of his father by his father's death continued absence from home or physical or mental incapacity] has been deprived of parental support or care by reason of the death continued absence from the home or physical or mental incapacity of a parent and who is living with his father mother grandfather grandmother brother sister stepfather stepmother stepbrother stepsister uncle or aunt in a place of residence maintained by one or more of such relatives as his or their own home and (2) has resided in this Commonwealth for one year immediately preceding the date of application for assistance or has been born in this Commonwealth within one year immediately preceding the date of such application of a mother who has resided in this Commonwealth for one year immediately preceding the birth of the child

(b) Aged Persons An aged person is defined as one who (1) is seventy years of age or more or who after December thirty-first one thousand nine hundred thirty-nine is sixty-five years of age or more (2) resides in this Commonwealth and has so resided therein for five years during the nine years immediately preceding the date of making application for assistance and has so resided continuously for one year immediately preceding the date of making such application and (3) is not at the time of receiving assistance an inmate of a public institution [and (4) has not conveyed or transferred his real or personal property of the value of five hundred dollars ($500.00) or upwards without fair consideration within two years preceding the date of making such application

Absence in the service of the Commonwealth or of the United States shall not be deemed to interrupt residence of an aged person in the Commonwealth if a domicile has not been acquired outside the Commonwealth

(c) Blind Persons A blind person is defined as one who (1) is twenty-one years of age or more (2) has three-sixtieth or ten-two hundredth or less normal vision (3) has resided in the Commonwealth for at least five years during the nine years immediately preceding his application for [a pension] assistance and has resided therein continuously for one year immediately preceding the application (4) is not receiving assistance as an aged person during the period for which he is receiving assistance as a blind person (5) is not at the date of making application an inmate of any prison jail insane asylum or any other public reform or correctional institution [The pension of a blind person shall be thirty dollars ($30) per month Provided That any blind person with an actual income of twelve hundred dollars ($1,200) or upwards and any blind person having real property with an assessed valuation of over five thousand dollars ($5,000) is not entitled to such pension And provided further That where a blind

rson has an income of less than twelve hundred dollars $1,200) per year the pension shall be fixed in such nount so that the combined income and pension shall ot exceed twelve hundred dollars ($1,200) a year No rson shall be denied a pension because of the fact that or she is not a citizen of the United States In the ent that any act of Congress providing Federal aid ward pension for the blind requires the recipients to citizens no such Federal aid moneys shall be expended the payment of pensions to non-citizens but such per- ns shall receive pensions out of moneys appropriated by is Commonwealth] All blind persons who are not re- iving blind pensions shall be entitled to blind assistance r the purpose of conforming with the provisions of the ederal Social Security Act

B Except as hereinafter specifically otherwise provided the case of pensions for the blind all persons of the llowing classes shall be eligible to receive general ssistance and pensions in accordance with rules regula- ons and standards established by the Department of ublic Assistance with the approval of the State Board of ssistance as to eligibility for general assistance and pen- ons and as to its nature and extent and in accordance ith policies and practices of the county board of assist- nce Provided They have not conveyed or transferred eal or personal property of the value of five hundred $500) dollars or upwards without fair consideration with- two years preceding the date of making such applica- on

[(d) Other persons who have resided in Pennsylvania or at least one year immediately preceding the date of pplication for assistance] (a) All persons not entitled to pecial assistance or pensions who are citizens of the nited States or who have within two years previous to he first day of January one thousand nine hundred and irty-nine filed their declaration of intention to become citizen and who have a legal settlement in Pennsylvania nd have resided therein for a period of not less than wo years immediately preceding the date of application or assistance and need assistance to enable them to main- ain for themselves and their dependents a decent and ealthful standard of living and who do not require in- itutional care because of physical or mental infirmity

(b) All blind persons having the qualifications set orth in clause (c) of subsection A of this section but who are not receiving blind assistance and whose annual ncome is less than twelve hundred dollars ($1,200) or who have property the assessed valuation of which less ecorded incumbrances is five thousand dollars ($5,000) or ess shall be entitled to blind pensions The pension of a lind person shall be thirty dollars ($30) per month ex- ept where a blind person has an income of less than welve hundred dollars ($1,200) per year the pension shall e fixed in such amount so that the combined income and ension shall not exceed twelve hundred dollars ($1,200) year

(c) The needy blind recipients of special assistance hall receive from general assistance the difference be- ween the amount received as special assistance and the um of thirty ($30) dollars so that every needy blind per- on shall receive total assistance in the amount of thirty $30) dollars

No payment made under general assistance to any needy lind person shall be deemed to be an item of income so s to disqualify such needy blind person to receive funds nder the special assistance provisions of this act

[(e)] (d) Any person within any group defined in this ection who has a quasi-settlement in this Commonwealth ntil he is removed to his place of legal settlement

Section 13 Penalties (a) Any person who either prior to r at the time of or subsequent to the application for ssistance by means of a wilfully false statement or mis- epresentation or by impersonation or other fraudulent neans secures or attempts to secure or aids or abets any erson in securing assistance under this act shall be guilty f a misdemeanor and upon conviction thereof shall be entenced to pay a fine not exceeding [one thousand dol- ars ($1,000.)] five hundred dollars ($500.00) or to under- o imprisonment not exceeding [one year] six months or both at the discretion of the court and also [may] shall be sentenced to make restitution of any moneys he has received by reason of any such false statement misrepre- sentation impersonation of fraudulent means

(b) Any person in the employ of any county board who either directly or indirectly influences or endeavors to in- fluence the vote of any person receiving or applying for any form of assistance or pension under the provisions of this act shall be guilty of a misdemeanor and upon con- viction thereof shall be sentenced to pay a fine not exceed- ing one hundred ($100) dollars or to undergo imprison- ment not exceeding six (6) months or both at the discre- tion of the court

On the question,

Will the House agree to the section?

Mr. WEISS. Mr. Speaker, I desire to offer the follow- ing amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 4, page 13, line 18, by striking out the figure: "4" and inserting in lieu thereof: "3".

On the question,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 4 (Sec. 9), page 13, line 20, by striking out the letter: "A".

Amend Sec. 4 (Sec. 9), page 13, line 20, by striking out: the light-face bracket before the word "Except".

Amend Sec. 4 (Sec. 9), page 13, line 22, by striking out: the light-face bracket after the word "all".

Amend Sec. 4 (Sec. 9), page 13, line 22, by striking out the word: "All".

Amend Sec. 4 (Sec. 9), page 13, line 33, by striking out the word: "special".

Amend Sec. 4 (Sec. 9), page 13, line 27, by striking out the word: "special".

Amend Sec. 4 (Sec. 9), page 15, line 16, by striking out: the light-face brackets before and after the words "a pension".

Amend Sec. 4 (Sec. 9), page 15, line 16, by striking out the word: "assistance".

Amend Sec. 4 (Sec. 9), page 15, line 22, by striking out: the light-face bracket before the word "The".

Amend Sec. 4 (Sec. 9), page 15, line 29, by striking out: the light-face bracket after the word "dollars".

Amend Sec. 4 (Sec. 9), page 16, line 1, by striking out: the light-face bracket before the figure "($1,200)".

Amend Sec. 4 (Sec. 9) page 16, line 11, by striking out: the light-face bracket after the word "Commonwealth".

Amend Sec. 4 (Sec. 9), page 16, lines 11 to 14, by strik- ing out the following: "All blind persons who are" in line 11, and all of lines 12, 13 and 14.

Amend Sec 4 (Sec. 9), page 16, lines 15 to 27, both inclusive, by striking out all of said lines.

Amend Sec. 4 (Sec. 9), page 16, line 28, by striking out: the light-face bracket before the letter "(d)".

Amend Sec. 4 (Sec. 9), page 16, line 29, by striking out: the light-face bracket after the word "of".

Amend Sec. 4 (Sec. 9), page 17, line 1, by striking out: the light-face bracket before the word "application".

Amend Sec. 4 (Sec. 9), page 17, line 1, by striking out: the light-face bracket after the word "assistance".

Amend Sec. 4 (Sec. 9), page 17, lines 1 to 9, by striking out the following: "(a) All persons not entitled to" in line 1, all of lines 2 to 8, both inclusive, and the word "assistance" in line 9.

Amend Sec. 4 (Sec. 9), page 17, line 13, by striking out the letter: "(b)".

Amend Sec. 4 (Sec. 9), page 17, line 15, by striking out the following: "of subsection A".

Amend Sec. 4 (Sec. 9), page 17, line 27, by striking out the following "(c)".

Amend Sec. 4 (Sec. 9), page 18, line 9, by striking out the letter: "(d)" and inserting in lieu thereof: "(e)".

On the question,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. SCANLON. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 4 (Section 9), paragraph (b), page 14, line 25 to strike out "(sixty-five)" and insert "sixty.'

Amend Section 4 (Section 9), paragraph (b), page 15, between line 10 and line 11, add as follows: "The minimum amount of assistance to an aged person shall be sixty dollars ($60.00) per month.'

On the question,

Will the House agree to the amendments?

Mr. SCANLON. Mr. Speaker and members of the House, I offer these two amendments to this bill fully convinced that the present provisions in the Public Assistance Act in regard to aged persons is inadequate.

We cannot provide assistance to our aged people at age 70 or even 65 and feel that we are even approaching a solution to this problem. The operation of our economic system today has greatly increased the need among our fathers and mothers. Today, as I understand it, more than half of those sixty years of age and over are dependent and unable to support themselves. Why?

Because the advances of science and medicine have extended the life span of our people. This is a blessing that permits us to have our fathers and mothers with us for a longer time.

Because scientific and technological improvements in industry have made for a speed-up in industrial processes. Business men now discharge our fathers and replace them with younger men who can stand the modern pace.

Because employers take advantage of the unemployment crisis, with its flooded labor market, to pick and choose their employees and displace older people by younger.

Because of the great need among those over 60 years of age and because of the inadequacy of the present provisions for them, many are forced to try to compete against younger men in industry, at any wages, under any conditions. However, the overwhelming majority of those over 60 have no jobs and no social security and are therefore unable to either produce or consume.

Under the provisions in House Bill No. 867 there is no amount set as a minimum granted to these aged people. The reports of the Department of Public Assistance show that the average grants to the aged are approximately $21.00 per month although the Federal Social Security Act provides for a maximum grant to the Commonwealth of $15.00 per month if the state will match this.

We must understand that provisions must be adequate to sustain a person in decency and health. Remember that a person over sixty is unable to stand the privation that a younger person can. It is indeed a great tragedy to have science prolong the life span of our fathers, and then allow insecurity, disease and starvation to send them to an early grave.

The overwhelming population of our Commonwealth feel the necessity of improvements in our present Social Security program, especially in regard to old age assistance. They want more security for old age people.

At present the Congress of the U. S. is considering amendments to the Social Security Act to provide Federal grants to the states for Old Age Assistance at age 60 with the objective of obtaining a maximum grant of $60 per month by increasing the Federal grant to the States to $30 per month if the state will match this amount.

The least this Legislature can do is to meet the desire of the people of our Commonwealth by passing these amendments and requesting our representatives in Washington to amend the Federal Legislation in order to bear their share of the financial responsibility.

I have already introduced tax bills that will cover the additional expenditures required by these amendments. Surely this Legislature can not turn a deaf ear to the demands of the people of this Commonwealth for a step towards security for our aged people.

If these amendments are defeated the only conclusion the people of this Commonwealth can reach is that this Legislature is openly opposed to taking any step in the direction of old age security, that they are turning a deaf ear to this burning issue.

I, therefore, ask you to consider these amendments very carefully before you turn a cold shoulder to this burning issue.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. Scanlon and Mr. Weiss, and were as follows:

YEAS—76

Achterman,	Downey,	Malloy,	Rooney,
Allen,	Falkenstein,	Malone,	Rosenfeld,
Allmond,	Fauset,	McLane,	Rothenberger,
Baker,	Finnerty,	Melchiorre,	Sarraf,
Balthaser,	Flanagan,	Mihm,	Scanlon,
Bohn,	Furman,	Mooney,	Schrope,
Boles,	Gorski,	Moran,	Schwab,
Boney,	Harkins,	Munley,	Shaw,
Brancato,	Hess,	O'Brien,	Skale,
Broad,	Hindman,	O'Connor,	Stank,
Brown, H. S.,	Hoffman, S. K.,	O'Keefe,	Thompson, E. F.,
Burris,	Holland,	Ominsky,	Tronzo,
Check,	Jirolanio,	O'Neill,	Walsh,
Chervenak,	Keenan,	Powers,	Weiss,
Cohen, H. B.,	Kenehan,	Preston,	Welsh, E. B.,
Cohen, R. E.,	Kilroy,	Reese, R. E.,	Welsh, M. J.,
Corrigan,	Levy,	Regan,	Westrick,
DeNote,	Long,	Reynolds,	Williams,
Donohoe,	Lovett,	Rider,	

NAYS—127

Ackermann,	Ewing,	Lee,	Serrill,
Alspach,	Fisher,	Leisey,	Shearer,
Andrews,	Fiss,	Leydic,	Simons,
Atkins,	Fleming,	Lichtenwalter,	Sloan,
Auker,	Foor,	Lyons,	Snyder,
Balliet,	Freed,	Madden,	Sollenberger,
Bardes,	Fullerton,	Marr,	Stambaugh,
Bennett,	Gates,	Matthews,	Stewart,
Boorse,	Gillan,	McClester,	Stockham,
Boose,	Gillette,	McGarrity,	Sweeney,
Bower,	Goll,	McKinney,	Tahl,
Boyd,	Habbyshaw,	McNally,	Taylor,
Bronson,	Haines,	McVay,	Terry,
Brown, S. W.,	Hall,	Montgomery,	Thistle,

Brunner,	Hamilton,	Moser, F. S.,	Thompson, G.R.,
Cadwalader,	Harbeson,	Moser, J. L.,	Tiemann,
Calvin,	Haudenshield,	Muir,	Trout,
Carpenter,	Henry,	O'Dare,	VanAllsburg,
Christler,	Hewitt	Peacock,	Van Belle,
Clearwater,	Hocke,	Peale,	Voorhees,
Cook,	Hoffman, J. N.,	Readinger,	Wagner,
Cooper,	Hoyt,	Reagan,	Watkins,
Cordier,	Huntley,	Reese, D. P.,	Webster,
Cortese,	Imbrie,	Rhodes,	Wilkinson,
Curran,	James,	Riley,	Wilson,
Dalrymple,	Johnston,	Robertson,	Winner,
Denman,	Jones,	Rose,	Wood, H. M.
Dick,	Kane,	Roseberry,	Wood, L. H.,
Dix,	Kline,	Royer,	Wood, N.,
Donahue,	Knoble,	Sarge,	Woodside,
Eckels,	Kowalski,	Schrock,	Yeakel,
Ely,	Krise,	Seif,	Turner,

Speaker.

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. ROSENFELD. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 4 (Sec. 9), page 13, line 20, by striking out: the light-face bracket before the word "Except".

Amend Sec. 4 (Sec. 9), page 13, line 22, by striking out: the light-face bracket after the word "all".

Amend Sec. 4 (Sec. 9), page 15, line 16, by striking out the following: [a pension] assistance" and inserting in lieu thereof: "a pension."

Amend Sec. 4 (Sec. 9), page 16, lines 11 to 14, by striking out the following: "All blind persons who are" in line 11, and all of lines 12, 13 and 14.

Amend Sec. 4 (Sec. 9), page 16, lines 15 and 16, by striking out the words: "Except as hereinafter specifically otherwise provided in the case of pensions for the blind all" and inserting in lieu thereof: "All".

Amend Sec. 4 (Sec. 9), page 17, lines 15 and 16, by striking out the words: "but who are not receiving blind assistance."

Amend Sec. 4 (Sec. 9), page 17, lines 27 and 28, by striking out: both of said lines.

Amend Sec. 4 (Sec. 9), page 18, lines 1 to 8, both inclusive, by striking out: all of said lines.

On the question,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. TAHL. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 4, page 15, line 16, by striking out the word "assistance" and inserting in lieu thereof the following: "a pension."

Amend Section 4, page 15, line 22, by inserting after the word "institutions" the following: "the pension of a blind person shall be thirty dollars ($30) per month Provided That any blind person with an actual income of twelve hundred dollars ($1,200) or upwards and any blind person having real property with an assessed valuation of over five thousand dollars ($5,000) is not entitled to such pension And provided further That where a blind person has an income of less than twelve hundred dollars".

Amend Section 4, page 16, by striking out the bracket from line 1 to line 11, before the word "all".

Amend Section 4, page 16, by striking out line 11, beginning with the word "all", by striking out the entire lines 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27.

Amend Section 4, page 16, line 28, by striking out brackets line 28 and the bracket at the end of line 29.

Amend Section 4, page 17, line 1, by striking out brackets before the word "application" and brackets at the word "assistance" on the same line.

Amend Section 4, page 17, line 1, by striking out said line and the entire page 17.

Amend Section 4, page 18, line 1, by striking out the entire lines 1, 2, 3, 4, 5, 6, 7 and 8 inclusive.

Amend section 4, page 19, by adding after line 10 the following: "If Federal Social Security funds shall not be provided under the conditions of this act, then all blind persons shall receive pensions of $30 per month."

On the question,

Will the House agree to the amendments?

They were not agreed to.

The fifth section was read as follows:

Section 5 The provisions of this act shall become effective immediately upon its final enactment.

On the question,

Will the House agree to the section?

Mr. WEISS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 5, page 19, line 10, by striking out the figure: "5" and inserting in lieu thereof: "4".

On the question,

Will the House agree to the amendment?

It was not agreed to.

The title was read as follows:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers's Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board" defining responsibility for burial providing for separate administration by county boards of assistance of certain types of public assistance, designated "general assistance and pensions;" regulating the employment and dismissal of employes therefor; authorizing the employment and dismissal of an executive director of general assistance and pensions; changing the system of allocation of funds by the Department of Public Assistance; changing the powers and duties of county boards; authorizing appointment of subcommittees for certain purposes; providing for immediate return to assistance rolls of persons accepting temporary employment; authorizing appointment of labor review boards to pass on eligibility for assistance of persons refusing offered employment; regulating the granting of assistance to aliens, and the use of credit agencies; changing the definition of dependent children the maximum property allowances for pensions to blind persons and the general qualifications for assistance and changing and adding to penal provisions.

On the question,

Will the House agree to the title?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 2, line 10 of title, by inserting after the quotation marks and before the word "regulating" the following: "providing for the election of the members of such county boards".

On the question,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the title?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

(Consideration of House Bill No. 1300 resumed.)

On the question recurring,

Will the House agree to the amendments to Section 1?

The SPEAKER. As the Chair recalls Mr. Ominsky had the floor and was discussing the amendments to Section 1 at the time we took up the Special Order fixed for this evening. The Chair recognizes the gentleman from Philadelphia, Mr. Ominsky.

Mr. OMINSKY. Mr. Speaker, may I suggest to the Chair that since the hour is late and this bill is not as important as the one we just considered, and since there will be more debate on the amendments, that we hold it over until the next calendar.

The SPEAKER. Will the House give its unanimous consent to postpone consideration of this bill? Is there objection? The Chair hears objection and consent is not granted.

Mr. OMINSKY. Mr. Speaker and members of the House, for the information of the House, I will ask the Clerk to again read the amendments to Section one.

The amendments were read by the Clerk.

Mr. OMINSKY. Mr. Speaker and members of the House, you may recall that when I previously discussed these amendments, for which I ask your support, I suggested that it is a matter of good government and good criminal procedure to insert these amendments in the bill at this time, because if we do not I predict that the straw bail and the bail racket which caused an investigation by the grand jury in Philadelphia will be brought back, because as the bill now stands, without these amendments, it rovides that the same agency, which is the Clerk of the Quarter Sessions Court of Philadelphia, who takes bail, will also approve bail. That was the situation before the Magistrate Act of 1937 was passed. The purpose of these amendments is to stop the possibility of straw bail coming back to Philadelphia, where the County of Philadelphia lost in bail several hundred thousand dollars as reported by a special commission which was headed by Judge Gordon, President of one of the Common Pleas Courts of Philadelphia.

These amendments were submitted to Judge Gordon and he suggested that they ought to be accepted in order to prevent that situation, and I ask the membership of this House to vote for these amendments.

Mr. RHODES. Mr. Speaker and members of the House, the hour is late and I have a tremendous headache, so I am not going to deliver the two-hour address I have prepared.

I just want to say to the gentleman from Philadelphia that as the bill now stands before the House, the Clerk of Quarter Sessions Court will simply take the place of the City Controller and I take it since the Democrats are interested in economy, as the Republicans are, it is not necessary for us to create a bail commission. These amendments do not carry with them the amount of salary the bail commissioners will receive. I suppose it would be ten thousand or twelve thousand dollars added to the poor taxpayers of Philadelphia, and our hearts bleed for the poor taxpayers.

I take it, and I hope that the members of the House will agree with me, that this is an economy measure, and that the proper thing is for the Clerk of the Quarter Sessions Court to handle this instead of appointing another commission. We have too many commissions now. I just want to emphasize one fact, which is only my poor opinion, I don't know whether it will have much weight or not, but I take it that the Clerk of the Quarter Sessions Court is an honorable gentleman and will not permit any corrupt bail to pass through the Courts, and since the act specifically provides what sort of bail should be accepted as bail bond, I will forego my two-hour speech to ask the members of the House to vote these amendments down.

Mr. OMINSKY. Mr. Speaker and members of the House, I am sorry that I must answer the gentleman from Philadelphia, but I think he has made some misstatements which this House ought to know about.

In the first place, we are interested in economy, there is no question about that, and the amendments which I offered and which I hoped he would understand, would actually create that economy for which he has already spoken, because it will do away with the four clerks which the Comptroller has at the present time and will add no additional people to the payroll of the Board of Judges. The understanding is, as Judge Gordon has indicated to me, that the present members of the staff of the Clerk of the Quarters Sessions Court will be put under the jurisdiction of the Board of Judges.

In the debates we have had relative to a particular officer, I have indicated that those debates were not meant to be in criticism of any individual who is presently in office. I too have high regard for our present Clerk of the Quarter Sessions Court and for his high ability. However, we may have a new Clerk of Quarter Sessions in office, because there is an election this coming year and we do not know who that individual may be. We do know who the Board of Judges are, and even the gentleman from Philadelphia will agree with me that the members compromising the Board of Judges in Philadelphia are highly respectable individuals, and they are greatly interested in the bail proposition. Therefore, this is not only an economy measure, but it is also a measure which will provide a proper place for bail to be approved. Furthermore, it does not create another commission. This creates or designates the present man

who is taking bail under the present Clerk of the Quarter Sessions and under whose domination he is at the present time. He will be transferred to the Board of Judges so that he will have no particular affiliation with the present Clerk of the Quarter Sessions Court and in that way the one agency which will receive bail will not also approve bail.

The yeas and nays were required by Mr. Ominsky and Mr. Achterman.

A verification of the roll was requested by Messrs. Walsh, Williams and Ellwood B. Welsh.

The roll was verified and was as follows:

YEAS—40

Achterman,	Downey,	Lovett,	Schrope,
Allmond,	Falkenstein,	Melchiorre,	Skale,
Andrews,	Fauset	Mihm,	Stank,
Bohn,	Furman,	O'Connor,	Thompson, E. F.,
Broad,	Hess,	Ominsky,	Walsh,
Brown, H. S.,	Hindman,	O'Neill,	Weiss,
Check,	Holland,	Powers,	Welsh, E. B.,
Cohen, H. B.,	Kenehan,	Readinger,	Welsh, M. J.,
Cohen, R. E.,	Kilroy,	Regan,	Westrick,
Corrigan,	Levy,	Rider,	Williams,

NAYS—113

Ackermann,	Fiss,	Leisey,	Serrill,
Alspach,	Fleming,	Leydic,	Shearer,
Balliet,	Foor,	Lichtenwalter,	Simons,
Bardes,	Freed,	Lyons,	Sloan,
Bennett,	Fullerton,	Madden,	Snyder,
Boose,	Gates,	Marr,	Stewart,
Boyd,	Gillan,	Matthews,	Stockham,
Bronson,	Gillette,	McClester,	Sweeney,
Brown, S. W.,	Goll,	McGarrity,	Tahl,
Brunner,	Habbyshaw,	McKinney,	Taylor,
Cadwalader,	Haines,	McNally,	Terry,
Calvin,	Hall,	McVay,	Thistle,
Carpenter,	Hamilton,	Montgomery,	Thompson, G. R.,
Christler,	Harbeson,	Moser, F. S.,	Tiemann,
Clearwater,	Haudenshield,	Moser, J. L.,	Trout,
Cook,	Henry,	Muir,	Van Allsburg,
Cooper,	Hewitt,	O'Dare,	Van Belle,
Cordier,	Hocke,	Peale,	Watkins,
Cortese,	Hoffman, J. N.,	Reagan,	Webster,
Curran,	Hoyt,	Reese, D. P.,	Wilkinson,
Dalrymple,	Huntley,	Rhodes,	Wilson,
Denman,	Imbrie,	Riley,	Winner,
Dick,	James,	Robertson,	Wood, H. M.,
Dix,	Jones,	Roseberry,	Wood, L. H.,
Donahue,	Kline,	Royer,	Wood, N.,
Eckels,	Knoble,	Sarge,	Woodside,
Ely,	Kowalski,	Schrock,	Yeakel,
Ewing,	Lee,	Seif,	Turner,
Fisher,			Speaker.

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section as amended?

It was agreed to.

The second and third sections were separately read and agreed to as follows:

Section 2 Sections twenty-one to thirty both inclusive including both sections numbered twenty-four of the said act are hereby repealed absolutely

Section 3 Sections thirty-three and thirty-four of said act are hereby amended to read as follows

Section 33 Within sixty days after this act takes effect it shall be the duty of the board of magistrates to prepare and submit to the judges of the courts of common pleas rules and regulations for the practice and procedure in and the conduct of business of their courts by the magistrates relative to such matters over which such court has appellate jurisdiction which said rules and regulations shall become valid and binding as such when the same are approved by a majority of the judges of the said courts of common pleas and if the said board of magistrates shall fail or neglect to prepare such rules and regulations and submit the same to the judges of the courts of common pleas for their approval it shall be the duty of the said judges of their own motion to promulgate such rules and regulations which shall be the official rules and regulations of the board of magistrates Said rules and regulations may be added to or altered amended or repealed from time to time in the same manner as is herein provided for the adoption of the same The judges of the courts of common pleas may also from time to time of their own motion alter amend or repeal such rules and regulations as may be then in force and promulgate such new rules and regulations as the said judges may deem necessary and proper

Section 34 The judges of the courts of common pleas shall have the power from time to time as they deem necessary to inquire into and consider any and all matters and things touching the administration of the business of the magistrates and the performance by them of their duties in order to enable such judges to exercise the powers conferred upon them in the preceding sction and for this purpos to issue out of any of the courts of common pleas writs of subpoena for the summoning of witnesses and the production of books papers and documents of the magistrates or others as may be relevant and proper to such inquiry and to take such lawful and proper action in the premises as the said judges may deem necessary

The title was read as follows

An Act to amend sections 3, 13, 18, 19 and 20, to repeal sections 21 to 30, both inclusive, including both sections numbered 24, and to amend sections 33 and 34, of the act, approved the fifteenth day of June, one thousand nine hundred thirty-seven (P. L. 1743), entitled "An act relating to magistrates and magistrates' courts in the city of Philadelphia; imposing certain duties upon, and prohibiting certain practices by, magistrates; imposing certain duties on the city controller in regard thereto; authorizing the empolyment by him of additional clerks and fixing their compensation; regulating the practice in magistrates' courts, the entering of bail, and the issuance of discharges in criminal cases in the county of Philadelphia; conferring certain powers over magistrates and magistrates' courts, and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the county of Philadelphia; providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates; fixing salaries of persons employed by authority of this act, providing penalties for violations of the provisions thereof; and repealing certain prior acts," changing the qualification of magistrates; removing certain powers and duties of the city controller, and conferring them upon the clerk of quarter sessions; authorizing said clerk to employ additional clerks and fixing their salaries; further restricting the power to release persons without bail; eliminating the provisions of said act which established a civil division of said courts; and clarifying the duties of the court of common pleas relative to magistrates' courts.

On the question,

Will the House agree to the title?

Mr. RHODES. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 1 of title, by inserting after the figure "3" the following: "10"

Amend title, page 2, line 7 of title, by inserting after the quotation marks and before the word "changing" the following: "providing that all assignments of magistrates shall be made by the chief magistrate"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 780, as follows:

An Act authorizing the Secretary of Forests and Waters with approval of the Governor to accept and acquire by gift grant or other lawful means certain canal properties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Secretary of Forests and Waters with the approval of the Governor is hereby authorized to acquire in the name of the Commonwealth by gift grant or other lawful means the right title and interest of the owners in and to all property constituting the entire system of any canal or canals located wholly within this Commonwealth whose use as highways for transportation by water has ceased or been abandoned or shall cease or become abandoned together with such real estate adjacent to such canal as the Secretary of Forests and Waters may deem desirable Provided however That no consideration shall be paid to the owner or owners of such property for the whole or any parts thereof for any grants that may be made under the provisions of this act execpt with the approval of the Governor

Section 2 The Secretary of Forests and Waters shall supervise maintain improve regulate police and preserve all such property so acquired as and for state park purposes

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 781, as follows:

An Act authorizing the Secretary of Forests and Waters with approval of the State Parks Commission to transfer portions of canal properties acquired by the Department of Forests and Waters to the Department of Highways for highway purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Secretary of Forests and Waters is hereby authorized to transfer to the Department of Highways such parts of canal properties which may heretofore have been or may hereafter be acquired by the Secretary of Forests and Waters in the name of the Commonwealth for state park purposes as the Secretary of Forests and Waters may deem undesirable to retain under the control of his department Provided however That such transfers shall be made with the approval of the State Parks Commission The Secretary of Highways is hereby authorized and directed to accept such property for the purposes of location relocation construction or reconstruction and maintenance and repair of highways and purposes incidental thereto Upon such transfer the Department of Forests and Waters shall be relieved of all control over or responsibility for such property

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1114, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by providing a special procedure for the payment of appropriation for public assistance extending the time limit within which petitions for review of resettlements may be filed making certain information pertaining to taxes and bonus confidential except for official purposes modifying certain provisions relating to the remission of penalties imposed for failure to file tax and bonus reports and further defining or regulating State depositories the deposits of State moneys and the security required for such deposits

The first section was read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylpania hereby enacts as follows

Section 1 Paragraphs (b) and (c) of section five hundred three of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth" or any agency thereof every State depository and every debtor or creditor of the seventh day of June one thousand nine hundred thirty-five (Pamphlet Laws two hundred eighty-three) are hereby further amended to read as follows

The second section was read as follows:

Section 2 Section 505 of the said act as amended by the act approved the twenty-second day of May one thousand nine hundred thirty-five (Pamphlet Laws two hundred thirty) and by the act approved the seventh day of June one thousand nine hundred thirty-five (Pamphlet Laws two hundred eighty-three) and in part by the

act approved the twenty-fifth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand seventy-five) is hereby further amended to read as follows

Section 505 State Depositories The Board of Finance and Revenue shall have the power and its duty shall be

(a) To select and designate as depositories for the State moneys banks banking institutions or trust companies which are subject to national or state supervision and each of which

1 Has made written application to the State Treasurer for a deposit of State moneys designating the amount of deposit solicited and accompanying its application by a written statement showing the amount of its capital actually paid in the amount of its surplus the number of its stockholders and whether its stock is well distributed or largely held by a few individuals and the length of time that said institution has been engaged in business under its charter Each such statement shall be verified by the oath or affirmation of the president cashier or trust officer as the case may be and the State Treasurer shall present the same to the board for its consideration within thirty days after the receipt thereof

2 Shall upon the receipt of notice of its selection as a depository of State moneys furnish a bond to secure payment of deposits and interests to the Commonwealth of Pennsylvania with a proper warrant of attorney to confess judgment in favor of the Commonwealth secured by a surety company or individual sureties to be approved by the board in the amount of the deposit to be made If a corporate bond be given no one surety company shall be approved in an aggregate amount in excess of five times its capital surplus and reserve and whenever individual sureties are presented for approval they shall qualify in an aggregate over and above their individual liabilities to three times the amount of the deposit No one person may qualify for more than one fourth of the total amount of the bond required Provided That when any deposit of State moneys is insured with the Federal Deposit Insurance Commissioner or any other corporation hereafter organized by the United States for the purpose of insuring deposits such depository shall not be required to furnish bond or security to cover the amount of such deposit so insured And provided further That in lieu of the surety bonds of surety companies or of individuals as aforesaid the deposit of State moneys may be secured by the deposit with the State Treasurer or with the Federal Reserve Bank of Philadelphia or Pittsburgh subject to such regulations as may be prescribed by the Board of Finance and Revenue or the State Treasurer or both as the case may be of bonds or notes of the United States or bonds or notes which the United States fully guarantees both as to principal and interest bonds of the Delaware River Joint [Commission] Commissions bonds of the Pennsylvania Turnpike Commission bonds of the General State Authority of Pennsylvania bonds or tax anticipation notes of this Commonwealth or of any municipal subdivision institution district or school district or county thereof to be approved by the board in an amount measured by their actual market value equal to the amount of deposit so secured and twenty per centum in addition thereto Said bonds shall be accompanied by proper assignment or power of attorney to transfer the same and said trust deposit of securities shall be maintained on request at the amount aforesaid in case of any depreciation in the value thereof Provided That no bonds or other security shall be required of State depositories for State deposits to the extent that such State deposits are insured under the provisions of Section 12 B of the Federal Reserve Act approved the twenty-third day of December one thousand nine hundred and thirteen its amendments and supplements

3 Shall agree to pay interest upon all State deposits at the rate to be fixed every six months by the Board of Finance and Revenue having due regard to the then prevailing money market Provided That such agreemnt is not in conflict with law or any regulation of the Comptroller of the Currency or of the Federal Reserve Board of the United States The said board may fix different rates of interest for active and inactive depositories not in conflict with law or any regulation of the Comptroller of the Currency or of the Federal Revenue Board of the United States and may adopt and promulgate rules governing the time when interest shall begin to run on deposits of uncollected items The board shall fix the specific day on which any change in interest rate shall become effective and shall notify in writing every depository of such change and the effective date thereof Pending action by the board the interest rates heretofore fixed by law shall remain in force All collections shall be made for the Commonwealth without cost or compensation

(b) To select as depositories for State funds private banking institutions located and doing business in this Commonwealth if such private banking institutions shall file a statement in writing with the board and the Department of Banking agreeing that they will subject themselves to the same supervision in all respects including an examination by the bank examiners of the Department of Banking at any time as banks banking institutions or trust companies which are depositories of State funds and if and after compliance with the conditions required of any other depository

(c) To designate two banks or trust companies in Dauphin County two banks or trust companies in Allegheny County two banks or trust companies in Philadelphia County and [three] thirteen banks or trust companies in any part of the Commonwealth to be known as active depositories in which shall be deposited a sufficient amount of the daily receipts of the State Treasury to transact the current business of the Commonwealth The board may designate two other banks or trust companies located anywhere in the Commonwealth to be known os active depositories and to be used for the purpose above mentioned

(d) To see that no bank banking institution or trust company except those designated as active depositories shall receive a deposit of State moneys in excess of twenty-five per centum of its paid-in capital and surplus or have at any one time an aggregate of deposits in excess of five hundred thousand dollars Provided however That in the case of any particular depository these limitations may be waived by the Board of Finance and Revenue so as to permit the State Treasurer to deposit State moneys not in excess of one million dollars in any bank banking institution or trust company designated as an inactive depository

(e) To see that the combined deposits in the active depositories shall not exceed at any time such total sum as it shall by resolution have prescribed

(f) In case it is of the opinion that the credit of any depository is impaired the safety of the State deposits imperiled or for any other cause whatsover to require the State Treasurer to reduce change or wholly withdraw within thirty days any deposit or deposits held by any such depository of State moneys

(g) Whenever it is considering applications for State deposits to invite the Secretary of Banking to sit with and advise the board The secretary shall however not vote on any question coming before the board.

On the question,

Will the House agree to the section?

Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend page 4 by inserting at the bottom of the page, after line 28, the following: "Section 2 Section five hundred four of the said act is hereby amended to read as follows:

Section 504 Refund of Money Subject to Escheat Paid Into the State Treasury; Appeal.—The owner of any moneys which shall have been paid into the State Treasury by order of court, entered upon petition of the Attorney General alleging that such moneys were subject to escheat, or the legal representatives of such owner, may at any time apply to the Board of Finance and Revenue

for a refund of the same, and, upon his making proof of his ownership or right of possession to the satisfaction of the board, such moneys shall be paid him, on the requisition of the board, and the warrant of the Auditor General drawn on the State Treasurer in conformity therewith, out of any moneys in the State Treasury appropriated for the purpose, with interest thereon at the rate of two per centum per annum from the date when said moneys were paid into the State Treasury to the date of the refund thereof, and any moneys escheatable under the provisions of any act of Assembly, which have been heretofore voluntarily paid into the State Treasury, or which may be hereafter so paid, shall be likewise refunded in the same manner in which moneys so paid pursuant to an order of court are refunded under the provisions of this act. Any corporation or association, its successors or assigns, which shall have transmitted or delivered any shares or certificates of stock or other securities or the proceeds thereof to the State Treasury, or which shall have paid any moneys into the State Treasury, either voluntarily or under the provisions of an order of court entered upon petition of the Attorney General asking for payment of such moneys or property into the State Treasury without escheat, may, at any time, apply to the Board of Finance and Revenue for a refund of the same, and, upon making proof to the satisfaction of the board that such moneys or property were legally subject to escheat in any other state or territory of the United States and not legally subject to escheat by the Commonwealth of Pennsylvania or to payment into the State Treasury without escheat, such moneys or property, or the proceeds thereof, shall be paid to such claimant, on the requisition of the board and the warrant of the Auditor General drawn on the State Treasurer in conformity therewith, out of any moneys in the State Treasury appropriated for the purpose, with interest thereon at the rate of two per centum per annum from the date when said moneys were paid into the State Treasury to the date of the refund thereof, or, if moneys so appropriated are inadequate or if no such appropriation has been made, the amount to be refunded, together with interest as aforesaid to the date of the allowance of the refund shall be entered by the Department of Revenue as a credit to the account of the claimant. Such credit, or any part thereof, shall be assignable to any other person, firm, association, or corporation, and may be used by any such assignee in payment and satisfaction of any obligation or liability then or thereafter due by such assignee to the Commonwealth of Pennsylvania. The determination by the board or the court, in the event of an appeal as hereinafter provided, whether such moneys or property were legally subject to escheat by the Commonwealth of Pennsylvania or to payment into the State Treasury without escheat, shall be made irrespective of whether said moneys or property were paid voluntarily or pursuant to an order of court entered upon petition of the Attorney General asking for payment of such moneys or property into the State Treasury without escheat.

Any claimant for any such refund may appeal, by petition to the court of common pleas of Dauphin County, from an adverse decision of the Board of Finance and Revenue, which court shall thereupon hear such testimony as may be offered in support of the claim and determine whether or not the claimant is entitled to any refund, and, if so, the amount thereof. If the court find that he is so entitled, it shall report its findings to the board, and order the making of a refund of the proper amount. Thereupon the refund shall be made in the manner hereinbefore provided, with interest as aforesaid. No such appeal shall be ascertained, however, unless the claimant shall file with his petition an affidavit that all the proof which he proposes to offer in support of his claim had been presented to the Board of Finance and Revenue before that board acted adversely upon his claim.

Any depository, or trustee, or other fiduciary, or any debtor who or which shall, through mistake or compulsion of law, pay the amount of any unclaimed deposit, trust fund, or debt, subject to escheat under the provisions of any act of the General Assembly, to the depositor or beneficiary thereof, or person to whom the debt is owing, after such amount shall have been paid into the State Treasury, either voluntarily or pursuant to an order of court, may make application for and obtain a refund thereof from the State Treasury in the manner and subject to the conditions hereinbefore in this section provided."

Amend Section 2, page 5, line 1 by striking out after the word "Section" and before the word "Section" the figure [2] and inserting in lieu thereof the figure: "3".

Amend Section 2, page 8, line 2 by striking out after the word "Federal" and before the word "Board", with boldface brackets, the word: [Revenue] and inserting in lieu thereof, without underscoring, the word: "Reserve".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read as follows:

Section 3 Section one thousand one hundred three of the said act is hereby amended to read as follows

Section 1103 Petition to Board of Finance and Revenue for Review [(a)] Within [thirty] sixty days after notice by the Department of Revenue or of the Auditor General of the action taken on any petition for a resettlement filed with it the party with whom the settlement was made may by petition request the Board of Finance and Revenue to review such action

Every petition for review filed hereunder shall state specifically the reasons upon which the petitioner relies The petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true If the petitioner be a corporation joint-stock association or limited partnership the affidavit must be made by one of the principal officers thereof

The Board of Finance and Revenue shall dispose of such petitions filed with it within ninety (90) days after they have been received and in the event of the failure of the Board of Finance and Revenue to dispose of any such petition within ninety (90) days the action taken upon the petition for resettlement shall be deemed sustained

The Board of Finance and Revenue may sustain the action taken on the petition for resettlement or it may resettle the account upon such basis as it shall deem according to law and equity

Notice of the action of the Board of Fiance and Revenue shall be given by mail or otherwise to all departments involved and to the petitioner

On the question,

Will the House agree to the section?

Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 3, page 10, line 3 by striking out after the word "Section" and before the word "Section" the figure: [3] and inserting in lieu thereof the figure "4".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth section was read as follows:

Section 4 Section one thousand five hundred three of the said act is hereby amended to read as follows:

Section 1503 Payments (a) All payments out of the several funds in the State Treasury shall be made by check of the Treasury Department signed by the State

Treasurer or someone by him duly authorized or bearing a facsimile of the State Treasurer's signature Except as otherwise provided in paragraph (b) of this section [The] the State Treasurer shall determine the form and method issuing such checks.

(b) All payments out of the several funds in the State Treasury appropriated for public assistance shall be made by check of a form prescribed and furnished by the Treasury Department but filled in as to name of payee and amount by the Department of Public Assistance As soon after the effective date of this act as practicable the Department of Public Assistance shall requisition the Treasury Department for supplies of serially numbered blank checks upon which to prepare disbursements for public assistance grants and shall give its receipt to the Treasury Department for such blank checks provided The Department of Public Assistance shall thereupon enter the name and address of the payee and the amount of payment and such other information as shall be necessary after which it shall prepare a requisition on the Auditor General in the total amount of such checks and the Auditor General shall issue his warrant on the Treasury Department in the same total amount Upon receipt of this warrant the Treasury Department shall sign and mail the checks to the payees designated thereon This procedure shall be followed in Harrisburg and at such points outside the City of Harrisburg as the Governor shall determine

(c) All checks shall have imprinted upon their face a statement that they will not be honored unless presented within sixty days from their date but upon the surrender of any such check which shall have become void because of the failure of the holder to present it for payment within sixty days the Treasury Department shall issue a new check to the payee or payees named in such check in the amount thereof.

The Treasury Department may if satisfied that a check has been lost or destroyed and after stopping payment thereof issue a duplicate.

On the question,

Will the House agree to the section?

Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 4, page 11, line 4 by striking out after the word "Section" and before the word "Section" the figure: [4] and inserting in lieu thereof the figure: "5".

Amend Section 4, page 11, line 20 by inserting after "able" and before the word "the" the following: "but not later than sixty (60) days after such date".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth section was read as follows:

Section 5 At the end of article seven of the said act the following new section is hereby added

Section 730 Confidential Information Any information gained by any administrative department board or commission as a result of any returns investigations hearings or verifications required or authorized under the statutes of the Commonwealth imposing taxes or bonus for State purposes or providing for the collection of the same shall be confidential except for official purposes and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars ($500.00) or to undergo imprisonment for not more than three (3) years or both in the discretion of the court

On the question,

Will the House agree to the section?

Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend page 12 by inserting between lines 17 and 18 the following: Section 6. Section one thousand five hundred four of the said act, as amended by the act approved the second day of July one thousand nine hundred thirty-seven (Pamphlet Laws two thousand seven hundred seventy-six) is hereby further amended to read as follows:

Section 1504. Advances Out of Appropriations. Whenever an appropriation shall have been made to any department, board, or commission of the State government, or to the board of trustees or other agency in charge of any semi-State institution, which is intended for expenses of such a nature as to make it impracticable for such department, board, commission, board of trustees, or agency, to file with the Department of the Auditor General itemized receipts or vouchers prior to the payment of such expenses, upon requisition and warrant in the usual way, such department, board, commission, board of trustees, or other agency, may make requisition upon the Auditor General, from time to time, for such sum or sums of the appropriation as may be necessary to meet such expenses, and the Auditor General shall draw his warrant upon the State Treasurer for such sum or sums, to be paid out of the appropriation. The total amount of requisitions for advancements from any appropriation less the total amount of properly itemized receipts or vouchers filed with the Auditor General accounting for such advancements shall never exceed an amount approved by the Governor nor shall it in any case exceed the amount of the bond of the officer or individual having control of the disbursements from the funds advanced.

Requisitions for advances hereunder to any departmental administrative board or commission, must be approved by the department with which such board or commission is connected prior to the presentation thereof to the Auditor General.

Any department, board, commission, board of trustees, or agency, having received an advance hereunder shall,

(1) Whenever required by the Auditor General, file specifically itemized vouchers, in such form as may be prescribed by him, accounting for all money expended out of such advance;

(2) At the end of the appropriation period, return to the State Treasury all unexpended balances of such advance, before any advance shall be made out of any succeeeding appropriation: Provided, That advances to local county boards of assistance under the Public Assistance Law for reasonable emergency funds may be made before unexpended balances of advancements out of any previous appropriation are actually returned by such boards to the State Treasury.

(3) Deposit all moneys advanced, in the name of the Commonwealth, in a State depository, and certify the name thereof to the State Treasurer."

Amend section 5, page 12, line 18 by striking out after the word "Section" and before the word "At" the figure: [5] and inserting in lieu thereof the figure: "7"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth section was read as follows:

Section 6 This act shall become effective on the first day of June one thousand nine hundred thirty-nine

On the question,

Will the House agree to the section?

Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk

The amendment was read by the Clerk as follows:

Amend section 6, page 13, line 3 by striking out after the word "Section" and before the word "This" the figure: [6] and inserting in lieu thereof the figure: "8"

The title was read as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by providing a special procedure for the payment of appropriation for public assistance extending the time limit within which petitions for review of resettlements may be filed making certain information pertaining to taxes and bonus confidential except for official purposes modifying certain provisions relating to the remission of penalties imposed for failure to file tax and bonus reports and further defining or regulating State depositories the deposits of State moneys and the security required for such deposits

On the question,

Will the House agree to the title?

Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend page 2, line 14 of the title, by striking out after the word "of" and before the word "for" the word: [appropriation] and inserting in lieu thereof the word: "appropriations"

Amend page 2, line 15 of the title, by inserting after the word "assistance" and before the word "extending" the following: "and for advances to local county boards of assistance providing further for the refund of certain moneys paid into the State Treasury without escheat"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 806, as follows:

An Act to amend article one of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the appointment and election of school auditors in union school districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article one of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding thereto a new section to read as follows

Section 132 Whenever any two or more school districts shall be consolidated into a union school district upon petition of the school board of such union school district the common pleas court in which the said union school district is located shall as soon as convient thereafter appoint three persons to audit the financial accounts of said union school district The said auditors so appointed shall on the first Monday of July at the time of organization or within five days thereafter and within thirty days carefully audit and adjust the financial accounts of the school district for the preceding school year At the first municipal election after such a union school district is created there shall be elected three school auditors one for a term of two years one for a term of four years and one for a term of six years and their successors thereafter shall be elected for terms of six years each The compensation of both the appointed and elected auditors shall be five dollars per day for each day necessarily spent by each auditor and the total expense of such auditing including the cost of filing the report advertising and other necessary costs shall be paid by the said union school district

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 465, as follows:

An Act to amend article three by adding thereto section three hundred and twenty and to amend sections nine hundred and one one thousand one hundred and five and one thousand one hundred and eleven of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and

certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by providing for the arrangement and reorganization of business organizations under the National Bankruptcy Act for the further merger and consolidation of certain corporations and further regulating the dissolution of such corporations and the survival of remedies after dissolution

The General Assembly of the Commonwealth of Pennlvania hereby enacts as follows

Section 1 Article three of the act approved the fifth y of May one thousand nine hundred and thirty-three 'amphlet Laws 364) entitled "An act relating to business rporations defining and providing for the organization erger consolidation reorganization winding up and dislution of such corporations conferring certain rights wers duties and immunities upon them and their officers d shareholders prescribing the conditions on which ch corporations may exercise their powers providing the inclusion of certain existing corporations of the ond class within the provisions of this act prescribing e terms and conditions upon which foreign business rporations may be admitted or may continue to do busiss within the Commonwealth conferring powers and posing duties on the courts of common pleas and certain ate departments commissions and officers authorizing rtain State departments boards commissions or officers collect fees for services required to be rendered by this imposing penalties and repealing certain acts and rts of acts relating to corporations" is hereby amended adding thereto after section three hundred and nineen a new section to be known as section three hundred d twenty

Section 320 Arrangement and Reorganization Under Nainal Bankruptcy Act (1) Any business corporation havg a plan of reorganization or an arrangement which rsuant to the provisions of the Act of Congress of July st one thousand eight hundred and ninety-eight entitled n act to establish a uniform system of bankruptcy oughout the United States" as amended and supplented or of any similar Act of Congress (said act and h acts being herein referred to as the National Bankptcy Act) has been or shall be confirmed by the decree order of a court of competent jurisdiction shall have l power and authority to put into effect and carry out plan or arrangement and the decrees and orders of the rt or judge or referee relative thereto and may take y proceeding and do any act provided in the plan or angement or directed by such decrees and orders without further action by its directors or shareholders Such ver and authority may be exercised and such proceedgs and acts may be taken as may be directed by such rees or orders by the trustee or trustees or receiver receivers of such corporation appointed in the bankptcy proceedings (or a majority thereof) or if none appointed and acting by designated officers of the corration or by a master or other representative appointed the court or judge or referee with like effect as if rcised and taken by unanimous action of the directors l shareholders of the corporation but a business corration shall not increase its indebtedness or its aurized capital stock except after the approval of such rease at a meeting of its shareholders held in accordre with the provisions of this act

2) Such corporation may in the manner above proied but without limiting the generality or effect of the egoing alter amend or repeal its by-laws constitute or onstitute and classify or reclassify its board of directors name constitute or appoint directors and officers in lce of or in addition to all or some of the directors officers then in office amend its articles of incorporaon and make any change in its stated capital or aurized capital stock or any other amendment change ration or provision authorized by this act including cancellation of any or all authorized classes of shares ether or not any shares thereof are outstanding be olved transfer all or part of its assets merge or conodate as permitted by this act in which case however no shareholder shall have any statutory right of appraisal of his shares change the location of its principal office authorize and fix the terms manner and conditions of the issuance of bonds debentures or other obligations whether or not convertible into stock or any class or bearing warrants or other evidences of optional rights to purchase or subscribe for stock of any class or lease its property and franchises to any corporation if permitted by law

(3) A certificate of any amendment to articles of incorporation a certificate of change of registered office a certificate of dissolution a certificate of reduction of stated capital or a certificate of merger or consolidation executed as hereinafter provided and made by such corporation pursuant to the foregoing provisions shall be delivered to the Department of State If the Department of State finds that the certificate conforms to law it shall forthwith endorse its approval thereon and when all bonus fees and charges have been paid as required by law and that notice of intention to file such certificate has been duly advertised in accordance with the provisions of this act shall file the certificate and issue to the corporation a certificate of amendment dissolution reduction of stated capital merger or consolidation to which shall be attached a copy of the certificate of the corporation Upon the filing of such certificate by the Department of State the amendment dissolution reduction of stated capital merger or consolidation shall be effective Such certificate shall be made executed and acknowledged as may be directed by such decrees or orders by the trustee or trustees or receiver or receivers appointed in the bankruptcy proceedings (or a majority thereof) or if none be appointed and acting by officers of the corporation or by a master or other representative appointed by the court or judge or referee and shall certify that (a) provision for the making of such certificate agreement or instrument is contained in the plan of reorganization or arrangement or in a decree or order of the court or judge or referee relative thereto and (b) that the plan or arrangement has been confirmed as provided in the National Bankruptcy Act but no final decree has been entered in the bankruptcy proceedings closing the case and discharging the trustee or trustees or receiver or receivers if any

(4) On filing any certificate agreement report or other paper made or executed pursuant to the provisions of this section there shall be paid to the Secretary of the Commonwealth for the use of the Commonwealth the same fees as are payable by corporations not in bankruptcy upon the filing of like certificates agreements reports or other papers

Section 2 Section nine hundred and one of said act is hereby amended to read as follows

Section 901 Merger and Consolidation Authorized A Any two or more domestic business corporations or any two or more foreign business corporations or any one or more domestic business corporations and any one or more foreign business corporations may in the manner hereinafter provided in this article be mergered into one of such domestic business corporations hereinafter designated as the surviving corporation or consolidated into a new corporation to be formed under this act provided such foreign business corporations are authorized by the law or laws of the jurisdiction under which they were formed to effect such merger or consolidation

B Any one or more domestic business corporations and any one or more foreign business corporations may in the manner hereinafter provided in this act be mergered into one of such foreign business corporations hereinafter designated as the surviving corporation or consolidated into a new corporation to be formed under the law or laws of the jurisdiction under which one of the foreign business corporations was formed provided the laws of such jurisdiction authorize such merger or consolidation

Section 3 Section one thousand one hundred and five of said act is hereby amended to read as follows

Section 1105 Articles of Dissolution When all debts liabilities and obligations of the corporation have been paid and discharged or adequate provision shall have been made therefor and all of the remaining property and assets of

the corporation shall have been distributed to its shareholders articles of dissolution shall be executed under the seal of the corporation and signed and verified by two duly authorized officers of the corporation which shall set forth

(1) The name of the corporation

(2) The address including street and number if any of the registered office of the corporation

(3) A statement that the corporation has theretofore delivered to the Department of State a certificate of election to disolve and the date on which the certificate was filed by the Department of State

(4) A statement that all debts obligations and liabilities of the corporation have been paid and discharged or that adequate provision has been made therefor

(5) A statement that all the remaining property and assets of the corporation have been distributed among its shareholders in accordance with their respective rights and interests

(6) A statement that there are no suits pending against the corporation in any court or that adequate provision has been made for the satisfaction of any judgment or decree which may be obtained against the corporation in each such pending suit

The articles of dissolution and proof of the advertisement required by the preceding section shall be delivered to the Department of State If the Department of State finds that such articles conform to law it shall endorse its approval thereon and if all bonus taxes fees and charges required by law have been paid shall file the articles and issue to the corporation or its representative a certificate of disolution to which shall be attached a copy of the approved articles Upon the issuance of the certificate of dissolution the existence of the corporation shall cease

Section 4 Section one thousand one hundred and eleven of said act is hereby amended to read as follows

Section 1111 Survival of Remedies After Dissolution The dissolution of a business corporation either by the issuance of a certificate of dissolution by the Department of State or by the decree of a court of Common pleas when the court has not liquidated the assets and property of the corporation or by expiration of its period of duration or by the sale of all its franchises property and assets to another business corporation shall not take away or impair any remedy given against such corporation its directors or shareholders for any liability incurred prior to such dissolution if suit thereon is brought and service of process had before or within two years after the date of such dissolution Such suits may be prosecuted against and defended by the corporation in its corporate name

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 330, as follows:

An Act to further amend subsection A of section one thousand six of the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers or private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by providing further with regard to limitations upon loans to one corporation or person

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection A of section one thousand six of the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as last amended by the act approved the second day of June one thousand nine hundred thirty-seven (Pamphlet Laws 1185) is hereby further amended to read as follows

Section 1006 Limitations upon Loans to One Corporation or Person A A bank or a bank and trust company shall not directly or indirectly lend to any corporation or person an amount which including any extension of credit to such corporation or person by means of letters of credit or by acceptance of drafts for or the discount or purchase of the notes bills of exchange or other commercial paper of such corporation or person shall exceed ten per centum of the unimpaired capital and ten per centum of the unimpaired surplus of the bank or bank and trust company However this restriction shall have no application whatsoever to the following

(1) Loans to the United States or loans secured by not less than the face amount of bonds or other interest-bearing obligations of the United States or bonds or other interest-bearing obligations for the payment of the principal and interest on which the faith and credit of the United States is pledged

(2) Loans to the Commonwealth of Pennsylvania or any county [or] city borough township incorporated town or school district thereof or an Authority which has been created as a body corporate and politic under any law of this Commonwealth or loans secured by bonds or other interest-bearing obligations of the Commonwealth or of any county [or] city borough township incorporated town or school district thereof or of any Authrity which has been created as a body corporate and politic under any law of the Commonwealth or bonds or other interest-bearing obligations for the payment of the principal and interest on which the faith and credit of the Commonwealth or any county [or] city borough township incorporated town or school district thereof or of any Authority which has been created as a body corporate and politic under any law of this Commonwealth is pledged

(3) The discount of drafts or bills of exchange drawn in good faith against actual existing values

(4) The discount of trade acceptances or other commercial paper actually owned by the corporation or person negotiating it to the bank or bank and trust company and endorsed without restriction by such corporation or person

(5) The discount of notes secured by shipping documents warehouse receipts or other similar documents conveying or securing title to readily marketable nonperishable staple goods including live-stock when the actual market value of the property securing the obligations is not at any time less than one hundred fifteen per centum of the face amount of the notes secured by

uch documents and when such property is fully covered y insurance

And said bill having been read at length the second ime and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and con-deration of House Bill No. 763, as follows:

n Act to amend subdivision (a) of article eleven and sec-tion one thousand one hundred and eleven of the act approved the first day of May one thousand nine hun-dred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amend-ing revising consolidating and changing the law relating thereto" changing the procedure for laying out opening widening straightening vacating and relaying roads streets et cetera wholly within said townships

The General Assembly of the Commonwealth of Penn-lvania hereby enacts as follows

Section 1 Subdivision (a) of article eleven of the act pproved the first day of May one thousand nine hundred nd thirty-three (Pamphlet Laws 103) entitled "An act oncerning townships of the second class and amending evising consolidating and changing the law relating ereto" is hereby amended to read as follows

(a) [Laying Out Roads Under the General Road Law] Laying Out Opening Widening Straightening Vacating and Relaying Roads Et Cetera

Section 1101 Laying Out Roads Partly Within the Town-ip Except as otherwise in this act provided or except otherwise provided by local or special legislation all oads [wholly within or] partly within townships of the econd class where one of the termini of such roads is ithout the township shall be laid out widened changed vacated by the courts of quarter sessions as heretofore the manner provided by the general road law and the mendments additions and supplements thereto All dam-es and benefits occasioned by such laying out and the bsequent opening thereof or by any such widening anging or vacation shall be assessed collected and paid the manner provided by the general road law and the mendments additions and supplements thereto

Section 1101.1 Power to Lay Out Open Widen Vacate Cetera The board of township supervisors may by solution ordain survey lay out open widen straighten cate and relay all roads streets lanes and alleys and rts thereof which are wholly within the township upon e petition of a majority in interest of the owners of operty or properties through whose land such road eet lane or alley passes or upon whose land it abuts without petition of the owners of abutting property if the judgment of the supervisors it is necessary for the blic convenience Such power shall include authority vacate in whole or in part roads streets lanes and eys laid out by the Commonwealth where the same ve remained unopened for a period of thirty years and o the authority to lay out and open a public road which ll be a continuation or extension of a street already ened by an adjacent city or borough

Section 1101.2 Burial Grounds Et Cetera Saved No such d street lane or alley shall be laid out and opened ough any burial ground or cemetery nor through any unds occupied by a building used by a quasi-public rporation or as a place for public worship or as a public parochial school or educational or charitable institu-or seminary unless the consent of the owner or cor-ration or person controlling the premises is first secured

Section 1101.3 Notice of Hearing The supervisors shall ve ten days' notice to the property owners affected reby of the time and place when and where all parties erested may meet and be heard Witnesses may be sum-ned and examined by the board and by the parties erested at such meeting or any adjournment thereof

Section 1101.4 Draft Report After such hearing and a nsideration of the matter should the supervisors or a jority thereof decide in favor of exercising the power so conferred they shall make written report together with a draft or survey of the road street lane or alley fixing the width thereof and noting the improvements along the line thereof and the names of the owners of property through which the same shall pass or whereon it shall abut Such report and draft shall be filed in the office of the clerk of the court of quarter sessions

Section 1101.5 Exceptions to Report Any citizen or free-holder of the township may within thirty days after the filing of the report of the board of supervisors upon enter-ing in the court sufficient surety to indemnify the board for all costs incurred in the proceedings file exceptions to the report together with a petition for a review

Section 1101.6 Appointment of Viewers Upon favorable action on such matter by the board of supervisors and after the expiration of the term allowed for filing excep-tions or upon the order of the court upon the disposition of any exceptions if in either case the compensation for the damages or benefits accruing therefrom have not been agreed upon the court of common pleas or any law judge thereof in vacation on application by petition by the board or any person interested shall appoint three viewers from the county board of viewers to assess the damages and benefits occasioned by the proceedings in the manner provided by this act for such proceedings

Section 1101.7 Notices to be Posted Along Improvement After the adoption of any resolution by the board of supervisors for the opening widening straightening extend-ing or vacating any road street or alley notice shall within ten days thereafter be given by handbills posted in con-spicuous places along the line of the proposed improve-ment Such notice shall state the fact of the adoption of the resolution and the date of the passage or approval

Section 2 Section one thousand one hundred and eleven of said act is hereby amended to read as follows

Section 1111 Time Within Which Roads To be Opened Whenever proceedings have been heretofore or may here-after be begun [in any court of quarter sessions] for the opening and laying out of any public road in any township such public road shall be physically opened upon the ground for use by the public within the period of five years next after the [entry of the final decree con-firming said road and not thereafter] completion of such proceedings

In the event that the proceeding for the opening and laying out of a public road referred to in this section shall have been completed [and a final decree confirming said road shall have been made] and such proposed road shall not have been physically opened upon the ground and shall have remained unopened to public use for a continuous period of five years next after the [entry of the final decree confirming said road] completion of such proceedings then such proceedings shall be deemed to be void and of no effect and the land proposed to be taken shall revert to the owners of the land as in the case of the vacation of a public road free of any easement or right of the public to use the same

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1112, as follows:

An Act authorizing the council of cities of the second class A to fix the salaries of members of the fire department and establishing minimum salaries

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The salaries of the chief of the fire department assistant chiefs of the fire department and all other members of the fire department of cities of the second class A of this Commonwealth shall be fixed by the council of such cities at a sum not lower than contained in the following schedule

Chief	$2800	per	annum
Assistant Chiefs	2460	"	"
Battalion Chiefs	2260	"	"

Master Mechanic	2200	"	"
Assistant Master Mechanic	2100	"	"
Hydrant Inspector	2160	"	"
Captains	2160	"	"
Lieutenants	2100	"	"
Engineers	2100	"	"
Fire Inspectors	2040	"	"
Privates	2040	"	"

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 658, as follows:

An Act to add clause forty-six to section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by authorizing appropriations for the support maintenance discipline and training of units of the National Guard and regulating the expenditure and accounting of such moneys

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended by adding thereto clause forty-six to read as follows:

XLVI Support of National Guard Units To appropriate annually a sum not exceeding seven hundred and fifty dollars for the support and maintenance discipline and training of any dismounted company or similar unit of the National Guard and a sum not to exceed fifteen hundred dollars for the support and maintenance of any mounted or motorized troop or similar unit of the National Guard Where such units are organized as a battalion regiment or similar organization the total amount due may be paid to the commanding officer of the battalion regiment or similar organization Any moneys so appropriated shall be paid by warrant drawn to the order of the commanding officer of such company battalion regiment or similar organization only when it shall be certified to the township by the Adjutant General of the State that the said company or companies have satisfactorily passed the annual inspection provided by law The moneys so appropriated shall be used and expended solely and exclusively for the support and maintenance discipline and training of the said company battalion regiment or similar organization and the commanding officer shall account by the proper vouchers to the said township each year for the expenditure of the money so appropriated and no appropriation shall be made for any subsequent year until the expenditure of the previous year is duly and satisfacorily accounted for

The accounts of such expenditures shall be subject to the inspection of the Department of Military Affairs and shall be audited by the Auditor General in the manner provided by law for the audit of accounts of State moneys

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1232, entitled:

An Act regulating the appointment promotion suspension reduction and reinstatement of employes (except superintendent of police and assistant superintendent of police) in bureaus of police detectives signal operators assistant signal operators police telephone operators police radio operators and assistant radio operators police women and police matrons in cities of the second class defining the powers and duties of civil service commissions for such purpose in said cities and repealing inconsistent legislation

The first and second sections were separately read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All positions in the bureau of police in each city of the second class (except superintendent and assistant superintendent) officer in charge of such bureau of police under the director of the department by whatever title his position may be designated as detective signal operators assistant signal operators police telephone operators police radio operators assistant police radio operators police women and police matrons in bureaus of police in each of said cities shall be in the competitive class of the civil service of said city

Section 2 The civil service commissions in cities of the second class shall not have the power to change any rule or regulation which shall have been established and which is in force and effect on the date of the approval of this act insofar as the same shall apply to the positions provided in this act to be in the competitive class nor shall any such commission have the power to waive any such rule or regulation in any specific case or cases

The third section was read as follows:

Section 3 Each applicant for original appointment to a position in the competitive class in any bureau of police in any city of the second class or to the position of detective signal operators assistant signal operators police telephone operators police radio operators and assistant police radio operators police women and police matrons in any such city shall undergo a physical examination which shall be conducted by a commission composed of doctors of medicine appointed for that purpose by the mayor Said commission shall certify to the civil service commission that the applicant is free from bodily or mental defects deformities or diseases that might incapacitate him from the performance of the duties of the position he is seeking before such applicant shall be permitted to take any further examination No application for such appointment shall be received from any person who is under twenty-one years of age or over thirty-five years of age at the date of his application Nor shall any such application be received from any person who shall not have been a bona fide resident of the city for one year next preceding the date of his application Provided however That any applicant for reinstatement as a member of the bureau of police or as detectives signal operators assistant signal operators police telephone operators police radio operators and assistant police radio operators police woman and police matrons of any such city in which he makes such application who shall have served previously as an employe in such bureau for a period of more than six months and who at the time of his application for reinstatement shall be a resident of such city shall be eligible for such reinstatement even though such applicant shall be over the age of thirty-five years

On the question,

Will the House agree to the section?

Mr. FLEMING. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 3, page 3, line 11, by striking out the word: "woman" and inserting in lieu thereof: "women"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth section was read and agreed to as follows:

Section 4 Reinstatement as employes in said bureaus of police as detectives signal operators assistant signal operators police telephone operators police radio operators and assistant police radio operators police women and police matrons in said bureaus of police may be made without any restriction or restrictions as to time No examination other than a physical examination as directed by the civil service commission shall be required in any case of reinstatement Any person so reinstated shall be the lowest in rank in the bureau in which he shall be reinstated next above the probationers in such bureau

No person employed in a competitive position in any bureau of police or as detective signal operators assistant signal operators police telephone operators police radio operators and assistant police radio operators police women and police matrons in any city of the second class shall be eligible for promotion from a lower grade to a higher grade until such person shall have completed at least seven years service in said lower grade

The fifth section was read as follows:

Section 5 No employe in the competitive class in any bureau of police in any city of the second class shall be removed discharged suspended for a period exceeding ten days as a penalty or reduced in rank or pay without his written consent except for just cause which shall not be religious or political nor in any event except by the decision of a court either of trial or inquiry duly determined and certified in writing to the mayor and approved in writing by the mayor which court shall be composed of three persons employed in said bureau of police equal or superior in rank therein to the accused Such decision shall only be determined by trial of charges with plain specifications made by or lodged with the director of the department of public safety of which trial the accused shall have due notice and at which he shall have the right to be present in person and also by a brother employe or an attorney-at-law to act as his counsel The persons composing such court shall be appointed as hereinafter provided and shall be sworn by the director of the department of public safety to perform their duties impartially without fear or favor and the person if highest rank in said court shall have the same authority to issue and enforce process to secure the attendance of witnesses and to administer oaths to witnesses as is possessed by any justice of the peace of this Commonwealth If said persons shall be equal in rank then the persons composing such court shall select one of their number to exercise said authority Such charges may be of disability for service in which case the court shall be one of inquiry whose decision may be for the honorable discharge with pension from the service of the employe concerned or of neglect or violation of law or duty inefficiency intemperance disobedience of orders or unbecoming official or personal conduct in which cases the court shall be one of trial and its decision shall authorize the director of the department of public safety to impose fines and pecuniary penalties to be stopped from pay or to suspend from pay or duty or both for a period fixed by them not exceeding one year or to dismiss from the service It shall be lawful for the director of the department of public safety at his discretion to suspend from duty before trial any employee charged as aforesaid until such trial can be had with or without pay as such court shall afterwards determine but no trial shall be delayed for more than ten days after the charge has been made

On the question,

Will the House agree to the section?

Mr. FLEMING. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 5, page 4, line 29, by striking out the word: "if" and inserting in lieu thereof: "of"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth section was read and agreed to as follows:

Section 6 The members of such court of inquiry or trial shall be selected as follows namely the director of the department of public safety in the presence of the employe charged and his brother officer or attorney-at-law acting as his counsel as aforesaid cause the names of at least twenty-five employees of the bureau of police who hold a position in the competitive class equal or superior in rank to the employee under charges to be written upon separate slips of paper of the same size color and texture and folded or rolled so that the names thereon cannot be distinguished until drawn as hereinafter provided cause said slips to be placed in a box or other receptacle properly adapted for the drawing therefrom of names by law as hereinafter provided Said twenty-five names so deposited shall be provided as follows the director of the department of public safety shall supply twelve thereof and the employe so charged shall supply thirteen thereof When said name shall have been so deposited in said box or receptacle the same shall be thoroughly shaken by some disinterested person until said slips of paper shall have been thoroughly mixed and thereupon such disinterested person shall draw therefrom singly and by law seven names and the director of the department of public safety and the person so charged shall each in order be entitled to exercise alternate challenges until the names of three persons are left and said three persons shall compose said court either of trial or inquiry as the case may be Any employe so charged may waive by his written consent the selection of a board by agreeing to the board that has already been chosen Any employe so charged if he shall demand it in writing shall be furnished promptly without cost or expense to him a transcript of the testimony taken before said court of inquiry or trial duly certified by the official reporter

After said decision of said court shall have been duly determined certified in writing to the mayor and approved by the mayor in writing the director of the department of public safety shall before imposing the penalty so determined furnish the person so charged with a written statement of the reasons for his said action and shall afford the person so charged a period of at least five days within which to make reply thereto if he so desires In every case of such removal discharge suspension reduction or fine a copy of the statement of the reasons therefor and the written answer thereto of the person so sought to be penalized if any together with a transcript of the proceedings and decision of said trial court shall be furnished forthwith to the civil service commission and entered upon its records If the employe affected shall demand it the civil service commission shall upon his written request therefor grant him a public hearing which hearing shall be held within a period of fifteen days from his said request At such hearing the burden of proof shall be upon the removing officer to justify his action If the civil service commission shall fail to sustain the action of the removing officer the person sought to be removed shall be reinstated with full pay for the entire period during which he may have been prevented from performing his usual employment and no charges shall be recorded against him A written record of all testimony taken at such hearing shall be kept and preserved by the civil service commission which record shall be sealed and not be available for public inspection unless an appeal be taken by the employe from the action of the commission Any employe so charged if he shall demand it in writing shall

be furnished promptly without cost or expense to him a transcript of the testimony taken before said civil service commission duly certified by the official reporter If the civil service commission shall sustain the action of the removing officer the person removed shall have the right to appeal to the court of common pleas of the county which appeal shall be taken within ninety days from the entry by the civil service commission of its final order When such appeal is so taken the civil service commission shall not later than ten days notice of such appeal shall have been served upon it by the employe appealing make and certifying to the court of common pleas a complete record including the written charges the employe's answer thereto if any the testimony taken before the commission and all other papers and documents in its files in connection with said appeal The court of common pleas shall have the power to inspect said record and if it shall find the same to be incomplete or insufficient in any matter to order and direct the civil service commission to supply such defect The court of common pleas shall proceed to hear said appeal upon the record so certified and no additional evidence shall be introduced The court of common pleas shall have the power to affirm or reverse the order of the civil service commission or in its discretion to modify the same Any employe so charged who shall be dissatisfied with the decision of the court of common pleas shall have the right to appeal to the Supreme Court of Pennsylvania Neither the city the removing officer nor any person other than the employe so charged shall have any right to appeal either to the court of common pleas or to the Supreme Court of Pennsylvania The power to suspend shall in no event be for minor or petty offenses or for political or religious reasons

The seventh section was read as follows:

Section 7 If for reasons of economy lack of funds abolition of position or positions or for any other reason it becomes necessary for any city of the second class to reduce the number of employes of its bureau of police or detectives signal operators assistant signal operators police telephone operators radio operators and assistant radio operators police women and police matrons then the city shall follow the following procedure

First If there are any employes in its bureau of police or detectives signal operators assistant signal operators police telephone operators police radio operators and assistant radio operators police women and police matrons eligible for retirement under the terms of any pension fund then such reduction in number shall be made by retirement on pension of all the oldest in age and service

Second If the number of employes in its bureau of police or detectives signal operators assistant signal operators telephone operators radio operators and assistant radio operators police women and police matrons eligible for retirement under the pension fund of said city if any is insufficient to effect the reduction in number desired by said city or if there is no eligible person for retirement or if no pension fund exists in said city then the reduction shall be effected by suspending the last man or men including probationers that have been appointed Such removal shall be accomplished by suspending in numerical order commencing with the last man appointed all recent appointees until such reduction shall have been accomplished Whenever the number of such employees in the bureau of police or detectives signal operators assistant signal operators telephone operators radio operators and assistant radio operators police women and police matrons shall again be increased in numbers or if any vacancies occur the employes suspended under the terms of this act shall be reinstated to their former class before any new appointees are appointed

On the question,

Will the House agree to the section?

Mr. FLEMING. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 7, page 9, line 18, by striking out the word: "woman" and inserting in lieu thereof: "women"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The eighth and ninth sections were separately read and agreed to as follows:

Section 8 If any person in the employ of a city of the second class as a policeman or detective signal operator assistant signal operator police radio operator assistant radio operator and telephone operator police woman and police matron in such city shall be convicted of crime the proper appointing officer shall not be required to dismiss such employe but shall have the right and power to retain such employe in his said position if in the discretion of such appointing officer facts and circumstances surrounding the conviction of such employe are such is not to require his dismissal

Section 9 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not effect the validity of the remaining provisions of this act It is hereby declared as a Legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provision not been included therein

The tenth section was read as follows:

Section 10 It is the purpose of this act to furnish in connection with the act of Assembly approved the third day of May one thousand nine hundred and seven (Pamphlet Laws 206) entitled "An act to regulate and improve the civil service of cities of the second class in the Commonwealth of Pennsylvania making violations of its provisions to be misdemeanors and providing penalties for violations thereof" a complete and exclusive system for the appointment promotion reduction removal suspension and reinstatement of employes in the competitive class in bureaus of police and detectives signal operators assistant signal operators police telephone operators police radio operators and assistant police radio operators in cities of the second class

On the question,

Will the House agree to the section?

Mr. FLEMING. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 10, page 11, line 11, by inserting before the word "third" the following "twenty-".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The eleventh and twelfth sections and title were separately read and agreed to as follows:

All other acts and parts of acts general special or local inconsistent herewith are hereby repealed

Section 12 This act shall become effective immediately upon final enactment

An Act regulating the appointment promotion suspension reduction and reinstatement of employes (except superintendent of police and assistant superintendent of police) in bureaus of police detectives signal operators assistant signal operators police telephone operators police

adio operators and assistant radio operators police wo-
nen and police matrons in cities of the second class de-
ning the powers and duties of civil service commissions
or such purpose in said cities and repealing inconsistent
egislation

And said bill having been read at length the second
ime and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and con-
ideration of House Bill No. 1093, as follows:

An Act to further amend section one of the act approved the tenth day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred seventy-nine) entitled "An act regulating the sale in bulk of fifty-one per centum or more of the stock of goods wares or merchandise of any kind fixtures machinery equipment or real estate by every corporation joint-stock association limited partnership or company providing certain requirements therefor and imposing certain duties upon the seller and buyer and fixing penalties" by requiring certain matters to be filed with or obtained from the Department of Revenue instead of the Auditor General in order to conform said act to existing law

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the tenth ay of May one thousand nine hundred twenty-seven Pamphlet Laws eight hundred seventy-nine) entitled An act regulating the sale in bulk of fifty-one per cen-m or more of the stock of goods wares or merchandise f any kind fixtures machinery equipment or real estate y every corporation joint-stock association limited part-ership or company providing certain requirements there-or and imposing certain duties upon the seller and buyer nd fixing penalties" as last amended by the act ap-roved the second day of July one thousand nine hun-red thirty-seven (Pamphlet Laws two thousand eight undred twenty-three) is hereby further amended to read s follows

Section 1 Be it enacted by the Senate and House of epresentatives of the Commonwealth of Pennsylvania General Assembly met and it hereby enacted by the uthority of the same That every corporation joint-stock ssociation limited partnership or company now or here-fter incorporated or organized under the laws of this ommonwealth or under the laws of the United States r any other state and engaged in business in this Com-onwealth which shall sell in bulk fifty-one per centum r more of any stock of goods wares or merchandise of ny kind fixtures machinery equipment buildings or real state shall give the [Auditor General] Department of evenue ten days' notice of the sale prior to the com-letion of the transfer of such property It shall also be he duty of every corporation joint-stock association mited partnership or company to file all State tax reports ith the [Auditor General] Department of Revenue to the ate of such proposed transfer of property and pay all axes and unemployment compensation contributions due he Commonwealth to said date The seller shall present o the purchaser of such property a certificate from the Auditor General] Department of Revenue showing that ll State tax reports have been filed and all State taxes nemployment compensation contributions paid to the ate of the proposed transfer The failue of the purchaser o require this certificate shall render such purchaser able to the Commonwealth for the unpaid taxes owing y the seller or transferer Provided further That nothing ontained in this act shall apply to sales made under any rder of court or to any sales made by assignees for the enefit of creditors executors administrators receivers or ny public officer in his official capacity or by any officer f a court

Section 2 This act shall become effective immediately pon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 848, as follows:

An Act to amend section one of the act approved the eleventh day of May one thousand eight hundred ninety-three (Pamphlet Laws forty-two) entitled "An act to authorize corporations organized for profit under the laws of Pennsylvania to make allowances or pensions to employes for faithful and long continued service who in such service have become old infirm or disabled" by extending its provisions to include directors and officers of such corporations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the eleventh day of May one thousand eight hundred ninety-three (Pamphlet Laws forty-two) entitled "An act to authorize corporations organized for profit under the laws of Pennsylvania to make allowances or pensions to employes for faithful and long continued service who in such service have become old infirm or disabled" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act corporations organized for profit under the laws of the Commonwealth of Pennsylvania may out of the earnings of said corporations grant allowances or pensions to directors officers or employes for faithful and long continued service who have in such service become old infirm or disabled

[Provided That the provisions of this act shall not apply to any director or officer of any such company or corporations]

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 169, entitled:

An Act to amend subsection eighteen as added to paragraph one of clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries

the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by further providing for additional investments of trust funds by fiduciaries

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection eighteen of paragraph one of clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgags of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" which was added to said section by section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1037) is hereby amended to read as follows

Subsection (18) Obligations of the General State Authority [and] Housing Authorities and Authorities created under Municipality Authorities Act Bonds of General State Authority issued pursuant to the provisions of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) its amendments and supplements and bonds of any housing authority issued pursuant to the provisions of the laws of this Commonwealth relating to the creation or operation of such housing authorities also bonds of any authority existing by virtue of the Municipality Authorities Act of one thousand nine hundred and thirty-five approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 463) and its supplements and amendments

On the question,

Will the House agree to the section?

Mr. BOYD. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 3, line 23, by striking out the following: "aduit" and inserting in lieu thereof: "audit"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon its final enactment

An Act to amend subsection eighteen as added to paragraph one of clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by further providing for additional investments of trust funds by fiduciaries

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1164, as follows:

An Act to amend clause (b) two of section eight of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by authorizing the omission of certain parts of accounts and auditors' reports from the dockets of such courts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (b) two of section eight of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" is hereby amended to read as follows

2 Said clerks are hereby authorized and required to keep in dockets provided for the purpose a full record of

all proceedings of their respective courts and place upon record in a fair legible hand or in typewriting in a book or books to be provided for that purpose all accounts of executors administrators guardians and trustees as well as all reports of auditors appointed by said courts respectively omitting the testimony and documents accompanying [the same] such accounts and reports and those parts of such accounts and reports as the courts by general or special rule may prescribe the fees for this service to be one-half of the amount now allowed by law for the recording of deeds

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 907, as follows:

An Act to amend the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended by adding thereto section one thousand one hundred and ninety-seven regulating the expenditure of funds allocated by any agency or department of the Commonwealth to townships of the second class in which the public roads and bridges are opened made amended and repaired by taxpayers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended by adding thereto after section one thousand one hundred and ninety-six section one thousand one hundred and ninety-seven to read as follows

Section 1197 Any funds allocated by any agency or department of the Commonwealth or appropriated by the Commonwealth to townships of the second class for the purpose of opening making amending and repairing the public highways and bridges shall be paid to and used by the taxpayer or taxpayers who have acquired the right to open make amend and repair the public highways and bridges under provisions of this sub-section provided that the funds so appropriated shall be expended by such taxpayer or taxpayers in compliance with such rules and regulations which the properly designated department or agency of the Commonwealth may prescribe

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 887, as follows:

An Act to amend section twenty of the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt return to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" as amended by providing for the payment of all fees to local registrars of vital statistics by the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twenty of the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt return to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" as last amended by the act approved the seventh day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 857) is hereby further amended to read as follows

Section 20 That each registrar shall be entitled to be paid the sum of fifty cents for each birth or death certificate properly and completely made out and registered with him and correctly copied and duly returned by him to the State Registrar as required by this act [Provided That in cities of the first and second class the expense of birth and death registration shall be paid from funds appropriated to the Department of Health in such manner as other payments are made for general purposes] and in case no births or deaths were registered during any month the local registrar shall be entitled to be paid the sum of fifty cents for each report to that effect promptly made in accordance with this act All amounts payable to registrars [except in cities of the first and second class as provided in this section] shall be paid [by the treasurer of the county in which the registration districts are located upon certification by the State Registrar and the State Registrar shall annually certify to the treasurers of the several counties the number of births and deaths registered with the names of the local registrars and the amount due each at the rate fixed herein] by the Commonwealth from funds appropriated to the Department of Health

Section 2 This act shall become effective on the first day of June one thousand nine hundred and thirty-nine

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 948, as follows:

An Act to amend section eight hundred and four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" further restricting payments out of township treasuries and giving township treasurers discretion to refuse payments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eight hundred and four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending

revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 804 Payment of Moneys on Orders The township treasurer shall pay out the moneys coming into his hands only on orders numbered in the order of their issue signed by the president or vice-president and attested by the secretary or assistant secretary of the board [and] designating the appropriation out of which the orders shall be paid and accompanied by the bill or bills to be paid and a copy of the ordinance or resolution authorizing such payment Any township treasurer who shall pay out moneys in his hands except upon such orders or shall pay out moneys in excess of the appropriation shall be allowed no credit in the settlement of his accounts for the sum or sums so paid out nor shall he have any claim or right of action against the township therefor The township treasurer shall have power in his discretion to refuse payment of any order which he deems improper and not in conformity with law

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 714, as follows:

An Act to amend section four of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 289) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing pelanties and repealing certain acts and parts of acts relating to corporations" as amended extending the provisions of said act to permit corporations to be formed for beneficial and protective purposes to the widows and families of policemen and firemen under and in accordance with such provisions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 289) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1980) is hereby further amended to read as follows

Section 4 Scope of Act This act does not relate to does not affect and does not apply to

(1) Cooperative associations whether for profit or not for profit

(2) Beneficial benevolent fraternal and fraternal benefit societies having a lodge system and a representative form of government or transacting any type of insurance whatsoever Provided however That corporations may be incorporated under and in accordance with the provisions of this act for beneficial and protective purposes to the widows and families of deceased members of policemen or firemen which corporations are maintained primarily by funds collected from members thereof and from gifts and donations

(3) Any corporation whatsoever organized for any purpose or purposes involving pecuniary profit to its members or shareholders

(4) Any corporation which by the laws of this Commonwealth is subject to the supervision of the Department of Banking the Insurance Department the Pennsylvania Public Utility Commission or the Water and Power Resources Board Provided however That corporations subject by law to the limited supervision of the Insurance Department may be incorporated under and in accordance with the provisions of this act for the purpose of establishing maintaining and operating a nonprofit hospital plan whereby hospitalization may be provided to subscribers of such plan by any hospital with which such corporations have a contract for such hospitalization

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1162, as follows:

An Act to amend section forty-nine by adding thereto clause (g) and to further amend clause (k) of section fifty-nine of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to

fiduciaries concerned with the estates of decedents" by providing for the appointment of substitute fiduciaries to execute decrees of distribution in certain cases and by altering the procedure and requirements for the appointment of guardians ad litem

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section forty-nine of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" is hereby amended by adding thereto after clause (f) a new clause to read as follows

(g) When a sole executor administrator trustee or guardian dies or becomes incapable of performing his duties after an account has been filed and no fiduciary represents his estate the orphans' court after audit of the account confirmation thereof and decree entered may appoint a substitute to execute the decree of distribution less costs and expenses allowed by the court

Section 2 Clause (k) of section fifty-nine of said act as amended by the act approved the sixth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 98) is hereby further amended to read as follows

(k) In all cases in which proceedings may be had in any orphans' court affecting the interest of a minor notice of such proceedings shall be given to the guardian of such minor in the same manner as is provided by law in the case of persons of full age If such minor has no guardian appointed by an orphans' court of this Commonwealth or by will probated within this Commonwealth the orphans' court in which such proceedings shall be pending shall appoint a guardian ad litem for such minor [in the same manner as is provided by this act in the case of ordinary applications for the appointment of guardians If such minor or his next friend shall fail or refuse to apply for the appointment of a guardian ad litem as aforesaid then such guardian shall be appointed by said court on petition filed by any person interested in such proceedings or the court may appoint a guardian ad litem without petition] Notice shall be served as aforesaid upon such guardian ad litem whenever notice be requisite

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1388, as follows:

An Act to amend section three of the act approved the second day of May one thousand nine hundred five (Pamphlet Laws three hundred fifty-one) entitled "An act authorizing the Attorney General to retain and employ attorneys to represent the Commonwealth in criminal proceedings in the various courts of oyer and terminer general jail delivery and quarter sessions if requested to do so by the president judge of the district having jurisdiction thereof providing for the compensation of such attorneys and defining their duties and powers" by making counties liable for the payment of the compensation and expenses of attorneys appointed by the Attorney General

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the second Laws three hundred fifty-one) entitled "An act authorizing day of May one thousand nine hundred five (Pamphlet the Attorney General to retain and employ attorneys to represent the Commonwealth in criminal proceedings in the various courts of oyer and terminer general jail delivery and quarter sessions if requested to do so by the president judge of the district having jurisdiction thereof providing for the compensation of such attorneys and defining their duties and powers is hereby amended to read as follows

Section 3 The compensation for services rendered and necessary expenses incurred by the attorney or attorneys so retained and employed shall be fixed by the Attorney General and shall be paid [by warrant drawn by the Auditor General upon the State Treasurer] by the county in which the case or cases for which such attorney or attorneys were retained and employed may arise

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1256, as follows:

An Act to amend subdivision (b) of article three of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for a State association for recorders of deeds and allowing expenses in attending annual meetings

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subdivision (b) of article three of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding at the end thereof a new heading and two new sections to read as follows

Recorders of Deeds

Section 98 Formation Purpose The recorders of deeds of the several counties of this Commonwealth are hereby authorized to organize themselves into a State association with power to hold annual meetings at such time and place within the State as they may designate for the purpose of securing more uniformity and cooperation in the conduct of their offices and improving their service to the public

Section 99 Expenses Time Limit Each recorder of deeds or a deputy recorder of deeds or person representing any recorder of deeds shall be allowed all reasonable expenses

including hotel bills and traveling expenses actually incurred going to attending and returning from any annual meeting of the association but not in excess of fifty dollars ($50.00) in any one year which shall be paid by the county of which he or she is an officer by orders drawn on the treasury thereof The time spent in attending such meetings shall not be more than three days exclusive of the time employed in traveling thereto and therefrom The expenses of the annual meeting of the association including any necessary amount for printing committee meetings and stenographic services shall be paid by the proper counties but shall not exceed twenty-five dollars ($25.00) for each county the recorder of deeds of which is a member of said association

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 297, as follows:

An Act authorizing women who have been divorced from the bonds of matrimony to retake and use their maiden names and making certified copies of their election evidence in all cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It shall be lawful for any woman who has heretofore been or shall hereafter be divorced from the bonds of matrimony to retake and thereafter use her maiden name shall file a written notice avowing such intention in the office of the prothonotary of the court in which such decree of divorce was entered showing the caption and number and term of the proceeding in divorce and duly acknowledged before a notary public A copy of the instrument so filed duly certified by the prothonotary shall be competent evidence for all purposes of the right and duty of such woman to use such maiden name thereafter

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1076, as follows:

An Act to amend the act approved the first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1168) entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the board prescribing certain penalties" broadening the definition of "labor dispute" further defining the rights of employes further defining and limiting unfair labor practices making further provision for designation and selection of representatives for the purposes of collective bargaining changing the practice before the Pennsylvania Labor Relations Board and limiting its powers in certain cases and requiring investigations of labor disputes and issuance of subpoenas on the application of either party to a controversy

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (h) of section three sections five six seven and eight and the first paragraph and clause (a) of section ten of the act approved the first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1168) entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employes to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the board prescribing certain penalties" are hereby amended to read as follows

Section 3 Definitions When used in this act

* * * * *

(h) The term "labor dispute" includes any controversy [concerning (1) terms tenure or conditions of employment of concerning (2) the association or representation of persons in negotiating fixing maintaining changing or seeking to arrange terms or conditions or employment regardless of whether the disputants stand in the proximate relation of] between an employer and [employe] his employes

Section 5 Rights of Employes Employes shall have the right to self-organization to form join or assist labor organizations to bargain collectively through representatives of their own choosing free from interference or coercion from any source and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection

Section 6 Unfair Labor Practices It shall be an unfair labor practice for an employer

(a) To interfere with restrain or coerce employes in the exercise of the rights guaranteed in this act but it shall not be an unfair labor practice for an employer to express opinions with respect to any matter of interest to employes or the public provided such expressions are not accompanied by acts of discrimination or threats

(b) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it Provided That subjects to rules and regulations made and published by the board pursuant to this act an employer shall not be prohibited from permitting employes to confer with him during working hours without loss of time or pay

(c) By discrimination in regard to hire or tenure of employment or any term or condition of employment to

courage or discharge membership in any labor organization Provided That nothing in this act or in any agreement approved or prescribed thereunder or in any statute of this Commonwealth shall preclude an employer from making an agreement with a labor organization (not established maintained or assisted by any action defined in this act as an unfair labor practice) to require as a condition of employment membership therein if such labor organization is the representative of the employes as provided in section seven (a) of this act in the appropriate collective bargaining unit covered by such agreement when made

(d) To discharge or otherwise discriminate against an employe because he has filed charges or given testimony under this act

(e) To refuse to bargain collectively with the representatives of his employes subject to the provisions of section seven (a) of this act

(f) To deduct or assist in deducting from the wages of any employe and money for dues or any other purpose payable to any labor organization unless he is authorized so to do by a majority vote of all of his employes taken by secret ballot

The provisions of this act shall not be applied in favor of any employe who has

(a) interfered with or restrained any other employe in the exercise of his rights

(g) Directly or indirectly through threats or coersion attempted to induce any other employe to join or refrain from joining any labor organization or to continue or suspend his employment or to influence his selection of representatives for the purpose of collective bargaining

(c) Engaged in or resorted to any act in connection with his employment or that of others which is in violation of any civil or criminal law

(d) Interfered with the orderly conduct of the business of any employer in case of dispute among employes their representatives or labor organizations

(e) Participated in a strike not authorized by a majority vote of all of the employes concerned taken by a secret ballot

(f) Participated in a strike in violation of a valid contract or agreement

When it shall be determined that any employe has committed any of said acts such employe shall not be reinstated if dismissed nor shall any salary or other compensation be directed to be paid to him other than such as has already been earned nor shall he be granted any other relief under the provisions of this act

Section 7 Representatives and Elections (a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employes in a unit appropriate for such purposes shall be the exclusive representatives of all the employes in such unit for the purposes of collective bargaining in respect to rates of pay wages hours of employment or other conditions of employment Provided That any individual employe or a group of employes shall have the right at any time to present grievances to their employer

(b) The board shall decide in each case whether in order to insure to employes the full benefit of their right to self-organization and to collective bargaining and otherwise to effectuate the policies of this act the unit appropriate for the purposes of collective bargaining shall be the employer unit craft plant unit or subdivision thereof Provided That when any group of employes shall by majority vote signify its preference in favor of the craft unit the board shall designate such unit as the appropriate unit for such purposes

(c) Whenever a question arises concerning the representation of employes the board may investigate such controversy and certify to the parties in writing the name or names of the representatives who have been designated or selected In any such investigation the board shall provide for an appropriate hearing upon due notice either in conjunction with a proceeding under section eight or otherwise any may [take a secret ballot of employes or] utilize any [other] suitable method to ascertain such representatives except that if either party to the controversy so requests a secret ballot of employes shall be taken within twenty days after such request is filed Any certification of representatives by the board shall be binding for a period of one year or for a longer period if the contract so provides even though the unit may have changed its labor organization membership

(d) Whenever an order of the board made pursuant to section eight subsection (c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section and there is a petition for the enforcement or review of such order such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under subsections (a) or (b) of section nine and thereupon the decree of the court enforcing modifying or setting aside in whole or in part the order of the board shall be made and entered upon the pleadings testimony and proceedings set forth in such transcript

Section 8 Prevention of Unfair Labor Practices (a) The board is empowered as hereinafter provided to prevent any person from engaging in any unfair labor practice listed in section six of this act This power shall be exclusive and shall not be affected by any other means of adjustment or prevention that have been or may be established by agreement law or otherwise

(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice the board or any member or designated agent thereof shall have authority to issue and cause to be served upon such person a complaint stating the charges in that respect and containing a notice of hearing before the board or any member or designated agent thereof at a place therein fixed not less than five days after the serving of said complaint Any such complaint may be amended by the board member or agent conducting the hearing at any time prior to the issuance of an order based thereon The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint In the discretion of a member or agent conducting the hearing or of the board any other person may be allowed to intervene in the said proceeding and to present testimony In any such proceeding the rules of evidence prevailing in courts of law or equity shall be followed but shall not be controlling

(c) The testimony taken at the hearing shall be reduced to writing and filed with the board The board upon notice may take further testimony or hear argument If upon all the testimony taken the board shall determine that any person named in the complaint has engaged in or is engaging in any such unfair labor practice the board shall state its findings of fact and issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice and to take such affirmative action including reinstatement of employes with or without back pay as will effectuate the policies of this act Such order may further require such person to make reports from time to time showing the extent to which the order has been complied with If upon all the testimony the board shall be of the opinion that the person or persons named in the complaint has not engaged in or is not engaging in any such unfair labor practice then the board shall make its findings of fact and shall issue an order dismissing the complaint

(d) Until a transcript of the record in a case shall have been filed in a court as hereinafter provided the board may at any time upon reasonable notice and in such manner as it shall deem proper modify or set aside in whole or in part and finding or order made or issued by it

(e) Any compromise or other adjustment of any charge made by the board or by its authority with the person charged with an unfair labor practice shall as long as complied with preclude any further action on the same charge by the board

Section 10 Investigatory Powers For the purpose of all hearings and investigations which in the opinion of the board are necessary and proper for the exercise of the powers vested in it by sections seven and eight and for the purpose of investigating and considering labor disputes which it shall be the duty of the board to undertake whenever petitioned so to do by either an employer or the representative of any unit of employes

(a) The board or its duly authorized agents shall at all

reasonable times have access to for the purpose of examination and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question Any member of the board shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the board its members or agent conducting the hearing or investigation Such subpoenas shall be issued as a matter of right upon the request of either party at any time during the pendency of a proceeding Any member of the board or any agent designated by the board for such purposes may administer oaths and affirmations examine witnesses and receive evidence

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 993, as follows:

An Act relating to sheriff sales of real estate heretofore or hereafter made changing the rule of evidence that the price at which a plaintiff on the list bids in real estate at sheriff sale is conclusive providing a procedure by which the actual value of real estate so produced by the plaintiff on the list may be established and credited against the judgment or debt to collect which the sheriff sale was had and providing a limitation of time within which such procedure may be invoked

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That whenever heretofore or hereafter real estate shall have been sold at a sheriff sale and purchased by or on behalf of the plaintiff in the writ on which said sheriff sale is had the price bid by or on behalf of said plaintiff at such sale shall not be conclusive evidence of the value of the real estate so purchased but shall be deemed to be only the prima facie evidence of the value thereof

Section 2 After said sale the defendant in the judgment or proceeding on which the sheriff sale was held or any party secondarily liable therefor may petition the court in which the judgment is entered to open judgment for the sole purpose of being allowed to establish the actual value of the real estate purchased by the plaintiff Provided That where the holder of a mortgage has purchased the mortgaged property at the sheriff sale pursuant to scire facias proceedings and thereafter brings action against the mortgagor or a party secondarily liable on the obligation accompanying the mortgage to collect the balance of the mortgage debt the defendant shall have the right to plead and show as a matter of defense and set-off that the property so purchased by the plaintiff at the sheriff sale was actually worth more than the amount of the debt secured by the mortgage at the time of the sale or that the amount bid and paid therefor was substantially less than its actual value

The burden of so showing shall be upon the defendant The actual value of the real estate as found shall be credited as a set-off against the mortgage debt sued for

Section 3 After five years from the date of the sheriff sale the price bid by a plaintiff on the writ who has purchased the real estate thereto shall become conclusive of the value thereof Provided That at any time before the expiration of five years from the date of a sheriff sale (not made pursuant to a personal judgment against the defendant) the defendant or the party secondarily liable for the debt for the collection of which the real estate shall have been sold shall upon petition to a court of appropriate jurisdiction be entitled to a rule on the plaintiff in the writ under which the sheriff sale was held to show cause why the actual value of the real estate so acquired should not be fixed at the sum set forth in the petition Whereupon unless an answer be filed contesting the actual value of the real estate so pleaded the court shall decree that the petitioner shall be entitled to credit in that amount upon the unpaid balance of the debt If the value so pleaded is denied by the answer the disputed fact may be determined by a judge of the court or at the request of either party and accompanied by the payment of a jury fee the said disputed fact shall be determined by a jury but the burden of proving the value shall be upon the petitioner The actual value so adjudged in the proceedings shall be credited on the unpaid balance of the debt if any is still due Provided That in any case in which the right to apply for relief herein granted shall be sooner barred the application to the court may be made within two years from the effective date of this act

Section 4 Nothing herein contained nor the filing of a petition by any party in interest shall in any wise affect the validity of any sale of real estate heretofore held nor the title acquired thereunder

Section 5 The provisions of this act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction the decision of such court shall not affect nor impair any of the remaining provisions It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 6 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 996, as follows:

An Act to amend section three hundred eight and section seven hundred two as amended of the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws 289) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by facilitating the procedure to borrow money and to acquire or dispose of real estate and to facilitate the approval of amendments by members

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred eight of the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws 289) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the term and conditions upon which foreign nonprofit corporations may

be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" is hereby amended to read as follows

Section 308 Procedure to Borrow Money and to Acquire or Dispose of Real Estate Unless its articles or by-laws provide otherwise or for the approval of another body a nonprofit corporation shall not borrow money or purchase sell lease away or otherwise dispose of any real estate unless and until a resolution authorizing the same shall have been approved by an affirmative vote thereof of a majority of the members present at a regular or special meeting of the members of the corporation [at a regular or special meeting] duly convened upon proper notice of this purpose at which meeting a quorum as fixed by the by-laws shall be present in person A resolution of the members authorizing the borrowing of money need not specify the particular sums rates of interest or times of maturity of the loans but such item may be agreed upon and authorized by the directors of the corporation Every nonprofit corporation may mortgage sell lease away or otherwise dispose of any of its real estate without application to and the authorization or confirmation of any court except in those cases where the Revised Price Act of one thousand nine hundred and seventeen approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws three hundred eighty-eight) and its and supplements confers jurisdiction upon the orphans' court or the court of common pleas of a particular county to authorize or confirm the selling leasing conveying upon ground rent or mortgaging of real estate by a corporation All proceeds derived by a nonprofit corporation from any loan sale lease ground rent or mortgage shall be faithfully and specifically used for or applied to the lawful activities of the corporation and in case such proceeds are derived from any real estate subject to a trust the trust shall be impinged upon such proceeds

Section 2 Section seven hundred two of said act as amended by the act approved the second day of July one thousand nine hundred thirty-seven (Pamphlet Laws 2838) is hereby further amended to read as follows

Section 702 Approval of Amendments by Members Before the application is made to the court a resolution authorizing the proposed amendments shall be adopted by the affirmative vote thereon of [at least] a majority of the members [entitled to vote thereon] present at a regular or special meeting of the members of the corporation duly convened [after at least] upon ten days' written notice [to all the members] of this purpose at which meeting a quorum as fixed by the by-laws shall be present in person If a proposed amendment would make any change in the rights of the members of any class then the members of such class shall be entitled to vote as a class upon such amendment whether by the terms of the articles such class is or is not entitled to vote and in addition to the general vote herein required the affirmative vote of at least a majority of the members of each class so affected by the amendment shall be necessary for the adoption thereof Any amendments which might be adopted at a meeting of the members may be adopted without a meeting if written consent to the amendment has been given by all members entitled to vote thereon The resolution shall contain the language of the proposed amendment to the articles by providing that the articles shall be amended so as to read as therein set forth in full or that any provision thereof be amended so as to read as therein set forth in full or that the matter stated in the resolution be added to or stricken from the articles

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 482, as follows:

An Act assenting to the provisions of the Act of Congress entitled "An act to provide that the United States shall aid the States in wildlife-restoration projects and for other purposes" approved September second one thousand nine hundred and thirty-seven and conferring certain powers and duties on the Pennsylvania Game Commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Commonwealth of Pennsylvania here assents to the provisions of the Act of Congress entitled "An act to provide that the United States shall aid the States in wildlife-restoration projects and for other purposes" approved September second one thousand nine hundred and thirty-seven (Public No 415 75th Congress 1st session) and the Pennsylvania Game Commission is hereby authorized empowered and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife-restoration projects as defined in said Act of Congress in compliance with said act and rules and regulations promulgated by the Secretary of Agriculture thereunder

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1171, as follows:

An Act to amend Section 1109-1 as added and section one thousand one hundred and eleven of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" further providing for the powers and limitations upon powers of corporations with fiduciary powers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1109-1 of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or

private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as added by section two of the act approved the fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1675) is hereby amended to read as follows

Section 1109-1 Investment of Fiduciary Funds in Undivided Interests in Bonds Secured by Mortgages or in Other Securities A A bank and trust company in its trust department or a trust company may create undivided interests in any single bond secured by a mortgage upon improved real estate situated within this Commonwealth not including real estate used as a theater or for manufacturing purposes or in any single security [to be apportioned among estates of which it is fiduciary] Any such bond secured by a mortgage and any such security shall be of the class authorized as legal investments for funds held by fiduciaries [The bank and trust company or the trust company shall create and assign such undivided interests in a bond secured by a mortgage or in a security to estates of which it is the fiduciary in the proportion to which their funds were used to purchase such asset] Interests in any such asset shall not be sold or otherwise disposed of except as hereinafter expressly provided [to any corporation or person but shall be held solely by the bank and trust company or the trust company as fiduciary and the equitable interests owned solely by the estates of which such bank and trust company or such trust company is fiduciary] The trust department of a bank and trust company which shall acquire any such bond secured by a mortgage or any such security may from time to time apportion fractional undivided interests therein to estates of which it is fiduciary in the proportion to which their funds are used to purchase such asset and the commercial department of such bank and trust company may acquire and own any remaining undivided interest in such asset until funds of estates of which it is fiduciary are invested therein Provided however That no such fractional undivided interest owned by such commercial department shall be sold in whole or in part to any estate of which the bank and trust company is fiduciary after two years from the date of acquisition by the bank and trust company of the bond secured by a mortgage or the security Interests in any such asset may be transferred in distribution to any beneficiary and may be sold by such bank and trust company or trust company to another trust estate or estates of which it is fiduciary or in order to make distribution may be sold by a bank and trust company to its commercial department which may in turn resell the same to another trust estate or estates of which it is fiduciary but not to any other corporation or person and the two year limitation herein contained shall not apply to such resales

The bank and trust company or the trust company shall have the right in its own name but for the benefit of the estates persons and corporations having undivided interests therein to manage and control any such bond secured by a mortgage or such security to collect the income and principal thereof to sell exchange release or convert the same to consent to a change in the rate of interest the renewal extension or refunding thereof to enforce payment of the principal or interest thereof by any appropriate means or action to foreclose the mortgage accompanying any such bond and acquire title to the mortgaged properties to pay all taxes assessments insurance and other charges and make repairs alterations and improvements on the properties to lease sell or convey said properties to advance funds for the payment of taxes charges and expenses with a priority for reimbursement out of the income or principal before distribution thereof and generally to exercise all such rights of ownership as shall be for the best interests of all parties having undivided interests therein

B Such bank and trust company or such trust company shall designate clearly upon its records the names of the estates on behalf of which such bank and trust company or trust company as fiduciary owns a fractional undivided interest in any bond secured by a mortgage or in any such security and the extent of the interests of such estates therein and the extent of the interest if any of the commercial department of the bank and trust company in any such asset No such estate or bank and trust company shall be deemed to have individual ownership of any such bond secured by a mortgage or any such security but shall be deemed to have an undivided interest therein

The bank and trust company or the trust company may issue a certificate of participation for every estate on behalf of which such bank and trust company or trust company as fiduciary owns a fractional undivided interest in any such bond secured by a mortgage or in any such security The bank and trust company or the trust company shall maintain a record on its books of the holder of every such certificate and shall be entitled to consider and deal with the registered holder as the sole and absolute owner thereof Such certificate shall be transferable on the books of the bank and trust company or the trust company by the registered holder but only upon surrender of the certificate properly assigned Such certificate shall state on its face that it is issued without guarantee by the issuing bank and trust company or trust company of the payment of either principal or interest and that it will be paid only when funds become available out of any such bond secured by a mortgage or any such security It shall also state any other important condition governing [such situation] the transfer thereof and the control and management of the asset in which it represents an undivided interest

C This section shall not be construed to affect fractional interests in any such bond secured by a mortgage or in any such security created by a bank and trust company or a trust company prior to the third day of July one thousand nine hundred and thirty-three and the amendments to this section shall not be construed to affect fractional interests in any bond secured by a mortgage or in any single security created by a bank and trust company or a trust company prior to the effective date of such amendments

Section 2 Section one thousand one hundred and eleven of said act is hereby amended to read as follows

Section 1111 Limitation upon Purchase or Exchange of Assets of Commercial Department A bank and trust company shall not directly or indirectly purchase with funds held by it as fiduciary or exchange for any real or personal property held by it as fiduciary any asset of its commercial department but this prohibition shall not apply (1) in the case of bonds or other interest-bearing obligations of the United States of this Commonwealth or of any county city borough township school district or poor district of this Commonwealth nor (2) in the case of assets of its commercial department earmarked for future trust investment at the time of acquisition by the commercial department and purchased or exchanged within one year after acquisition with funds or for property held by it [as fiduciary] in its trust department nor (3) in any other case otherwise specifically provided for by this act A report shall be made monthly to the board of directors and noted in its minutes [and to the department of all transactions including earmarked acquisitions within the exception to the foregoing prohibition] of all assets earmarked for future trust investment and all transactions relating thereto A certified copy of such report shall be placed on file in the bank and trust company

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 842, as follows:

An Act to amend sections one thousand three hundred and fourteen and section one thousand three hundred and fifteen as amended of the act approved the twenty-

fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by providing further for the registration and recording of deeds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand three hundred fourteen of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 1314 Duties Imposed on Owners of Real Estate when Registry Established Penalty All owners of unregistered real estate within the township limits within one month from the date of the approval of the ordinance establishing such registry and every subsequent purchaser and every devisee or person acquiring title by partition or otherwise to any real estate therein within one month after acquiring such title shall furnish to the said engineer at his office descriptions of their respective properties upon blanks furnished by the township and at the same time present their conveyance to be stamped by said engineer [without charge] as evidence of the registration thereof for which a reasonable charge to be fixed by the commissioners may be made Any person or persons neglecting or refusing to comply with the provisions of this section for a period of thirty days after public notice of the requirements thereof shall be liable to a penalty of five dollars to be recovered with costs of suit in the name and for the use of the township as penalties for the violation of township ordinances are recoverable Provided however That such registration may within said thirty day period be also effected by the Recorder of Deeds of the county in accordance with existing law

Section 2 Section one thousand three hundred and fifteen of said act as amended by the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 716) is hereby further amended to read as follows

Section 1315 Registry of Properties Sold at Judicial Sales Duty of County Officers The sheriffs of the respective counties in which such townships are situated shall present for registry the deeds of all properties within the township limits sold by them at judicial sales whether by execution or in partition or otherwise and the prothonotaries and recorders of deeds of such counties shall not admit for record any deeds of any property in such township [bearing a date] subsequent to the approval of an ordinance providing for the establishment of such registry unless the same shall first have been duly stamped as hereinbefore provided

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS PASSED OVER

There being no objection House Bill No. 1399 Senate Bill No. 433, Printer's No. 62 was passed over at the request of Mr. WOODSIDE.

There being no objection House Bill No. 1392 Senate Bill No. 268, Printer's No. 56 was passed over at the request of Mr. WOODSIDE.

There being no objection House Bill No. 670, Senate Bill No. 206, Printer's No. 93 was passed over at the request of Mr. WOODSIDE.

There being no objection House Bill No. 1393 Senate Bill No. 375 Printer's No. 57 was passed over at the request of Mr. WOODSIDE.

SENATE MESSAGES

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 312.

An Act to reenact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six Pamphlet Laws, thirteen), entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," as previously reenacted and amended, by extending the provisions thereof for a further limited period of time.

HOUSE BILL No. 313.

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred seven (Pamphlet Laws, six hundred forty), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefit of, and of companies having any of the powers of companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by continuing the increased rate of tax for a further limited period of time, and reducing the rate of tax after such limited period of time.

HOUSE BILL No. 314.

An Act to further amend the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation', approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine", by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, co-partnerships, and persons.

HOUSE BILL No. 315.

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (Pamphlet Laws, two hundred ninety-two), entitled "An act to provide revenue by taxation," by increasing the rate of tax for a further limited period of time.

HOUSE BILL No. 316.

An Act to further amend section four of the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws, one hundred forty-

nine), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time.

HOUSE BILL No. 319.

An Act to reenact and amend the title and the act, approved the fourteenth day of June, one thousand nine hundred thirty-five (Pamphlet Laws, three hundred forty-one), entitled, as amended, "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined; requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue, and persons, as herein defined, engaged in the sale of cigarettes at retail or wholesale; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time.

With the information that the Senate has passed the same without amendment.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 318.

An Act to reenact and amend the title and the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as previously reenacted and amended by eliminating ground rents from list of taxable personal property providing for the apportionment in certain cases of the taxes imposed by the act defining clarifying and limiting certain exemptions and continuing the State personal property tax for a further limited period of time.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 2, lines 6 and 7, by striking out the words "providing for the apportionment in certain cases of the taxes imposed by the act"; also line 8, by inserting after the word "exemptions" the following: "exempting from the taxes imposed by the said act property held by executors and administrators of the estates of nonresident decedents property held by trustees for certain resident and nonresident religious charitable or educational organizations and property held for nonresidents and foreign corporations under certain circumstances exempting loans issued by first class or nonprofit corporations from the tax imposed by section seventeen of said act"; also line 8, by inserting after the word "tax" the words "and the emergency rate of tax on scrip bonds certificates and evidences of indebtedness assumed or on which interest is paid by corporations."

Amend Section 1, page 4, line 19, by inserting after the word "capacity" the following: "except as executor or administrator of the estate of a nonresident decedent and except as trustee for a resident or nonresident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual"; also page 6, line 2, by striking out the word "twenty-first" and inserting in lieu thereof the word "first"; also page 7, line 22, by inserting after the word "manner" the following: "except as executor or administrator of the estate of a nonresident decedent and except as trustee for a resident or nonresident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual"; also page 8, line 10, by inserting a light-faced bracket before the word "and"; also same page, line 11, by inserting a light-faced bracket after the word "Commonwealth"; also same page, line 22, by inserting a light-faced bracket before the word "and"; also same page, line 23, by inserting a light-faced bracket after the word "Commonwealth"; also page 9, by striking out all of lines 1 to 13 inclusive as follows: "Where property of the classes taxable under this section is owned held or possessed by two or more individuals or corporations or both in their own right or as active trustees agents attorneys in fact or in any other capacity for the use benefit or advantage of any person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and one or more of such individuals or corporations are nonresidents or are located outside of this Commonwealth the tax imposed by this section shall be apportioned according to the number of such individuals or corporations who or which are residents of or are located in this Commonwealth"; also page 21, by striking out at the beginning of line 1 the word "with" and inserting in lieu thereof the word "which"; also page 23, line 9, by inserting after the word 'therein" the words "except first class or nonprofit corporations" also page 24, by striking out in lines 12 to 14 inclusive the following: "Where property of the classes taxable under this section is owned held or possessed by two or more individuals or corporations or both in their own right or as active trustees agents attorneys in fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and one or more of such individuals or corporations are nonresidents or are located outside of this Commonwealth the tax imposed by this section shall be apportioned to the number of such individuals or corporations who or which are residents of or are located in this Commonwealth Whenever" and inserting in lieu thereof the words "Provided That whenever"; also page 27, line 27, by inserting after the word "manner" the following: "except as executor or administrator of the estate of a nonresident decedent and except as trustee for a resident or nonresident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual"; also page 28, by inserting at the end of line 4, after the word "purposes" the following: "and provided further that the provisions of this section shall not apply to personal property of the classes hereinabove enumerated received from any person or persons copartnership or unincorporated association or company non-resident in or not located within this

Commonwealth or from any joint-stock association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth by any person or persons copartnership or unincorporated association resident in this Commonwealth company joint-stock company or association limited partnership bank or corporation created or existing under the laws of this Commonwealth or doing business within this Commonwealth as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth or any such property whatsoever owned held or possessed by any person or persons copartnership or unincorporated association resident in this Commonwealth company joint-stock company or association limited partnership bank or corporation created and existing under the laws of this Commonwealth or doing business within this Commonwealth in the capacity of executor or administrator of a non-resident decedent or as trustee agent or attorney-in-fact for any resident or non-resident religious charitable scientific literary or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. WINNER. Mr. Speaker, I request the House to concur in the amendments.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the sponsor of this bill, Mr. Winner.

The SPEAKER. Will the gentleman from Montgomery, Mr. Winner, permit himself to be interrogated?

Mr. WINNER. I shall, Mr. Speaker

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand the gentleman from Montgomery that the Senate in passing this bill has removed from the bill, the amendments inserted by the House which would overcome the decision of the Supreme Court of the Commonwealth of Pennsylvania as handed down in the recent Dorrance Estate?

Mr. WINNER. That is correct, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House I cannot conceive how this body can join in concurrance in this measure. Recently the Supreme Court of the Commonwealth of Pennsylvania handed down a decision relative to the Dorrance Estate in which there are foreign trustees holding personal property, deciding that the time worn rules usually applicable in such cases were not to apply. The House, in the passage of this bill, in concurrence in this measure. Recently the Supreme Court by a Legislative enactment and placed in this measure a paragraph that apparently the Senate has deleted. Now, we are in a situation where the funds necessary for the maintenance of the Commonwealth must be secured, and by the deletion from this House Bill of the paragraph overcoming the decision of the Supreme Court, if we concur in these amendments to this bill, are concurring in a measure that has a loophole in it big enough to drive a team of horses through. Every lawyer who has read the decision in the Dorrance case—

SENATE MESSAGE AND BILL LAID ON TABLE

Mr. WINNER. Mr. Speaker, I move that the message of the Senate together with the bill be laid upon the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 317.

An Act to reenact and amend the title and the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (Pamphlet Laws, two hundred eight), entitled, as amended, "An act to provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment, collection, settlement and resettlement of taxes, and reviews and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State, and county officers, boards, and departments; making an appropriation; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time; exempting title insurance companies; and making certain changes in the procedure for the collection and adjustment of the tax.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendemtns.

The Clerk read the amendments as follows:

Amend the title, page 2, line 1, by inserting after the word "time" the words "changing the method of ascertaining the net income of insurance companies"; also line 2, by inserting after the word "changes" the words "in the method of ascertaining taxable net income and".

Amend Section 1, page 3, at the beginning of line 6, by inserting after the figure "1" and words "Short Title"; also page 4, line 21, by inserting after the word "corporation" the words "other than a corporation engaged in doing business as an insurance or surety company"; also page 6, line 17, by inserting a light-faced bracket before the word "owned"; also same line by inserting a light-faced bracket after the word "rented"; also same line by inserting after the word "rented" the word "maintained"; also same page, line 25, by striking out the words "owned or rented" and inserting in lieu thereof the word "maintained"; also page 7, line 1, by striking out the words "owned or rented" and inserting in lieu thereof the word "maintained"; also same page by inserting after line 15 the following new paragraphs:

"3 In case the entire business of any corporation engaged in doing business as an insurance or surety company is not transacted within this Commonwealth the tax imposed by this act shall be based upon such portion of the net income of such corporation for the fiscal or calendar year as defined in clause one hereof as shall be attributed to business transacted within this Commonwealth by multiplying such net income by a fraction of which the numerator is the gross premiums received from business transacted within the Commonwealth as hereinafter defined and of which the denominator is the amount of the gross premiums received from all its business "Gross Premiums" shall mean the amount of dues fees and premiums stated in the policy contracts and shall include gross premiums of every character and description received during the taxable year from all underwriting activities whether said premiums were recevied in money or in the form

of notes credits or any other substitute for money less the following deductions

(a) All premiums returned on policies cancelled or not taken

(b) In the case of stock companies with participating features an additional deduction for that portion of the premiums returned to the policyholders

(c) In the case of life insurance companies an additional deduction for dividends declared and actually used by policyholders in payment of renewal premiums

"Gross premiums received from business transacted in the Commonwealth" shall mean gross premiums received from policies and annuities written on property or risks located or resident in this Commonwealth whether such premiums were collected in this Commonwealth or elsewhere"; also page 11, line 19, by striking out the word "it" and inserting in lieu thereof the word "its"; also page 12, by striking out at the end of line 2 the word "the"; also same page, line 19, by striking out the word "and" and inserting in lieu thereof the word "an".

On the question,

Will the House concur in the amendments made by the Senate?

SENATE MESSAGE AND BILL LAID ON TABLE

Mr. WINNER. Mr. Speaker, I move that the message from the Senate together with bill be laid upon the table.

The motion was agreed to.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 83.

An Act to amend section one of the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 694) entitled An act providing for the payment monthly by the counties to the Department of Revenue of the expenses of keeping convicts in State penitentiaries" by imposing upon the State the keeping of certain convicts.

SENATE BILL No. 320.

An Act to amend section seven of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and conviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" by changing the provisions thereof as to the contents of record to be furnished wardens by clerks of the courts of quarter sessions.

HOUSE BILL No. 312.

An Act to reenact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six Pamphlet Laws, thirteen), entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board", as previously reenacted and amended, by extending the provisions thereof for a further limited period of time.

HOUSE BILL No. 313.

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (Pamphlet Laws six hundred forty) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by continuing the increased rate of tax for a further limited period of time and reducing the rate of tax after such limited period of time.

HOUSE BILL No. 314.

An Act to further amend the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies limited partnerships associations joint-stock associations copartnerships and persons.

HOUSE BILL No. 315.

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (Pamphlet Laws, two hundred ninety-two), entitled "An act to provide revenue by taxation," by increasing the rate of tax for a further limited period of time.

HOUSE BILL No. 316.

An Act to further amend section four of the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws, one hundred forty-nine), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof, requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain duties on certain State Officers and departments; providing for refunds; imposing penalties; and making an appropriation", by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time.

HOUSE BILL No. 319.

An Act to reenact and amend the title and the act approved the fourteenth day of June one thousand nine hundred thirty-five (P. L. 341) entitled as amended "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail

to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties" as previously reenacted and amended by extending the provisions of the act for a further limited period of time

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

ANNOUNCEMENT BY SPEAKER

The Chair desires to announce to the members that tomorrow at noon, Eastern Standard Time, in the Senate Chamber, Hon. William S. Livengood, Jr., will take the oath of office as Secretary of Internal Affairs. The members of the House are invited to be present.

REPORTS FROM COMMITTEES

Mr. LEYDIC from the Committee on Municipal Corporations reported as committed House Bill No. 879, entitled:

An Act requiring political subdivisions to refund taxes and license fees erroneously and inadvertently paid thereto, and giving a right of action against such political subdivisions for the recovery of such taxes and fees upon their failure to make such refunds, making the provisions of the act retroactive, and repealing existing laws.

Mr. WILKINSON from the Committee on Municipal Corporations reported as amended House Bill No. 1019, entitled:

An Act authorizing cities of the third class to abate certain interest charges and penalties added to municipal claims imposed or assessed for certain improvements; prohibiting the sale of real property for the nonpayment of such claims for a certain period; preserving the liens of such claims; and providing for the extension thereof.

Mr. MUIR from the Committee on Municipal Corporations reported as committed, House Bill No. 1200, entitled:

An Act authorizing all counties, cities, boroughs, incorporated towns, townships and institution districts, to place their respective officers and employes in the State Employes' Retirement Association; prescribing the procedure to be followed and authorizing a special tax to pay the expenses incident thereto; placing certain duties upon the State Treasurer and the fiscal officers of the said municipal units; prohibiting the future establishment of local pension or retirement systems and providing in certain cases for the discontinuance of existing ones.

Mr. LYONS from the Committee on Liquor Control reported as amended, House Bill No. 1036, entitled:

An Act to regulate and restrain the sale, purchase, exchange, pledge, and dealing in distillery bonded warehouse certificates for whiskey or any other potable distilled spirits, except ethyl alcohol; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board; authorizing the granting of permits and registration of agents to deal in such certificates, and the suspension and revocation of such permits and registration of agents; providing for hearings and appeals to the court of common pleas; forbidding transactions in such certificates in this state except as herein provided; prescribing and imposing penalties; and providing for the disposition of filing, registration and permit fees.

Mr. CORTESE from the Committee on Municipal Corporations reported as committed, House Bill No. 1102, entitled:

An Act to repeal the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2797), entitled "An act requiring collectors of city, county, borough, town, township, school and poor district taxes, to file certain reports with the quarter sessions court and the Department of Internal Affairs; directing such department to prepare and furnish forms for such reports, making such reports available for public inspection; requiring all payments to such collectors, for compensation and expenses, to be by warrant or order; prohibiting such collectors from deducting their compensation and expenses from public funds in their possession; and making violation of the act a misdemeanor."

Mr. EWING from the Committee on Liquor Control reported as committed, House Bill No. 1337, entitled:

An Act limiting the number of licenses for the retail sale of liquor malt or brewed beverages, or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board; defining hotels and prescribing the accommodations required of hotels in certain municipalities.

SOFT BALL TEAM CAPTAIN APPOINTED

Mr. HERBERT B. COHEN. Mr. Speaker, I wish to announce that "Hard Ball" Jack O'Keefe is captain of the Democrat's soft ball team.

The SPEAKER. The Chair accepts the announcement and will note upon the record that when the Democrats and the Republicans meet on Wednesday, May 17, the captain of the soft ball team for the Democrats will be "Hard Ball" Jack O'Keefe. The Chair will ask the majority leader to appoint a captain for the Republican team.

COMMITTEE MEETINGS

There will be meetings of the Committees on:

Banking, Tuesday, May 2nd, at 12:30 p.m. in Room 324.

Constitutional Amendments, Tuesday, May 2, at 10 a.m. in Room 333.

Counties, Wednesday, May 2, at 10:30 a.m. in Room A.

Education, Tuesday, May 2, at 11 a.m. in Room 323.

Highways, Tuesday, May 2, at 10 a.m. in Room 324.

Judiciary General, Tuesday, May 2, at 11 a.m. in Room A.

Motor Vehicles, Wednesday, May 3, at 9 a.m. in Room 324.

Public Utilities, Wednesday, May 3, at 11 a.m. in Room 100.

Ways and Means, Tuesday, May 2, at 11 a.m. in Room 100.

There will be a Public Hearing before the Committee on Professional Licensure on House Bill Nos. 727 and 728 on Tuesday, May 2, at 9 a.m. in the House Caucus Room.

There will be a Public Hearing before the Committee on Professional Licensure on House Bill Nos. 786 and 565 on Wednesday, May 3, at 9 a.m. in the House Caucus Room.

There will be a Public Hearing before the Committee

on Mines and Mining on Wednesday, May 3, at 4 to 6 p.m. in the House Caucus Room.

There will be a Public Hearing before the Committee on Mines and Mining on Monday, May 8, at 2 p. m. in the House Caucus Room.

ADJOURNMENT

Mr. BENNETT. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1 p.m.

The motion was agreed to, and (at 2:42 a.m.) the House adjourned until Tuesday, May 2, 1939, at 1 p.m.

COMMONWEALTH OF PENNSYLVANIA

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SENATE

TUESDAY, May 2, 1939.

The Senate met at 2:00 o'clock, p. m., E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

Thou Blessed God, ruler of the destiny of nations, in this day of our national existence we would remember the sharp warning of our beloved Washington that we beware of "entangling alliances." Indeed, may the wisdom of his words be indelibly written upon the consciousness of all our leaders and especially that no one man or group of men should so "entangle" our nation with others.

We would remember the awful price we paid but two decades ago. Today we see how futile the entire recourse to armed conflict has become. We know it is not Thy will for any nation so to do. E'er we would be so committed again may we calmly sit down with our consciences and figure the tremendous cost in material destruction, the awful toll of life and human misery and suffering and even to noncombatants and in irreparable spiritual loss.

God forbid that our directional activity as a people be turned into the channels of useless, degrading warfare with its staggering cost in every conceivable direction but rather that we expend our energy in the high and profitable endeavor of setting our own house in order that we may throw off the shackles of social unrest, economic distress, spiritual indifference and moral corruption so disastrously gnawing at the vitals of the individual, the home and the nation. In Thy Holy name we pray. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. GELDER, the further reading was dispensed with, and the Journal was approved.

ERRATA

Mr. SHAPIRO: Mr. President, while we are on the Journal, I would like to ask that the Journal be corrected as of last Monday night. On page 1633 of the Journal of April 24, 1939 I referred to the policemen of Second Class A cities. I suggested that it would be unlawful to wake the policeman.

I do not know the intent of the person who transcribed this, and I disclaim any participation in it, but as I read it now it says that it would be unlawful to "make" a policeman, and I ask that that be corrected.

On Page 1636 of the Journal of the same evening, the figure "$317,000,000" should be $327,000,000.

The PRESIDENT. The remarks of the Senator from Philadelphia, Mr. Shapiro, in correction of the Journal, will be spread upon the record.

QUESTION OF PERSONAL PRIVILEGE

Mr. EDMONDS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Montgomery, Mr. Edmonds will state his question of personal privilege.

Mr. EDMONDS. Mr. President, as what I want to say involves statistics, with the permission of the Senate I will read. There have been three important questions before the Senate at this session: first, Taxation; second, Public Schools; third, Relief. I want to say something about the public schools which will require a little further analysis than could be given in the discussion of a particular bill.

There are so many important questions pending at the present time with reference to the administration of the public schools that it is worthwhile to attempt to review the situation.

First, what is the duty of the Commonwealth to the public schools? Within three months after the Declaration of Independence had been promulgated, a convention which assembled at Philadelphia framed the first Constitution of the Commonwealth. One of its clauses expressed the attitude of our Revolutionary forefathers toward public education as follows:

"Section 44. A school or schools shall be established in each county by the Legislature for the convenient instruction of youth with such salaries to the masters paid by the public as may enable them to instruct youth at low prices.

"An all youthful learning shall be duly encouraged and promoted in one or more universities."

Little was done prior to the adoption of the second Constitution in 1790. In this convention, a movement led by Colonel Timothy Pickering of Luzerne County resulted in the following mandate:

"Article VII, Section 1. The Legislature shall, as soon as conveniently may be, provided by law, for the establishment of schools throughout the state, in such manner that the poor may be taught gratis.

"Section 2. The arts and sciences shall be promoted in one or more seminaries of learning."

This provision continued unchanged until 1874. Under its authority our system of free schools was inaugurated.

In 1834 the General Assembly enacted a series of provisions for the establishment of school districts and the employment of teachers. It was felt by its critics that this plan would be expensive, and in the next year there was an earnest movement for its repeal which was, however, defeated by the eloquence of Thaddeus Stevens. While the constitutional mandate provided for the instruction of the children of the poor gratis, yet the Supreme Court early decided that this did not prevent the establishment of public schools for both rich and poor and all classes in society.

In the Constitution of 1873 the provision was amplified and broadened as follows:

"Article X. Section 1. The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all of the children of the Commonwealth above the age of six years may be educated, and shall be appropriated at least One Million Dollars each year for that purpose."

This is one of the broadest grants of authority to be found in the Constitution. Recently, in 1938, it was well said by Chief Justice Kephart in the decision of the Teachers' Tenure Act cases as follows:

"In considering laws relating to the public school system, courts will not inquire into the reason, wisdom or expediency of the legislative policy with regard to education, but whether the legislation has a reasonable relation to the purpose expressed in Article X, Section 1, and whether the fruits or effects of such legislation impinge the Article by circumscribing it, or abridging its exercise by future legislatures within the field of 'a thorough and efficient system of public schools.' So implanted is this section of the Constitution in the life of the people as to make it impossible for a legislature to set up an educational policy which future legislatures cannot change. The very essence of this section is to enable successive legislations to adopt a changing program to keep abreast of educational advances. The people have directed that the cause of public education cannot be fettered, but must evolute or retrograde with succeeding generations as the times prescribe."

Under this clause of the Constitution there has developed a magnificent system which in the year 1936-37 provided for the education of 1,982,715 pupils in Pennsylvania and 63,309 teachers educated at a total cost of $219,587,669. Included in this total there is over $40,000,000 of debt service and $27,000,000 of capital outlay, and consequently in referring to the cost of the schools, I shall refer in the future to current expenses only, omitting these two items for consideration, and for the year 1936-37 the current expenses were $151,980,004.

The answer then to my first question is that the Commonwealth owes a full duty to its children to maintain a thorough and efficient service of public schools, and it is the duty of the General Assembly to see that such a system is maintained.

Second, what has caused the recent trouble with reference to the maintenance of the public schools?

It is to be noted that this trouble is not confined to Pennsylvania. A recent magazine article directs attention to the fact that in Ohio the state school fund is $17,000,000 in the hole, and that several cities have closed their schools; that in Colorado, Michigan, Illinois and the Dakotas the same condition exists; that Georgia owes its school teachers $5,000,000 as a result of which two hundred Georgia schools with 20,000 pupils are closed. In Pennsylvania we are familiar with the developments of the last few weeks, all of which add immeasurably to the problem.

In a general way, the trouble has been caused by increasing costs and decreasing income from taxation. The assessed value of taxable property in Pennsylvania decreased from $9,850,000,000 in 1929-30 to $8,550,000,000 in 1936-37, and this led to a decrease in this eight year period of the amount of tax levied from $150,000,000 to $132,000,000, and in the amount of tax collected from $134,000,000 to $108,000,000.

During this period of time the regular state appropriation has increased from $28,266,000 to $34,812,000, and in addition, the state has appropriated approximately $10,500,000 for the purpose of aiding financially distressed school districts. During this same period of eight years the enrollment in the elemenatry schools has decreased from 1,528,000 to 1,306,000, but the enrollment in the high schools which is the higher cost portion of the service has increased from 374,178 to 639,103.

We have then a situation in which there is a decrease in the funds available for education and an increase in costs and the result is that certain districts are not able to maintain the standards in education which have been fixed by the state.

Third. My third question is—Are the teachers paid too much?

The minimum salaries of teachers are fixed by the legislature of 1921 which is popularly known as the Edmonds Act and which prescribes the minimum for each class of school districts. I direct your attention to the fact that in 1921 two-thirds of the teachers of Pennsylvania had no permanent certificates, good teachers were fleeing from the state, and there was practically no professional standard for teachers outside of the larger cities. Under the brilliant leadership of Dr. Thomas E. Finegan, who in my judgment was one of the greatest educational statesmen that we have ever had in our public service, a campaign was inaugurated for higher standards of preparation, better teachers and adequate salaries, and as a result the legislation of 1921 was enacted.

While this legislation led to a material increase in the salaries of teachers, I direct your attention to the fact that in 1938 the average salary for all teachers and supervising officials was $1,479. There are wide variations in different districts. In Philadelphia the average salary is $2,446. In fourth class school districts it is still $800. Pittsburgh is approximately the same as Philadelphia, and between these extremes there are many varieties of middle figures. Personally, I do not think that a general average of $1,479 is high for a professional worker who is obliged to spend many years at her own expense in preparing for the work and whose professional preparation is wholly lost if she goes into another line.

It may be necessary to consider a temporary reduction in teachers' salaries, but it is my strong hope that there may be no disturbance of the permanent schedule.

Fourth, are the other expenses of the school system too heavy?

Through the courtesy of the Department of Public Instruction, I have received a series of figures which indicate that the items of current expense in our system outside of instruction, which includes teachers, textbooks, supplies, supervision, principals, clerks, etc., amount to about $550.00 per teacher. I am not satisfied that this expenditure is thoroughly justified in all of its details, and it seems to me that it would be worth exploring in order to determine whether any money could be saved along this line for the state or the local school district.

Fifth, does the state bear its proper proportion of the expenses of the school system?

In view of the Constitutional mandate to which I have referred, we must all agree that the state is under a high duty at this time. I do not feel that it performs this duty adequately. Under the Edmonds Act the state increased its share in the cost of the public schools, but nothing like to the same degree as other states have done. Whereas at the present time Pennsylvania contributes 23.4 percent of the cost of the school system, New York is contributing 37.2 percent, California 48.2 percent, Delaware 92.3 percent, Ohio 37.4 percent, and so on.

The general tendency in education is to recognize that an adequate high school education cannot be furnished through a tax on local real estate, and therefore in all of the progressive states of the Union there has been a continual tendency to take more and more of the cost of the public schools on the State Treasury. We in Pennsylvania would doubtless have attempted more along this line if it had not been for the total cost of relief. Ours is the only state which pays all of the cost of relief from the State Treasury. If as in New York we had 60 percent on the state and 40 percent on the locality, we would have adequate money for the public schools, but in the districts where the unemployment is great, the average of local taxes would still be high.

Under these circumstances, it seems clear to me that any attempt at improvement must be done gradually, but I think we should fix as our ideal the addition of a heavier portion of the burden to the state rather than to local government.

Suggestions for the Future

The question then arises as to plans for the future, and for this purpose I make the following suggestions.

1. Senate Bill No. 253 has been reported favorably from the Committee on Education with, however, a proviso that it shall not take effect until the biennium commencing in 1941. This proposes to add five points to the share of the basic teachers' salary which will be borne by the state, increasing the proportion in school districts of the first class from 25 to 30 per cent, and in school districts of the other classes from 35, 50 and 75 respectively to 40, 55 and 80 respectively.

This to my mind asserts the correct policy for the state, and it will be a sign to local government that the day will come when a larger portion of the heavy burden of taxation for the public schools will be taken from realty.

2. We have already authorized an appropriation for the distressed school districts. While I recognize the necessity and have voted for the appropriation, it seems to me that an appropriation divided among certain school districts by the State Department does not involve the correct principle. It is entirely possible that the deficit in a given locality may be due to extravagance and mismanagement, and it is certainly not fair to penalize the prudent and economical districts who have balanced their budget for the mistakes of the others.

I direct your attention to the fact that in Tremont Township, Schuylkill County, they have 122 pupils and 11 teachers, or an average of 11 pupils to a teacher; that in Riley Township, Schuylkill County, the average is 13; that in Branch Township the average is 17; that in Coal Township of Northumberland County, the average is 23, and in Mt. Carmel Township the average is 20.

Now there may be excellent reasons due to geography and other circumstances why these districts run at a deficit. Before voting any more money to distressed school districts, I would like to be sure that the district is doing its best to help itself. Last year we aided 368 school districts which is about 14 per cent of the districts of the state. When a school district meets with such a catastrophe as has affected certain of the districts in the coal regions where the heavy taxpayers are in bankruptcy, I would be willing to have the state establish a revolving fund to lend money for the current payment of teachers provided the state is reimbursed when the delinquent taxes are collected. This seems to be better than a handout.

But it also seems to me to be highly important that we should authorize the State Department to make a searching investigation of the incidental costs of the public schools, and see to it that these costs are kept to a reasonable minimum during this period of economic stress.

3. I ask my colleagues to consider also the necessity of such a revision of the Tenure Act as will not weaken the principle of tenure for the teachers, but will insure the proper development of the school system. In 1921 we estimated that there would be 10 per cent new teachers each year, and that meant that a continuous vocation was afforded for a large group of young people who were training in our schools for this work. The system needs these young people with their enterprise, their thoroughness, their modern science, and their new point of view. It would be a mistake to have all of the teachers new. Youth and experience should teach side by side in the same building in order that each may learn from the other.

I am told that there are certain school districts in which it has been years since a new teacher was elected because no one resigns, and there is a decrease in the number of teachers needed for elementary school purposes.

I ask your attention to the recent decision of the Superior Court of Pennsylvania affecting the school district of the Township of Mount Pleasant which was an appeal from Wayne County. The appellant had been dismissed as a teacher and her dismissal ws affirmed by the County Court. The opinion of the Superior Court reversing the lower court states briefly as follows:

> "Appellee presented evidence at the hearing before the court below to support the charges of appellant's incompetency, intemperance, and wilful and persistent negligence. The court below has summarized the evidence as follows '(1) While Miss X used and was known by the name of X she was in fact married to one Y and lived with him as his wife; (2) That the said Y was the proprietor of a lunch room and beer garden in which X acted as waitress and, on occasion, as bartender, such

services being performed after school hours and during summer vacation; (3) That in this beer garden and in the presence of several of her pupils whom she was tutoring, she (a) took an occasional drink of beer; (b) served beer to customers; (c) shook dice with customers for drinks; (d) played, and show customers how to play a pin-ball machine on the premises. And further, that she was rated by A. H. Howell, County Superintendent of Schools, under the rating card provided by the Department of Education, as 43% competent, a rating of 50% being the "passing" or average rating.

" 'Is such a course of conduct immoral or intemperate, and does it—in connection with her scholastic and efficiency rating—amount to incompetency?' "

"A careful examination of the evidence requires us to differ with the conclusion of the court below. The valid causes for which a teacher may be dismissed are set forth in the Act of April 6, 1937, P. L. 213, which is 'intended to provide the greatest measure of protection possible against dismissal of employes': Teachers' Tenure Act Cases, supra, 329, Pa. 213 at page 234, 197 A. 344, at page 357. The continuation of appellant as a teacher may not be for the best interests of the children of her school or of the school system in that township, but the heretofore discretionary power of school boards to oust employees without cause has been taken away. See Teachers' Tenure Act Cases, supra, page 222. In Millar's Appeal, 30 D. & C. 1, at page 5, Judge Sheely aptly said: 'The wisdom of the act is solely a question for the legislature, and if the board fails to sustain the charges brought against the teacher by evidence which is legally competent and relevant it is the duty of the court to reverse the action of the board even though the result may be that the board is forced to retain a teacher whom they do not desire and who has lost the confidence not only of the board but of the community and the pupils.'

*****

"Even the occasional taking of a drink of beer is not proof of intemperance. A teacher with such associations and inclinations may not be one in whose hands should be placed 'the molding of the character, intellect and the future of young children,' but those acts do not establish intemperance. It may be true, as counsel for appellee argues, that appellant now commands neither the respect nor the good will of the community, but these are not matters which the statute now recognizes as causes for dismissal." Mr. President I turn from the opinion to my own communication.

I do not like this opinion of the Superior Court, but I recognize it as a correct statement of the law. I do not want that woman to teach my son, nor do I believe that the citizens of Wayne County wish to have her teach their children. Under these circumstances, we are face to face with a situation in which we might idly denounce the Court, but the Judge who rendered this opinion, Hon. Chester Rhodes, is a man whom I have known for twenty years and in whose honesty, sobriety and legal learning I have the utmost confidence. It seems to me that this decision is a notice to us to change the law.

With certain reasonable changes in the Tenure Law and with the willingness on the part of the state to assume a large share of the cost of the public schools, we may still maintain the many excellent features of the system of public education which has made a record in Pennsylvania history of greater usefulness and higher service than any other branch of our government.

Mr. President, I express to you and my colleagues, my thanks for their attention in listening to this paper. I have submitted it in this way because it seemed to me worth while to attempt to gather togeher the several threads and weave them into a pattern. I believe that, along this line, there is a chance of our eventually making such an arrangement for the public school system as may prevent it from being an annual crisis in legislative circles.

Mr. REED. Mr. President, I have enjoyed the remarks of the gentleman from Montgomery very much, and I would like to ask him a question.

The PRESIDENT. Will the Senator from Montgomery, Mr. Edmonds, permit himself to be interrogated?

Mr. EDMONDS. With pleasure, Mr. President.

Mr. REED. Mr. President, in the study of the Senator from Montgomery, Mr. Edmonds, on this very important problem, did he come to the conclusion that our forefathers created our public school system for the sole purpose of making better citizens?

Mr. EDMONDS. Mr. President, I certainly did. Now, may I answer that at some little length?

You will remember how Benjamin Franklin, who sat in that Constitutional Convention of 1776, once made the remark that Pennsylvania was peculiar in that it had more varieties, of citizenry than most states. He said it was composed on one-third English Quakers, one-third Pennsylvania Germans, and one-third representatives of all the other races on the face of the earth.

Now, he argued from that that it was essential that there should be a unifying element in our civic life, that a uniform element ought to be placed in the schools; and that it was that kind of thing which would give us common ideals, common understanding, give us an interest in common problems and enable us to pull together.

My own private opinion is that the intention was not to educate children so that they might seek a fortune for themselves, nor to provide for them vocations as instructors, however important that might be, but to make an essential contribution to American civilization.

Mr. REED. If we had adhered strictly to this principle would our public school system be in the dire plight it is in today?

Mr. EDMONDS. Mr. President, I think that it is entirely conceivable that we have gone ahead on some specialties much more rapidly than was essential for the State. I am not quite clear about that. I am worried about that five hundred and some dollars per teacher that seems to be spent for other things. I do not quite know what those things are. I do think this, however, that the movement toward a high school education, is part and parcel of the warp and woof of American life at the present time.

I remember a number of years ago, when I was over in France during the War, I ran into, I think it was the Thirty-Fifth division which was the Kansas and Nebraska National Guard; and I remember how the remark was made that that Division had eighty-seven percent of those 28,000 young men graduates from a four year high school course, and it was the only division that had as high an average as that. When I came back I made up my mind that was what was going to happen in Pennsylvania, and it is perfectly true that with the higher development of the essentials you must have a higher development of

scientific instruction, more subjects brought into the course of study.

I think that a four year high school course is essential; but as a matter of fact, I am quite clear in my own mind that you can not pay for it by local realty taxation. If you do you will simply cause migration from one community to another, and that is our trouble at the present time. We have developed the spending side before we have developed the income side, and that has gotten us into a jam.

Mr. SHAPIRO. Mr. President, I want to say to the members of the Senate that I am amazed I have sat in the seat of the gentleman from Tioga and have learned a tremendous amount of things I did not know before; and I am surprised it does not have the same effect on the Senator from Tioga.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. Will the Senator from Westmoreland state his question of personal privilege?

Mr. DENT. Mr. President, and members of the Senate, due to the stories being floated around that this Session of the Legislature is about to adjourn sine die, I believe it is important to take up a few matters that are of great interest to me and my community.

I introduced on April 10th, Senate Bill 476, which has been in the Committee on Highways since that date. I have spoken to the Chairman of the Committee and he tells me that the understanding is that no roads will be taken in by the State at this session of the Legislature, and, therefore, road legislation will not be considered.

I tried to point out to the Chairman of the Committee, and various members of the Committee, that this bill is a little different than the ordinary road bill. I would like to explain this bill to the Senate and then, after they have heard my explanation, if the Committee decides to put the bill on the floor, I will not introduce a resolution asking for the discharge of the Committee, for any further consideration by this Committee of that legislation.

I live in the City of Jeanette, Westmoreland County, with a population of approximately 16,000 free souls. Prior to 1936 that City was a borough form of government and during its fifty years of existence, by various Acts of the Legislature, certain streets were designated as State Highway Routes.

When the city or borough voted to become a third-class city form of government, all these highway routes reverted back to the city for maintenance, care, and construction.

This is the first session of the Legislature since that time, except the Special Session; and, inasmuch as it was not in the call, it was impossible to introduce this legislation at that time.

We are in the unique position, in this State, Mr. President, of being the only community, the only municipality, in the State of Pennsylvania that does not receive a proportionate share of the highway fund for street and highway route maintenance and care.

This Act of the Legislature does nothing more than change the word "borough" to the word "city," and so gives back to the State those highway routes which rightfully belong to the State.

I would like to have the Committee consider th[illegible] position from the angle of fairness and not from a political angle. The town is Democratic, of course, and whether we pass my bill or not, I hope to be able to persuade them to stay that way. So it does not matter in view of the political end of the thing, but it does matter to the taxpayers of that town who are placed in the unfair position of paying for road maintenance belonging to the State of Pennsylvania. In fact National Highway No. 30, the Lincoln Highway, passes through a section of the town.

Mr. President, I would not want to see my people in Jeannette barricade the Lincoln highway. I do not think they will do it unless the Committee refuses to act on this bill, because it is the duty of the State to take care of the Highway Route numbers that rightfully belong to it. The taxpayers of my town are in no position to pay this extra portion of the maintenance costs and I am going to ask and plead with the Chairman of that Committee to again take up the matter of Senate Bill No. 476, and give me, if possible, a favorable reaction to it.

Now, Mr. President, and members of the Senate, there is another matters that is of a serious nature. I introduced, early in March, Senate Bill No. 207 and it has been juggled from one committee to another until finally it rested in a sub-committee of the Senate Committee on Labor and Industry.

I find in committee meeting that it is not so much the desire of the Senators that count as it is the desire of the deparment heads. I remember the accusation plainly, during my four years in the Earle Administration, made by the then minority party, that legislation was not treated from a legislative viewpoint but acted upon solely upon the recommendation of the various department heads and influences outside of the Legislative Chamber.

This particular Act gives to the employers of Pennsylvania the right to appeal to the courts in the case of unfair compensation rates. I have here a letter addressed to the Honorable Franklin S. Edmonds, from the Insurance Commissioner of the State, and he says this in his letter:

"In promulgating rates, the Bureau and this Department use a five year experience for commercial risks and three for coal, as illustrate, in making the rates that will be affective for the year 1940, the experiences of policy years 1937, 1936, 1935, 1934 and 1933 for commercial, and calendar years 1938, 1937, and 1936 for coal rates, assuming that there are two hundred classifications in commercial and quite some additional in coal; and assuming there are two hundred clauses and provisions in the rules and regulations and assuming that there are about ninety companies writing compensation insurance in Pennsylvania, you could understand what might be the maximum complications that would be called to the Insurance Commissioner's attention before a rate could be promulgated, and you can likewise see that before they would be reviewed, the cost of investigating the rates plus the cost of counsel fees, etc. in reviewing them to the satisfaction of the insurance carrier, the insured or the employee who is covered by the contract, would make the cost far in excess of the premium itself now paid for the protection intended by the Compensation Act."

Now, Mr. President, when this Bill was before the Committee they said it was not necessary to pass this Bill because the Insurance Commissioner had the right to review the rates established. In his own letter he states that it is impossible for him to review the rates established, and

so we go back to the ruling of the Commissioner which says "Appeals. Any operator who believes that an injustice is done to his operation by these Standards or who is aggrieved by the Schedule Rating of his mine, is entitled to a hearing by the Committee on Coal Mine Schedule Rating." Let us see who are on the Committee of the Coal Mine Section of the Pennsylvania Compensation Rating and Inspection Bureau. It says the Berwind Exchange, Coal Operators Casualty Company, the Eureka Casualty Company, the Pennsylvania Threshermans and Farmers Mutual Casualty Insurance Company, State Workmen's Insurance Fund, and the Pennsylvania Manufacturers Association Casualty Insurance Company (Coal Mine Classification in connection with Manufacturing or Contracting risks and Surface Coal Mining.).

Now, the only right of appeal that the employer has today is to a group of Insurance Underwriters. He can only appeal to the men who make up the rate and who sell the policy—he has no other appeal. All I ask in this legislation is that he be given the right to appeal, if necessary, to the courts.

You say to me, "What justication have you for putting this burden on the court?" I say it is no burden on the court; that every person in Pennsylvania, who thinks he is aggrieved, should have the right to appeal to the court. Every employee in Pennsylvania covered by compensation insurance has the right of appeal to the court. So, why should not his employer have the same right of appeal to the court when he feels and knows his rates are too high?

Further, in this letter we find: "This legislation seems to be prompted by the premium collected and the losses incurred in the coal mining industry and I know you have glaring examples of wide discrepancy between what a company has paid for compensation and what the insurance carrier has paid back to the employee in the form of benefits, but that compensation, like other insurance, is predicated upon experience and the law of averages and to ascertain what is a correct rate these two factors must be taken into consideration even though it seems ridiculous in some cases—."

However, it goes on to say that the Rating Bureau forces every company insured to send to them, on a form supplied by the Rating Bureau, its experience rating.

Now, Mr. President, I have here in my possession an entire schedule of rates and the companies who carry insurance in Pennsylvania and the profits that they have made from carrying insurance, and the losses that they have paid out in the way of injury losses to the individuals who sustained injury.

I am just going to open this book at random and take the first case that comes to me. Here you find File No. 486, report of loss of $9,497 the earned premium as $12,781; reported loss of $19,562, premium earned, $20,867. You can go on through this entire list of companies and less than 2% of the total companies carrying insurances here have received more than what they have paid in. There are glaring examples in this particular file, which does not happen to be my own, but which I managed to get for this purpose, where a company has paid as much as 55,000 and its employees have received less than $5,000 in return, over an average of three years, and I say to you such a condition is the basic ailment affecting our compensation in Pennsylvania.

We hear a great deal of talk about the compensation bill passed in 1937. I know that there are some features of that bill which should be stricken out, or amended; but do believe that you cannot treat that matter fairly until you have taken up the matter of rates, the establishment of rates, and the right of appeal of an employer when those rates are excessive.

I do not believe that this Senate committee is being fair to the employers of Pennsylvania and, incidentally, I find myself in rather a strange hole, because all my life I have promoted and worked for the interest of the ordinary working man and I find myself pleading here for the employer instead of the employee. But, I find when the employer is treated unfair that it is just as easy to plead for his cause and case as it is for the employee when he is being treated unfairly.

Take into consideration that 59¾% of all the insurance premiums paid in Pennsylvania by employers are returned to injured employees and 40¼% of premiums go into the pockets of the companies writing the insurance; and, of course, in that is their overhead, etc. Now, any business that requires practically 50% to carry on its method of doing business needs some sort of restraint and some sort of investigation from the point of view of those interested in the employers of Pennsylvania who are saddled with this exorbitant burden.

I want to ask that that Committee on Labor and Industry meet this week and that it give consideration again to Senate Bill 207. I do not know how many votes can be gathered here to discharge a committee, but in fairness to the employers of Pennsylvania, whom I believe are being exploited to the advantage of the insurance carriers in Pennsylvania, I must of necessity make that motion to discharge the committee, much as I dislike to do so because of my personal admiration for its Chairman.

However, the question is one that has many ramications. I do not care to go into the interest of the members of the committee; but if necessary, in my fight to try to get this legislation before this Senate for consideration, I will do that.

I believe that we have a problem on compensation that must be solved before we go home at the end of this Session. Thousands of employees are without the benefit of compensation coverage; but, unless we take the time to analyze this one particular phase of compensation, we cannot intelligently sit here and vote on a compensation bill in this Session.

So, Mr. President, I appeal to the members of the committee to reconsider their action on Senate Bill 207, and without a threat, but merely a promise to all of you, say that next Monday night I will move to discharge that committee and the Committee on Highways unless these measures are at least given further consideration by the committee.

I do not believe that we will leave this Session without acting upon the matter of compensation; and I predict that, if we try to leave without acting upon that particular matter this Session of the Legislature, we may have some long-winded talks.

QUESTION OF PERSONAL PRIVILEGE

Mr. MUNDY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Luzerne. Mr. Mundy, will state his question of personal privilege.

Mr. MUNDY. Mr. President, I do not think that such

a magnificent treatise on education, such as was presented by the Senator from Montgomery, Mr. Edmonds, should be passed over lightly. I know to me it was very educational. I learned a great deal about the early history of education and its development; and I enjoyed the frank presentation the Senator made of the problem which confronts us now in dealing with the problem of education.

However, I do disagree with the Senator from Montgomery in presenting one brief argument before this Senate.

The Senator stated a particular case from the Borough of Mount Pleasant, with which I think I am very familiar, having followed up these cases which were presented to the court. There were some two hundred odd cases which were presented for appeal on the part of the teachers to boards and to courts of record; and in those two hundred odd cases there were only three in which the moral issue was a part of the appeal to the court of records.

In this case of Mount Pleasant Township, the Senator from Montgomery said he, as an attorney, expressed his confidence in the judge and his admiration for this judge personally. I say—not knowing very much about law—that this may have been decided on a truly legal basis; but my interpretation of the Tenure Law, as it exists in present writing, would had me to believe that if the facts, as presented, were verified and were found to be true that this teacher should have been dismissed as part of the educational system of Pennsylvania.

The main point which impressed me very seriously was the differential in the salaries of first and second-class cities to those of the lower grade, in township in rural districts.

The Senator will agree with me that in the rural districts the teacher does not receive a sufficient return for her services to keep her in proper circumstances, or, at least, circumstances fitting a teacher in those communities; and that ratio, or average, paid to the teachers is less than $1,500 in the State of Pennsylvania. We also fall short seventeen per cent of the contribution made by states that would compare favorably with our standard of education as maintained here in our own state.

Now, as far as this particular case cited is concerned, in my opinion it is not an indictment of an individual—this particular teacher in this Township—but a serious indictment of the whole system of education as we have set it up in the State of Pennsylvania.

Mr. President, if a young man or young woman goes through our ordinary grammar grades, takes a high school education, then goes to a State Teachers' College, passes in review before all this array of educators, then is given an opportunity in modern schools to teach, and then comes out and a Board says that this girl is not qualified to teach in the schools of Pennsylvania, then I say that we are not doing our duty as members of the Senate when we vote for these tremendous sums to uphold our systems of education in Pennsylvania. The primary fault lies, as I say, not with this individual, but with the method of administration of education at large in Pennsylvania.

If the educators and the teachers all along the line that handled this particular woman in question, had fully done their duty she would never have received a diploma from an outstanding school of education.

In checking up on her record, I might say the only thing that you might credit to the school teacher, which both the Board and Court failed to do—at least they should have given her an increased rating on her versatility.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

NOMINATIONS RECALLED FROM THE GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 2, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of West Chester State Teachers College, for terms of four years and until their successors are qualified:

CHESTER COUNTY

Fred S. Wood, West Chester.

DELAWARE COUNTY

Mrs. Frances Price Donahoo, 2428 Edmont Avenue, Chester.

ARTHUR H. JAMES.

Mr. EALY. Mr. President, I desire to make a statement in regard to a request of the Governor. Last evening the names of Fred S. Woods and Mrs. Francis Price Donahoo were sent in for confirmation. There was a misspelling in the first name and the address of the second nominee was wrongly given. The purpose of the Governor, as I understand, is to ask us to permit these names to be recalled so that the nomination in proper form may be submitted.

MOTION TO GO INTO EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EALY that Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate don ow resolve itself into Executive Session, for the purpose of reconsidering the confirmation of these nominations.

On the question,

Will the Senate agree to the motion?

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro will state his point of order.

Mr. SHAPIRO. Mr. President, how can nominations be recalled by the Governor when they are not with the Senate and are now in the hands of the Governor? We approved these nominations last night and the Governor was notified accordingly. He cannot recall those nominations, when we do not have them.

Mr. PRESIDENT. I think the point of order of the Senator from Philadelphia is well taken. If I remember correctly, when these confirmations were made the Chair stated that the Governor would be so notified and the Chair understands he has been so notified.

Mr. EALY. Mr. President, my motion was to reconsider the confirmations.

The PRESIDENT. I think the point of order of the Senator from Philadelphia is well taken. There is nothing in the possession of the Senate at the present time in the way of nominations.

Mr. SHAPIRO. Mr. President, I understand the mistake is in the spelling of a name, and I am quite sure that need not concern us. We can get a communication from the Governor with respect to the name which will solve the whole problem. That is all we need do in this matter.

Mr. EALY. Mr. President, I understand that.

Mr. SHAPIRO. Mr. President, the Governor nominated certain definite persons and we acted on those nominations. are not now in the possession of the Senate, the objection of the Senator from Philadelphia is well taken.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF MANSFIELD STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 2, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Mansfield State Teachers College, for terms of four years and until their successors are qualified:

TIOGA COUNTY

Walter W. Swinley, Knoxville.
Clark W. Prindle, Elkland.
Mrs. Harriet Gillette, Mansfield.

BRADFORD COUNTY

Rexford R. Soper, Troy.

LYCOMING COUNTY

Wm. C. McCormick, Williamsport.

LACKAWANNA COUNTY

Willard Oliver, Scranton.

ARTHUR H. JAMES.

MEMBERS OF BOARD OF TRUSTEES OF CLARION STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 2, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Clarion State Teachers College, for terms of four years and until their successors are qualified:

CLARION COUNTY

Hon. Harry M. Rimer, Clarion.
Percy C. Andrews, New Bethlehem.
Roy R. Underwood, Knox.
Mrs. Margaret B. Beck, Clarion.

JEFFERSON COUNTY

Major Raymond E. Brown, Brookville.
John H. Hughes, Brookville.

VENANGO COUNTY

S. Y. Ramage, III, Oil City.

McKEAN COUNTY

C. E. Lillibridge, Smethport.

ARMSTRONG COUNTY

Mrs. Elizabeth Hileman, Kittanning.

ARTHUR H. JAMES.

REGISTER OF WILLS AND CLERK OF ORPHANS COURT OF SOMERSET COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 2, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Kenneth H. Wagner, Stoystown, R. D., Somerset County, for appointment as Register of Wills and Clerk of the Orphans' Court of Somerset County, until the first Monday in January, 1940, vice William S. Livengood, Jr., resigned.

ARTHUR H. JAMES.

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, May 8, 1939, at eight o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, May 8, 1939, at eight o'clock Eastern Standard Time.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 312, entitled:

An Act to renenact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six—P. L. 13), entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," as previously reenacted and amended, by extending the provisions thereof for a further limited period of time.

House Bill No. 313, entitled:

An Act to further amend section one of the act, approved the thirteenth day of July, one thousand nine hundred seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of com-

panies incorporated under the provisions of section twenty-nine of an act, entiled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four and the supplements thereto; for the insurance of owners of real estate, mortgages and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefit of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anna Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by continuing the increased rate of tax for a further limited period of time, and reducing the rate of tax after such limited period of time.

House Bill No. 314, entitled

An Act to further amend the act, approved the first day of June, one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, co-partnerships, and persons.

House Bill No. 315, entitled:

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (P. L. 292), entitled "An act to provide revenue by taxation," by increasing the rate of tax for a further limited period of time.

House Bill No. 316, entitled:

An Act to further amend section four of the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (P. L. 149), entitled "Liquid Fuels Tax Law," by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time.

House Bill No. 319, entitled:

An Act to reenact and amend the title and the act, approved the fourteenth day of June, one thousand nine hundred thirty-five (P. L. 341), entitled as amended "Cigarette Tax Act," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. CHAPMAN, from the Committee on Municipal Government, reported as amended, Senate Bill No. 140, entitled:

An Act affecting cities of the second class A, authorizing the annexation of boroughs and townships thereto under certain conditions and in connection therewith placing duties upon or affecting courts of quarter sessions county boards of elections and officers of boroughs townships and cities of the second class A, and providing for the payment of the indebtedness of the various territorial units involved.

He also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 602, (House Bill No. 738), entitled:

An Act to further amend sections one two three four and five of the act approved the eleventh day of July one thousand nine hundred and twenty-three (P. L. 1032) entitled "An act providing for the abatement of nuisances caused by the improper grading or defective paving or encroaching fences in alleys in cities of the first class for the establishment of lines and grades for and the grading paving or repaving of said alleys and the grading of private alleys hereafter laid out and for apportioning the cost and for the filing of liens therefor" by extending the provisions of said act to retaining walls

Mr. MALLERY, from the Committee on Municipal Government, reported as committed, Senate Bill No. 603, (House Bill No. 755), entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto, and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections, and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective, to cure such defective publication of sale notices and validate the sale thereof.

Mr. EDMONDS, from the Committee on Corporations, reported as amended, Senate Bill No. 458, entitled:

An act to provide for increasing the indebtedness of railroad corporations with the privilege of converting the same into capital stock.

Mr. MILLER, from the Committee on State Government, reported as committed, Senate Bill No. 774, (House Bill No. 1193), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor, to sell seven lots of ground with the messuages thereon, if any, and providing for the disposition of the proceeds derived as a result of sale of such lots.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 759, entitled:

An Act to amend section one of the act, approved the seventh day of May, one thousand nine hundred and twenty-three (P. L. 158), entitled "An act creating a Legislative Reference Bureau; providing for the election of a director by the General Assembly; designating the officers and employes of such bureau, defining their duties; fixing their salaries; abolishing the present Legislative Reference Bureau; and making an appropriation" providing for the location of the bureau.

Mr. HOMSHER, from the Committee on Municipal Government, reported as committed, Senate Bill No. 718, (House Bill No. 900), entitled:

An Act to amend sections one thousand four hundred two, two thousand five hundred fifty-six, and two thousand five hundred fifty-nine, and to repeal section two thousand five hundred fifty-three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws 932), entitled, "An act relating to cities of the third class; and amending revising and consolidating the law relating thereto," as amended, clarifying the conditions of the bond of the city treasurer; providing for the determination of certain

expenses in connection with the collection of taxes for the city, county, institution district, school and poor district; and repealing a certain inconsistent section

He also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 606, (House Bill No. 868), entitled:

An Act to repeal the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2778), entitled "An act providing that all appointments made by the county commissioners in counties of the first class shall be divided between the majority and minority commissioners."

Mr. THOMAS, from the Committee on Municipal Government, reported as amended, Senate Bill No. 205, entitled:

An Act to carry into effect section one of article fifteen of the Constitution, giving cities other than cities of the first and second classes, the right and power to frame, adopt and amend their own charters and to exercise the powers and authority of local self-government; and providing the procedure therefor; imposing certain restrictions, limitations and regulations; imposing duties upon city councils, city officers, county commissioners and prothonotaries and providing for the payment of certain expenses by cities.

Mr. WALKER, from the Committee on State Government, reported as committed, Senate Bill No. 419, entitled:

An Act to amend section 202 of and a new Section 425A to the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in cetrain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," in order to establish the State Civil Service Commission as a departmental administrative commission in the Department of Public Instruction.

He also, from the Committee on State Government, reported as amended, Senate Bill No. 332, entitled:

An Act to amend section one of the act, approved the twenty-fourth day of March, one thousand nine hundred and five (P. L. 50), entitled "An act to reorganize the Board of Trustees of the Pennsylvania State College," making the Secretary of Mines an exofficio member of the Board of Trustees of the Pennsylvania State College and providing other changes in the membership of said Board.

He also, from the Committee on State Government, reported as amended, Senate Bill No. 420, entitled:

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and an Administrator certain powers and duties, providing for classification of positions, adoption of compensation, schedules and certification of payrolls; imposing duties upon certain officers and employes of the Commonwealth, authorizing cooperation with counties, cities, boroughs and towns and townships in matters relating to civil service; defining certain crimes and misdemeanors; imposing penalties and repealing certain acts and parts thereof.

Mr. KUNKEL, from the Committee on State Government, reported as committed, Senate Bill No. 773, (House Bill No. 1167), entitled:

An act relating to the superannuated member of the State Employes' Retirement System and preserving retirement rights in case of sudden and unexpected death.

He also, from the Committee on State Government reported as committed, Senate Bill No. 772, (House Bill No. 1064), entitled:

An Act to repeal section eight of the act approved the twelfth day of July one thousand nine hundred and nineteen (Pamphlet Laws 941) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reporters expert typewriters clerks and other employes and providing for their compensation and mileage providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts or parts of acts inconsistent herewith" in so far as it relates to the preparation printing binding and distribution of the Separate Journal of the House of Representatives

He also, from the Committee on State Government, reported as committed, Senate Bill No. 340, (House Bill No. 172), entitled:

An Act to amend secton two of the act, approved the twelfth day of July, one thousand nine hundred and nineteen (P. L. 941), entitled "An act providing for the preparation, contents, style, printing and binding of the Legislative Journal and its delivery and distribution; providing for the preparation, printing and binding of Journals of the Senate and House of Representatives; authorizing the appointment of official reporters, expert typewriters, clerks and other employes, and providing for their compensation and mileage; providing for the making of an appendix and index, the printing of wrappers or envelopes for mailing the Legislative Journal; and repealing all acts or parts of acts inconsistent herewith," by eliminating certain requirements as to matter to be printed in the Legislative Journal.

Mr. EROE, from the Committee on Elections, reported as committed, Senate Bill No. 748, entitled:

An Act to amend section forty of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation to provide for the preservation of registration records.

He also, from the Committee on Elections, reported as committed, Senate Bill No. 749, entitled:

An Act to amend sections thirty-three and thirty-four of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualification of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," to eliminate the necessity for the commission to prepare and distribute preliminary street lists.

He also, from the Committee on Elections, reported as committed, Senate Bill No. 750, entitled:

An Act to amend section thirty-nine of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs towns, and township as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenege and proof of qualification of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," to provide for the preservation of registration records.

He also, from the Committee on Elections, reported as committed, Senate Bill No. 751, entitled:

An Act to amend sections thirty-two and thirty-three of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inpectors of registration and other appointees of registration commissions, county election boards, election officers municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," to eliminate the necessity for the commission to prepare and distribute preliminary street lists.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 336, entitled:

An act authorizing counties to convey or lease property needed or convenient as a site for a county court house to the General State Authority to acquire additional property for such purposes, and to contract with and lease property from said Authority.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 337, entitled:

An Act to further amend section four of, and to add section 9.3 to, the act, approved the twenty-eight day of June, one thousand nine hundred and thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interest therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," by providing for additional projects, the acquisition of property from counties and the leasing of projects by the Authority to counties.

He also, from the Committee on Highways, reported as amended, Senate Bill No. 622, (House Bill No. 527), entitled:

An Act to amend clause (g) as added to section one thousand one hundred and ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," removing the time limit within which all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 235, entitled:

An Act to repeal the act approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2465), entitled "An act relating to motor vehicles, new and used; creating a motor vehicle dealers' commission; establishing its jurisdiction, powers and duties; and creating and providing for approved motor vehicle appraisers; establishing their powers and duties; regulating the sale, trade-in allowance, appraisals and information furnished the Commonwealth on motor vehicles, new and used, and

establishing regulations concerning speedometers; authorizing the commission to establish periodical prices for used motor vehicles, either sold or traded, in establishing the appraisal value of motor vehicles, new or used, either for sale or used trade-in allowances; providing for the licensing of motor vehicle dealers and salesmen and approved motor vehicle appraisers, and the payment of fees therefor; authorizing examination of the business papers and affairs of, and requiring the filing of reports by, licensees; authorizing and empowering the commission to hold hearings and to issue rules and orders, and the issuance of subpoena by the commission or its agents; and conferring jurisdiction upon the courts to punish contempts or to prohibit violations of orders of the commission; providing for appeals to the courts from decisions of the commission; imposing penalties; and making appropriations," and abolishing the motor vehicle dealers' commssion; and terminating the terms of its members.

Mr. SHAPIRO, from the Committee on Banking, reported as committed, Senate Bill No. 636, entitled:

An act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance, and protesting of bills, notes, drafts, checks, and other negotiable paper on such days," by authorizing certain additional bank holidays.

He also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 579, (House Bill No. 1165), entitled:

An Act to further amend section four of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" allowing pensions to certain persons heretofore or hereafter dismissed

He also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 631, (House Bill No. 967), entitled:

An act fixing leaves of absence for uniformed officers and men employed by cities of the first class as park guards.

Mr. TALLMAN, from the Committee on Municipal Government, reported as committed, Senate Bill No. 608, (House Bill No. 947), entitled:

An Act to repeal the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 475) entitled "An act to amend the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled 'An act for the better government of cities of the first class of this Commonwealth, by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes"

Mr. GELDER, from the Committee on State Government, reported as committed, Senate Bill No. 783, (House Bill No. 1074), entitled:

An Act to amend sections one and two of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2460), entitled "An act creating a joint legislative commission to be known as the Joint State Government Commission; providing for the appointment of its members and defining its powers and duties," changing the number and term of members, further defining their powers and duties and terminating the terms of members now in office.

Mr. KILGALLEN, from the Committee on Banking, reported as committed, Senate Bill No. 642, entitled:

An Act to further amend Section 41 of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports, and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decendents," by making further provision for the investment of trust funds in interest-bearing deposists.

He also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 632, (House Bill No. 972), entitled:

An act providing that uniformed officers and men employed by cities of the first class as park guards shall be entitled to twenty-four consecutive hours of rest each week except in emergency cases.

Mr. FARRELL, from the Committee on State Government, reported as committed, Senate Bill No. 761, entitled:

An Act to further amend clause six of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes; defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," further defining State employes.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 775, (House Bill No. 1212), entitled:

An Act providing for the refund of certain moneys by the Pennsylvania Turnpike Commission to the Department of Internal Affairs for the payment of salaries of employes heretofore or hereafter loaned to the said commission.

Mr. STEVENSON, from the Committee on Municipal Government, re-reported as amended, Senate Bill No. 308 (House Bill No. 480), entitled:

An Act regulating the appointment promotion suspension reduction removal and reinstatement of employes (except chiefs, deputy chiefs and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class defining the powers and duties of Civil Service Commissions for such purpose in said cities and repealing inconsistent legislation.

Mr. EALY, from the Committee on State Government, reported as committed, Senate Bill No. 443, (House Bill No. 498), entitled:

An Act to amend sections two and five of the act approved the first day of July one thousand nine hundred nineteen (Pamphlet Laws 717) entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" further regulating the term of office of such officers and employes

Mr. GELTZ, from the Committee on Elections, reported as committed, Senate Bill No. 437, (House Bill No. 254), entitled:

An Act to amend section one thousand two hundred seven of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for compensation for services rendered by constables and their deputies.

He also, from the Committee on Elections, reported as committed, Senate Bill No. 158, entitled:

An Act to amend section one thousand two hundred six of, and to add section one thousand two hundred six and one-tenth to the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by changing the provisions relating to the judges of the courts of common pleas being in continuous session at the court house on the day of each primary and election; and imposing additional duties upon the counsels for the county boards of elections.

REPORT FROM COMMITTEE

Mr. EALY, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

REGISTER OF WILLS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 2, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Kenneth H. Wagner, Stoystown, R. D., Somerset County, for appointment as Register of Wills and Clerk of the Orphans' Court of Somerset County, until the first Monday in January, 1940, vice William S. Livengood, Jr., resigned.

ARTHUR H. JAMES.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 2, 1939, by His Excellency, the Governor of the Commonwealth, together with the nominations just reported from Committee.

Mr. TALLMAN. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 2, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Julius C. Hamrock, Homestead.

BRADFORD COUNTY

Robert C. Fraley, Athens.

ERIE COUNTY

Mrs. Pauline Hayes, Girard Twp., Box 116, R. D. 1, Girard.

FOREST COUNTY

Miss Frances M. Korb, Tionesta.

PHILADELPHIA COUNTY

John E. Baxter, 125 South 4th St., Phila.

YORK COUNTY

Lawrence E. Serff, York

ARTHUR H. JAMES.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, May 2, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

BUTLER COUNTY

Miss Mildred G. McMahan, Butler, May 14, 1939.

WESTMORELAND COUNTY

Miss Mamie Dobas, Monessen, May 14, 1939.

BUCKS COUNTY

John A. Collins, Falls Twp., R. D. 1, Morrisville, May 26, 1939.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. JAMES

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. JAMES, that the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe,	Kunkel,	Ruth,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. JAMES. Mr. President, I second the motion.

The motion was agreed to.

BILLS INTRODUCED

Mr. GILSON and WOLFENDEN read in their places and presented to the Chair, Senate Bill No. 816, entitled:

An Act to amend the act, approved the sixth day of April, one thousand nine hundred and thirty-nine, (P. L.—, Act No. 4-A), entitled "An act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie and for the joint use of the Department of War of the United States Government and the Department of Forests and Water of the Commonwealth of Pennsylvania and the use of the Department of Forests and Waters in cooperation with the Federal Beach Erosion Board," by increasing the amount of the appropriation and authorizing the Department of Forests and Waters to accept reimbursements from the United States Department of War.

Which was committed to the Committee on Appropriations.

Mr. GELDER read in his place and presented to the Chair, Senate Bill No. 817, entitled:

An Act to further amend section eleven of the act, approved the seventeenth day of February, one thousand nine hundred six (P. L. 45), entitled "An act to regulate the deposits of State funds, to prescribe the method of selecting State depositories, to limit the amount of State deposits, to provide for the security of such deposits, to fix the rate of interest thereon, to provide for the publication of monthly statements of moneys in the general and sinking funds, to declare it a misdemeanor to give or take anything of value for obtaining the same, and prescribing penalties for violations of this act," by further regulating the rendition and advertisement of statements of moneys to the credit of the various funds in the State Treasury, and repealing inconsisent acts.

Which was committed to the Committee on State Government.

Mr. EDMONDS read in his place and presented to the Chair, Senate Bill No. 818, entitled:

An Act to further amend sections ten and fifteen of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by providing further procedure for preserving such liens and enforcing payment of such claim; and validating certain municipal liens heretofore filed and certain liens heretofore revived by suggestion and averment.

Which was committed to the Committee on Judiciary General.

Mr. WALKER read in his place and presented to the Chair, Senate Bill No. 819, entitled:

An Act to validate certain proceedings for municipal improvements, municipal assessments, municipal claims, and municipal liens in the several cities of the third class, boroughs, and townshps of the first class of this Commonwealth; and validating such improvements, assessments, claims, and liens; providing for the filing of claims and liens therefor, and the proceedings for the collection of such assessments, claims, and liens.

Which was committed to the Committee on Municipal Government.

He also, by request, read in his place and presented to the Chair, Senate Bill No. 820, entitled:

An Act to further amend section one of the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage and cesspools in cities of the second class; and imposing fines, penalties, and forfeitures for violation thereof," by redefining the boroughs to which the act as amended is applicable.

Which was committed to the Committee on Education.

Mr. GELTZ, by request, read in his place and presented to the Chair, Senate Bill No. 821, entitled:

An Act to amend and further amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local

authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines for forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," providing for denial of annual renewal of registration of motor vehicle and operators' licenses in certain cases; requiring notation of violations upon operators' license cards; requiring certain information pertaining to violations upon application for duplicate operators' licenses; providing additional reasons for suspension of licenses; changing method of timing rate of speed of motor vehicles; providing for arrest by peace officers on view in cities of the second class for violations of act; and imposing certain duties upon magistrates.

Which was committed to the Committee on Highways.

Mr. SNOWDEN read in his place and presented to the Chair Senate Bill No. 822, entitled:

An Act making an appropriation to the Danville Volunteer Fire Department for the protection of State property.

Which was committed to the Committee on Appropriations.

Mr. CHAPMAN read in his place and presented to the Chair Senate Bill No. 823, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one, (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Venango.

Which was committed to the Committee on Highways.

Mr. HALUSKA read in his place and presented to the Chair Senate Bill No. 824, entitled:

An Act reappropriating to the Bituminous Coal Study Commission the unexpended balance of money heretofore appropriated thereto.

Which was committed to the Committee on Appropriations.

Mr. McGINNIS read in his place and presented to the Chair Senate Bill No. 825, entitled:

An Act creating the Oil Industry Investigation and Control Commission for the investigation and regulation of the oil industry and persons engaged in the production refining and distribution of oils and gasoline, prescribing the powers and duties of said commission and fixing their compensation and terms of office; providing for the appointment of necessary employes and the compensation thereof; conferring powers on the courts of equity and common pleas; regulating the proceedings of the commission and the practice and procedure before it; providing for judicial review by courts of equity and for appeals to the Superior Court; prescribing penalties for violations of orders of the commission or of the provisions of this act; imposing certain duties on those engaged in oil or gasoline business and providing for cooperation between the commission and those persons in the formulation of a program of fair trade practices and methods of competition and making an appropriation.

Which was committed to the Committee on Judiciary General.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 309, (House Bill No. 483), entitled:

An Act providing for the appointing of deputy controllers in cities of the second class A and prescribing their powers and duties

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 43.

Bartlett,	Geltz,	Mallery,	Shapiro,
Cavalcante,	Gilson,	McCreesh,	Sipe,
Chapman,	Haluska,	McGinnis,	Snowden,
Crowe,	Heyburn,	Miller,	Stevenson,
Deitrick,	Homsher,	Mundy,	Stiefel,
DiSilvestro,	James,	Owlett,	Tallman,
Ealy,	Jaspan,	Pierson,	Thomas,
Edmonds,	Kilgallen,	Reed,	Walker,
Farrell,	Kunkel,	Rice,	Wolfenden,
Frey,	Lanius,	Ruth,	Woodward,
Gelder,	Letzler,	Scarlett,	

NAYS 0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 399, (House Bill No. 576), entitled:

An Act to further amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-three (Pamphlet Laws 233 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Gaum providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" as amended extending the time during which application may be filed for veterans' compensation

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 46.

Bartlett,	Frey,	Letzler,	Shapiro,
Cavalcante,	Gelder,	Mallery,	Sipe,
Chapman,	Geltz,	McCreesh,	Scarlett,
Coleman,	Gilson,	McGinnis,	Snowden,
Crowe,	Haluska,	Miller,	Stevenson,
Dando,	Heyburn,	Mundy,	Stiefel,
Deitrick,	Homsher,	Owlett,	Tallman,
Dent,	James,	Pierson,	Thomas,
DiSilvestro,	Jaspan,	Reed,	Walker,
Ealy,	Kilgallen,	Rice,	Wolfenden,
Edmonds,	Kunkel,	Ruth,	Woodward,
Farrell,	Lanius,		

NAYS 0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS INTRODUCED

Mr. SHAPIRO. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO, by request, read in place and presented to the Chair Senate Bill No. 826, entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for special elections for the submission of public questions only; providing for the appointment of watcher at such elections; conferring certain rights upon chairmen or other presiding officers of political parties and of certain organized bodies of citizens, and imposing further duties upon county boards of elections and courts.

Which was committed to the Committee on Elections.

He also, read in his place and presented to the Chair Senate Bill No. 827, entitled:

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania, by adding section eight.

Which was committed to the Committee on Judiciary General.

MOTION TO RECONSIDER SENATE BILL 214

Mr. DENT. Mr. President, at this time I move that this Senate reconsider the vote by which Senate Bill 214, Printer's No. 69, was defeated. By way of explanation I want to state before we vote, that this is a bill introduced by Senator Geltz limiting of the size of signs on gasoline stations. Since that bill was defeated, I had occasion to go back home and talk to some of my retail dispensers and I find that they are very must interested in the bill and believe it will give them a breathing spell in the gasoline war.

I request that the members of the Senate go along on this motion.

The PRESIDENT. How did the Senator vote?

Mr. DENT. Mr. President, I voted "no."

Mr. HALUSKA. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. HALUSKA. Mr. President, I voted "no."

On the question,

Will the Senate agree to the motion?

It was agreed to.

Mr. REED. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Geltz.

The PRESIDENT. Will the Senator from Allegheny, Mr. Geltz, permit himself to be interrogated?

Mr. GELTZ. Mr. President, I will.

Mr. REED. Mr. President, may I inquire from the Senator from Allegheny, Mr. Geltz, the sponsor of this bill, what he had to say on this motion? I understand the Senator from Allegheny was the sponsor of this bill, and he has heard the motion of the Senator from Westmoreland. I desire to know his standing on the motion.

Mr. GELTZ. Mr. President, I am in favor of the motion. I think it is perfectly proper that this vote be reconsidered; and, in that connection, Mr. President, I would like to say at the time this bill was considered last week improper motives were imputed to my sponsorship of this bill. It was claimed by our colleagues on the other side, I believe, that I was in league with some of the big individuals in the State, representing them, and not interested in the small businessmen and taxpayer, whom I claimed were the ones this bill would benefit.

It appears that, after the defeat of this bill, some activity was created by those small gasoline station owners and dealers; that they became very much outraged by the lack of consideration apparently given to this bill by the Senate and they got busy. Although I introduced the bill for their benefit, they apparently forgot all about me; but I understand they did not forget about some of the other Senators here and sent some night letters requesting reconsideration. So that the record of the Senate will show my standing on this bill, and the purpose for which I introduced it, I ask leave at this time to read into the record a night letter sent to various members of this Senate by the Associated Gasoline Retail Dealers Association:

"It is very urgent Bill 214 be reconsidered by your body. The defeat of this bill means continuance of the chaotic conditions in the retail gasoline business and the continuance of unemploment and starvation wages in this industry, numbering in this State more than seventy-five thousand employees. We cannot understand why the Democratic Senators were solid against this bill as their party advocated policies for the small man, and the very heart of Bill 214 would pump life-blood into the thousands of small retail gasoline dealers and their employees. The retail dealer has been in chaos for the past three years with an overwhelming business death rate annually. There is some misunderstanding. The sponsors and backers of Bill 214 are small retailers and in no way would it help or hurt the major oil companies. These oil companies are paid for their products upon delivery and have no interest in the price the retailer sells for. A committee of gasoline dealers will be in the Penn-Harris Hotel Monday afternoon, May 1, and would appreciate contact with you between four and six p. m."

Mr. President, I might say that this committee appeared yesterday and I believe they are present here now. Until last night I did not know personally any member of that committee but I believe they have something here that

ought to receive fair consideration by every Senator. I think they are in a very serious condition, due to the price wars which are going on in this State. These men who are vitally interested in this bill are, after all, taxpayers in this State and some of the persons who give the State the money from which it operates. Further than that, Mr. President, I have no interest.

I do not know whether this bill will bring about satisfaction of the condition for which they are hoping; but they are convinced it will, and I think, in all fairness and justice to them, that we should give it our most earnest consideration.

Mr. SHAPIRO. Mr. President, first of all, I want to say I did not inpute any improper motives except in my accusation of the Republican party. I said this was the first promise the Republican party is keeping in passing this bill, because this takes care of Mr. Pew and several others of the oil industry.

I have not changed my attitude. I still say that this bill, in the first place, is silly legislation. I have hearty sympathy with those people who are operating gasoline stations and cannot make a living out of them. It is not because somebody else cuts prices that they do not make a living, but it is because the people from whom they buy gasoline control the prices so that they cannot make a living. I do not see how these people can be protected in the cutting of prices by a law which, any lawyer in the room will agree does not require much experience to know, is absolutely contrary to any principle of fundamental law; namely, that I shall not put a sign on a station, for which I pay rent, which is not more than eight by ten inches in size. It is ridiculous, silly, nonsensical and the law will never stand the test.

By what right does the Legislature say to me, when I run a grocery store, that I can put a sign in my window, a fifty foot sign, but if I run a gasoline station I must confine it to my pump and make it an eight by ten inch sign?

Where is this thing going to end? Are we going to apply a poultice plaster for every ill? We cannot correct every ill, we cannot instill honesty by passing laws and we cannot stop competition by passing a law. I do not know that we want to stop it. On our calendar today is another bill. These people are telling us how important it is that they should be saved from the cutting of prices. In the other bill we are telling the people they must not sell for less than six per cent over their costs. Where is it going to end? Are we going to discuss this law and, because somebody sends a telegram, reverse our position? I got one of those telegrams, and I am not going to change my position. I have all the sympathy in the world for those people but I suggest that the disease will not be corrected by the remedies they are trying to apply.

I suggest that they go to the big gasoline companies and tell them to make a differential between the selling price of gas to them and the selling price to the public. This bill cannot help all the agents who rent from these companies, who make leases and are charged a certain amount per gallon rent. I know what the situation is, and I have made inquiries about it. There are two independent groups—the one buys from one group of companies and another buys from another group of companies.

One group wants to cut prices and the other group does not, so the group that does not want to cut prices thinks they are solving the problem by putting up an eight by ten inch sign, and they are the retail dealers and all of them want this bill; and the other group who want to cut prices are not asking for the bill.

There is no secret about that. You can go to Philadelphia and get ten people to say that they are crazy for a bill and you can get ten other people to say, "no, it will not help us." That is not our job, in my opinion. If there is any police regulation needed, we can do that; if there is any safety regulation needed, we have a right to do that; but under what law does this gentleman, who advocates this bill, say that we have a right to say to those people that they can not put up a sign ten by twenty on their station?

Last year we passed a law saying a sign must be large enough, conspicuous enough, so that everybody can see it, and it must contain the Federal Tax, the State Tax and the price. Now we have a law that it must be small enough so that nobody can see it and it must still contain the Federal Tax, State Tax, and the price.

There is nobody in this room, who is a lawyer, who can honestly point out upon what authority we can pass such a law.

Mr. SIPE. Mr. President, I have always had a very strong sympathy for the little businessman, including the little gasoline station man, and I know what great havoc these price wars in gasoline cause among the small gasoline dealers. I know what a serious thing, what a destructive thing, gasoline wars are to the little gasoline man; but I did not know that the evils of price wars could be cured so easily as simply requiring by law a little sign not larger than eight inches by ten inches. And it occurs to me that if small signs are a cure for this evil, then perhaps there should be still a smaller sign than one eight inches by ten inches. If a sign eight inches by ten inches will stop gas wars, why not stop them more effectively by putting up a sign two inches by four inches?

At this point I should like to interrogate the Senator from Westmoreland, Mr. Dent.

The PRESIDENT. Will the Senator from Westmoreland, Mr. Dent permit himself to be interrogated?

Mr. DENT. Mr. President, I will.

Mr. SIPE. Mr. President, the Senator from Westmoreland has told us that he has heard from small gasoline dealers in his district since this bill was defeated and that they have told him that they believe this bill will help to stop gas wars. Now I want to ask him what reason they gave, if any, for the hope that it will do so?

Mr. DENT. Mr. President, they advanced various reasons and amongst them was this one that appealed to me. They say that a person who operates what might be termed a general gasoline company works on a different buying cost or buying basis than what they do and can demoralize the market for an area, say of twenty miles on the highway by putting up signs calling attention to the fact that gasoline is selling for 14.2 cents or 13.9 cents or some price within that range and all other gas companies along that road must either meet it, or cut their price and put up still bigger signs.

Now they claim, and I think they are right, that it is not so much the cost of gasoline, or the price of it, as the manner in which they induce the public does not tell the whole story, they have signs eight feet by twelve feet high, with nothing on them except the figures, 13.9 cents,

or 14.5 cents, and that is all they do say. They believe that this will establish a better principle in business, a more fair and equitable manner of setting up the price, and if that is what they believe I am inclined to go along with that thought.

Mr. SIPE. Mr. President, I desire to further interrogate the Senator from Westmoreland, Mr. Dent.

The PRESIDENT. Will the Senator from Westmoreland, Mr. Dent, permit himself to be further interrogated?

Mr. DENT. Mr. President, I will.

Mr. SIPE. Mr. President, I have still another question. Did these small dealers express the thought that a sign 8 x 10 is small enough for the purpose for which they will use it?

Mr. DENT. Mr. President, in most stations, as I understand it from them, that is the size of the sign that has been in use.

Mr. SIPE. Mr. President, did any of them think a sign still smaller would be advisable?

Mr. DENT. Mr. President, no, they did not.

Mr. SIPE. Mr. President, then they do not believe a sign two inches by four inches might correct the situation still more effectively?

Mr. DENT. Not necessarily, Mr. President, I might say that I do not agree entirely with those gentlemen in stating that this will cure gas wars, but I believe, from the amount of money they have invested and from the importance of the industry, from the number that that industry employs in Pennsylvania, that they should be entitled to it if they desire this type of legislation and believe it will help them and I am ready to go ahead and give them this type of legislation, although we may not see eye to eye with them in the matter of gas wars and what causes them and what will cure them but I do believe in fairness we should pass this legislation for them.

Mr. KILGALLEN. Mr. President, I voted against this bill when it was before us on the last occasion and I am now going to eat a little crow and vote for it, and the reason I am changing my vote is because the people back home in whom I have confidence, small business men, tell me this is a good bill. In addition to that, Mr. President, last week on my way home I went over the William Penn highway and stopped at seven small gasoline stations that had those flamboyant signs and asked the attendant why it was and they told me we could get rid of them by putting up a small sign.

Mr. WALKER. Mr. President, I am sorry that the Journal for last Wednesday is not here. I do not know whether I can change any votes or not, but I wish to make a few remarks on the subject.

Last Wednesday when this bill was before this dignified and august body, I talked about Sidney Green, the Virginia Democrat who runs a little gasoline station in my district and of whom I spoke last week? When I went home over the weekend I was called by the Retail Gasoline Dealers Association and asked why I was against the bill. I have not changed my mind, I still think it is a good bill and I am awfully glad a few of the seeds I tried to sow last Wednesday are falling on fallow ground.

Mr. SHAPIRO. Mr. President, I do not know what kind of seeds fell on what kind of ground, but will the Senator from Allegheny, Mr. Walker, tell me in what way this bill will stop price wars?

Mr. WALKER. Mr. President, I have my doubts as to whether this bill will serve the purpose they think it will, but these men know their own business better than I do, and if they are for the bill, having a greater knowledge of the subject matter than I do, I am inclined to go along with it and give it a trial.

Mr. SHAPIRO. Mr. President, does the Senator from Allegheny think that this bill can be enforced, as a legal proposition, even if it is passed?

Mr. WALKER. Mr. President, if it is passed it will have the effect of giving a breathing spell to this business. Whether that lasts for a period of one, two or three months, it will be a breathing spell.

Mr. SHAPIRO. Well, Mr. President, he has that breathing spell unconstitutionally.

Mr. President, does the gentleman from Allegheny think it is fair, instead of treating this matter on this basis of two or three people contacting four or five Senators—if it is to be considered there should be a public hearing to bring out the general attitude, instead of these private conversations that we hear about.

Mr. WALKER. Mr. President, I do not know about that.

Mr. KILGALLEN. Mr. President, I do not know that I accept the proposition of two or three people—I think now I am speaking the sentiments of the industry—by the industry I mean the small operators of these stations.

Mr. SHAPIRO. Does the gentleman think there ought to be a public hearing on this bill?

Mr. KILGALLEN. Mr. President, I have no objection to that. I thought perhaps that would be a good thing.

Mr. JAMES. Mr. President, I voted against this bill and I was induced to do so largely because in my opinion it was unconstitutional. I agree with the Senator from Philadelphia that the Act is probably unconstitutional. How this Legislature can say that I, as a private owner, shall not and cannot exhibit a sign on my private property, which sign is not in itself a nuisance, I cannot comprehend.

Therefore, if the bill is unconstitutional, why should I, as a member of this Senate, vote for a bill I feel in my heart is unconistitutional and then have it so decared by the Governor when it comes up to him? Why should we pass legislation that we know is unconstitutional?

There is another thing which influenced my vote and that is the provision in Section 2 of this act, which requires that the Act shall be enforced at the expense not of the dealer who is asking for this legislation but at the expense of the Department of Revenue. I am informed there are at least ten thousand dealers in the Commonwealth of Pennsylvania that will be affected by this bill, and, multiplying that by the number of inspections required to be made by the Department of Revenue, your cost will run over two or three hundred thousand dollars. Therefore I am still against this bill.

Mr. McGINNIS. Mr. President, I realize that this bill may be unconstitutional but we have in Pennsylvania a large number of retail dealers that are starving. Before here in this committee today, from Allegenhy County, was a gentleman who lost a hundred thousand dollars in the last three years; another man is losing nine dollars a day in three different stations, and others are in a like situation.

Here is what happens to that little retail dealer: He builds up a little business with his friends, by his courtesy, by his treatment of his customers, and they get in

the habit of coming there—he has a business built up; then, lo and behold, some unscrupulous dealer puts up a station next to him and cuts the price and puts up one of those placards, a piece of cardboard along the street, and he cuts the price down a cent and the fellow next to him feels he must do the same thing and he puts another card up and he cuts it down another cent; another fellow puts up a card announcing a cut of nine-tenths of a cent, and so on the highway between here and Pittsburgh we have every station plastered with these signs four to five feet square, with gasoline at 16.1 cents, 15.3 cents and so on, so that, they have got it down, in this price war—they have got the price down so that some are selling for cost and very few are selling for a penny more than cost. In other words, practically every dealer, every little dealer in Pennsylvania, is losing money.

Now, I feel this—and these dealers who are in that business feel it too—that if these signs are prohibited a person who drives along the highway or the street and does not see these placards plastered all over the curb, he does not know what the price of gasoline is and he will go to his old dealer and in that way that dealer can keep the trade he has built up over the years.

It may be, as the Senator from Philadelphia, Mr. Shapiro, and the Senator from Bucks, Mr. James, say, that this bill is unconstitutional; but I know that the courts these days are going to great lengths to protect business and to protect the little fellow and to see that he keeps his business after he builds it up.

We have a Fair Trade Practice Act; we have a Regulating Act, we have Utilities Commissions and so forth. I introduced a bill here just now to organize or have established in this State a commission that will take into consideration this entire subject, and have the oil industry itself submit what they call fair rules of practice in business and have these rules and practices enforced by a commission similar to the Federal Fair Trade Practice Act, and I believe that if we do nothing else by passing this bill then call to the attention of the people of Pennsylvania that there is something wrong here, it will agitate this question and a lot of people will get to discussing it. If these signs are stopped—even if the court will come along and declare that bill unconstitutional—we will have called to the attention of every dealer in Pennsylvania that there is something radically wrong with the gasoline business in Pennsylvania.

Mr. SIPE. Mr. President, if I understand the Senator from Allegheny, Mr. McGinnis, correctly, he said that the courts are going to great lengths to protect the little business man. If that be the case it is certainly not in Pennsylvania. Two years ago the Legislators in the General Assembly of Pennsylvania passed the chain store act, having in mind the salvation of the little store-keeper, the little independent, but the court of the Commonwealth here in Harrisburg, comes along and knocks out that law, saying it is capricious, and also applying a lot of deteriorating and depreciating adjectives to describe it. So that I would like to ask my friend from Allegheny, if he has found any courts in Pennsylvania that are working overtime to protect the little business man, to please tell us where they are—it is not the court of the Commonwealth here in Harrisburg that will probably pass on this Act.

Mr. McGINNIS. Mr. President, Justice Hughes, to my mind, has had a transformation. During my memory I have seen Justice Hughes write opinions today that ten years ago would shock him. Justice Kephart, of our own Supreme Court, is writing opinions today that ten years ago would have shocked him. I want to say that while they are both Republicans, I say to you that our Supreme Court of the United States has been very fair to New Deal legislation; and I say to the members of this Senate that I feel the Supreme Court of Pennsylvania have been very fair and very liberal in the interpretation of New Deal legislation of this State under our Administration.

Mr. OWLETT. Mr. President, we have twenty pages of the Calendar to conclude, and some of the men want to go to a dinner this evening. This debate is on a motion to reconsider the vote by which this bill was defeated.

I therefore would like humbly to request, without moving the previous question, that we terminate as soon as possible the debate on this question so that we can proceed with the consideration of the calendar. I think we all understand this problem.

Mr. CAVALCANTE. Mr. President, I do not want to yield the floor yet to that suggestion, because I am very firmly convinced that if a few more words are said about this question the truth will be known. On this question of constitutionality I think that we probably are in confusion, for I remember distinctly that in all the liquor bills we have provisions, and we have already told the citizens of this Commonwealth, where liquor is sold in restaurants you cannot keep signs of a certain dimension—we have regulated this. And then, not long ago, we read in the paper where even the Governor of this Commonwealth gave orders that the signs were to be taken out of certain liquor stores. Apparently the Governor does not think that that is unconstitutional.

Now, the truth of the matter is this: that the voice that speaks out of this bill is indeed the voice of the big oil men, the big companies. Now I have discussed this matter, the matter of this bill, with some of my very sincere colleagues in this Senate, and we are fully in sympathy with these hundreds of gasoline retailers along our highways. They are in very serious circumstances. But, Mr. President, if they are in those circumstances it is because they have put themselves in that position—they are either indebted to a large extent or operate their places of business under agreements with these big oil concerns or they lease from these big men; and here they themselvss, the little fellows, find themselves, in plain language, "hog-tied" by the hog oil men, the big men of oil; and here they are faced, no doubt, with a very serious question. But I say this: Who is the little man in this question? It is not the man who retails the gasoline but the little man is the man who stops along that highway, the consumer, the public; and I say this: there must be a place where we must stop, but if there is competition and wars between these great big men of oil and if that war inures to the benefit of the consuming public, then the proper people are getting a fair show, the public is getting probably a square deal there.

Now, the truth of the matter is, we are not retracting from our position that we took last week; we still think that the voice in this bill is the bill of Mr. Pew and the big oil men, and that these unfortunate retail dealers of gasoline find themselves "hog-tied" and they are the pawns, they are the fellows who are going to receive the blows, they are the ones who are going to suffer the loss;

but if this bill is passed, if we pass this bill, any benefit that will come to these little men will inure to the benefit of the big fellow—it must go up that way.

And so I say, Mr. President, that if we stretch this debate out long enough to know the truth, that is what these men, this committee that is here in this Senate Chamber today, say—that they are "hog-tied" by the big men; and if they buy gasoline from the big man, the wholesaler, at thirteen cents a gallon, they must sell it, in many cases, at thirteen cents a gallon.

In other words, they are merely the pawns and the slaves of those over them; and under our Constitution, under our form of government, no American need be put in that position unless he puts himself in that position. If they show a little bit of grit, a little bit of American red blood, and fight the big man over them and keep him from "hog-tying" them, then we would not need to pass these bills to help them out.

Mr. OWLETT. Mr. President, I move the previous question.

Mr. HEYBURN. Mr. President, I second the motion.

Mr. HOMSHER. Mr. President, I second the motion.

Mr. MALLERY. Mr. President, I second the motion.

Mr. JAMES. Mr. President, I second the motion.

The PRESIDENT. The Senator from Tioga moves the previous question, and it has been seconded by the Senator from Delaware, the Senator from Lancaster, the Senator from Blair, and the Senator from Bucks—more than is necessary.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. For what purpose does the Senator from Westmoreland rise?

Mr. DENT. Mr. President, on a question of personal privilege.

POINT OF ORDER

Mr. OWLETT. Mr. President, there is nothing before the Senate but the previous question, which has been moved.

The PRESIDENT. The point of order is well taken. The question is on the motion to reconsider.

Mr. SHAPIRO. Mr. President, I ask that the roll be called.

The PRESIDENT. A roll-call has been requested. The Clerk will proceed with the call.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, the vote now is on the previous question?

The PRESIDENT. The Chair so understands.

Mr. SHAPIRO. Not on the reconsideration, Mr. President, but on the previous question?

The PRESIDENT. The Chair understands it is on the previous question.

Mr. SHAPIRO. Mr. President, does it carry the bill with it?

The PRESIDENT. No, it does not.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. DENT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Westmoreland will state his question of parliamentary inqury.

Mr. DENT. Mr. President, the vote upon the previous question—in my understanding of parliamentary law, a vote upon a previous question carries the motion which is the previous question.

The PRESIDENT. The Chair does not so rule. The Chair rules that there is nothing before the Senate except the calling of the roll on the motion to reconsider.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Tioga will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, is it not true that a vote "aye" is a vote to reconsider the vote by which this bill failed of passage?

The PRESIDENT. This vote is on the previous question.

Mr. OWLETT. Mr. President, which is what?

The PRESIDENT. The Chair was about to take the vote and the gentleman from Philadelphia, Mr. Shapiro, asked for a roll-call.

Mr. SHAPIRO. Mr. President, that is why I raised the question.

I do not want a roll call on whether or not the debate shall be stopped, which is all we are voting on now.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. DENT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Westmoreland will state his question of parliamentary inquiry.

Mr. DENT. Mr. President, if a motion is made for the previous question, what is the previous question except the motion before the Senate? There is no such thing as a previous question unless you are voting on something before this Senate.

The PRESIDENT. The Chair rules that you are voting on whether you want to call up the question of reconsideration.

Mr. DENT. Mr. President, the motion was clearly made.

The PRESIDENT. The Senator from Westmoreland is out of order.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. DENT. Mr. President, I rise to a question of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, I withdraw my request for a roll call.

Mr. DENT. Mr. President, I think the gentleman from Philadelphia agrees with me as to what I said about a motion on the previous question—what is the previous question? He called for the motion on the previous question. Now, what is it?

The PRESIDENT. The motion is, "Shall the previous question be put?"— and that is all we are voting on.

Mr. DENT. Mr. President, the motion was, "I move the previous question." I think we are wrong in the ruling. The motion was, "I move the previous question."

Did not the Senator from Tioga make that motion?

Mr. OWLETT. That is correct, Mr. President. But the Chair has ruled on the matter, and therefore I suggest, that the speaker is out of order. The Chair has ruled

that we are voting on whether we shall proceed with the vote on my motion.

The PRESIDENT. That is correct.

Mr. DENT. Mr. President, I never heard of such stuff in all my life.

The PRESIDENT. Was the Senator from Westmoreland in the Senate on January 3rd?

Mr. DENT. Yes, Mr. President, I was here on January 3rd and also on January 16th and January 17th.

The Clerk proceeded with the calling of the roll.

Mr. DENT. Mr. President, I desire to be recorded as voting "no."

The PRESIDENT. It will be so recorded.

Mr. JAMES. Mr. President, having voted under a misapprehension, I desire to be recorded as voting "aye."

The PRESIDENT. It will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Bartlett,	Gelder,	Letzler,	Ruth,
Cavalcante,	Geltz,	McCreesh,	Shapiro,
Chapman,	Gilson,	McGinnis,	Sipe,
Crowe,	Heyburn,	Miller,	Snowden,
Dando,	Homsher,	Mundy,	Stevenson,
DiSilvestro,	James,	Owlett,	Tallman,
Edmonds,	Jaspan,	Pierson,	Thomas,
Eroe,	Kilgallen,	Reed,	Walker,
Farrell,	Kunkel,	Rice,	Wolfenden,
Frey,			

NAYS—4

Dent,	Haluska,	Lanius,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

The PRESIDENT. The question now recurs on the motion to reconsider Senate Bill No. 214.

And the question recurring,

Will the Senate agree to the motion to reconsider the vote by which Senate Bill 214 was defeated on final passage.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Frey,	McGinnis,	Snowden,
Cavalcante,	Gelder,	Miller,	Stevenson,
Chapman,	Geltz,	Mundy,	Tallman,
Crowe,	Gilson,	Owlett,	Thomas,
Deitrick,	Haluska,	Pierson,	Walker,
Dent,	Kilgallen,	Reed,	Wolfenden,
Edmonds,	Kunkel,	Sipe,	Woodward,
Farrell,	Letzler,		

NAYS—16

Coleman,	Eroe,	Jaspan,	Ruth,
Dando,	Heyburn,	Lanius,	Scarlett,
DiSilvestro,	Homsher,	McCreesh,	Shapiro,
Ealy,	James,	Rice,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Mr. SHAPIRO. Mr. President, I ask for verification of the roll.

The PRESIDENT. A verification of the roll has been requested. The clerk will call the affirmative votes.

The clerk verified the affirmative votes as follows: Bartlett, Cavalcante, Chapman, Crowe, Deitrick, Dent, Edmonds, Farrell, Frey, Gelder, Geltz, Gilson, Haluska, Kilgallen, Kunkel, Letzler, McGinnis, Miller, Mundy, Owlett, Pierson, Reed, Sipe, Snowden, Stevenson, Tallman, Thomas, Walker, Wolfenden, and Woodward.

The PRESIDENT. Are there any corrections? The Chair hears none.

The affirmative roll will stand as verified.

The clerk will read the votes in the negative.

The clerk read the votes in the negative as follows: Coleman, Dando, DiSilvestro, Eroe, Ealy, Heyburn, Homsher, James, Jaspan, Lanius, McCreesh, Rice, Ruth, Scarlett, Shapiro, Stiefel.

The PRESIDENT. Are there any corrections? The Chair hears none.

The negative roll will stand as verified.

The vote on the motion to reconsider is, yeas 30 and nays 16, and Senate Bill No. 214 is on final passage.

And the question recurring,

Shall the bill pass finally?

Mr. REED. Mr. President, in view of the fact that so many of us do not know exactly what these gentlemen have in mind I think that this bill ought to be put on the postponed calendar in order that we can learn more about it.

MOTION TO POSTPONE

Mr. REED. Mr. President, I move that Senate Bill No. 214 be placed on the postponed calendar.

Mr. McCREESH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion.

Mr. GELTZ. Mr. President, if the Senator who made the motion and also the Senator who seconded the motion will withdraw, I would like to move to recommit this bill because of the fact that grave doubt has been expressed by some individuals whose opinions are worthwhile as to the constitutionality, as well as the fact that there seems to be grave doubt in the minds of a considerable number of the Senators as to whether or not this bill will accomplish the purpose for which it is intended and I think for that reason there should be further consideration by the committee.

WITHDRAWAL OF MOTION TO PLACE ON POSTPONED CALENDAR

Mr. REED. Mr. President, I shall be glad to withdraw the motion I made to place this bill on the postponed calendar, in response to the suggestion of the sponsor of the bill.

Mr. McCREESH. Mr. President, I withdraw my second of the motion.

MOTION TO RECOMMIT SENATE BILL NO. 214

Mr. GELTZ. Mr. President, I move that Senate Bill No. 214 be recommitted to the Committee on State Government, for further study.

Mr. LETZLER. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 278, (House Bill No. 38) on final passage, entitled:

An Act to amend Sections Three Four Five Nine and Eleven of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet

Laws four hundred sixty-three) entitled (as amended) "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" as amended by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation regulating the publication of such resolutions and ordinances by including waterworks water distribution systems low head dams and parts of sewer systems as projects by authorizing the municipalities to limit the projects to be undertaken by an Authority by authorizing a longer term for the bonds issued by an Authority avoiding competition with existing enterprises by including waterworks water supply works water distribution systems and parts of sewer systems as facilities which may be transferred to an Authority by any owner in addition to the Commonwealth and the political subdivision thereof and authorizing authorities to acquire water and water rights subject to the approval of the Water and Power Resources Board.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. GELDER. Mr. President, by the direction of the Committee on Highways, I move that Senate Bill No. 294, (House Bill No. 443), on third reading, entitled:

An Act to amend the appropriation act approved the fifth day of June one thousand nine hundred thirty-seven (Appropriation Act No. 51-A) entitled "An act making an appropriation of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine apportioning the funds to the several counties on the basis of the maintenance costs for the years one thousand nine hundred thirty-two permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first one thousand nine hundred forty" by providing that the unexpended and unencumbered balance of such appropriation at the time this act becomes effective shall be allocated to and apportioned among the various second-class townships on the basis of the amount of road mileage in such townships authorizing the township supervisors to expend the moneys allocated to the township for the purpose prescribed under the approval and supervision of the Department of Highways and excluding the provision for expenditure by the Department of Highways of such balances the taxing and budgeting limitations on townships of the second class the right of the Department of Highways to rent road-building machinery and equipment belonging to such townships.

be recommitted to the Committee on Highways, for the purpose of further study.

Mr. OWLETT. Mr. President, I second the motion.

Mr. HALUSKA. Mr. President, I object.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 296, (House Bill No. 358), entitled:

An Act to amend section one of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 388) entitled "An act relating to the jurisdiction powers and procedure of the orphans' court and the court of common pleas as to sales mortgages conveyances or ground-rent leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of the opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devises or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may not have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non compos mentis have removed out of the State have died refuse to act unreasonably withhold consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" by conferring on the orphans' court concurrent jurisdiction with the court of common pleas in certain cases

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,

Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe,	Kunkel,	Ruth,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 305, (House Bill No. 374), on third reading, entitled:

An Act to amend section three of article one and section forty of article four of the act approved the twentieth day of June one thousand nine hundred nineteen (P. L. 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefor and providing for the repayment of taxes paid in excess of amount due on future estates

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 342, (House Bill No. 373), entitled:

An Act declaring valid provisions in wills and trusts instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bartlett,	Farrell,	Lanius,	Ruth,
Cavalcante,	Frey,	Letzler,	Scarlett,
Chapman,	Gelder,	Mallery,	Shapiro,
Coleman,	Geltz,	McCreesh,	Sipe,
Crowe,	Gilson,	McGinnis,	Snowden,
Dando,	Haluska,	Miller,	Stevenson,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Kilgallen,	Reed,	Wolfenden,
Edmonds,	Kunkel,	Rice,	Woodward,
Eroe,			

NAYS—2

Jaspan,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 386, (House Bill No. 378), entitled:

An Act to amend paragraph (d) of section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing surviving, acting or remaining testamentary trustees to act in respect to real estate left to them to be sold or which they are authorized or directed to sell.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe,	Kunkel,	Ruth,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 398, (House Bill No. 567), entitled:

An Act to amend section one of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (P. L. 275) entitled "An act fixing the salary of sheriffs in counties of the eighth class providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county and prescribing penalties" increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. EDMONDS. Mr. President, I would like to ask some of the Senators from eighth-class counties as to whether or not this bill is a salary raiser for the sheriff.

Mr. SHAPIRO. Mr. President, absolutely.

Mr. EDMONDS. Mr. President, the increase seems to have been stricken out in the bill but not in the title; does anyone know about it?

Mr. CAVALCANTE. Mr. President, if I recall the law the increase was eight hundred dollars or more and that was cut down to only four hundred increase.

Mr. EDMONDS. Mr. President, according to a section of the bill it was $2,000 and cut down to $1,600. Is that an increase on existing pay?

Mr. OWLETT. Mr. President, I represent an eighth-class county and I think this bill is supposed to represent an increase of $400—$1,200 to $1,600. Sheriffs in eighth class counties receive $1,200 a year at this time.

Mr. EDMONDS. Mr. President, is there justification at the present time for paying $400 more?

Mr. OWLETT. Mr. President, I believe there is.

Mr. EDMONDS. Why, Mr. President?

Mr. OWLETT. Twelve hundred dollars in many eighth-class counties is inadequate to get a proper sheriff to handle the business of the sheriff and I believe that the eighth-class county representatives have agreed on this thing, and it was origionally put in for $2,000, as the Senator says.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Frey,	Lanius,	Ruth,
Cavalcante,	Gelder,	Letzler,	Scarlett,
Chapman,	Geltz,	Mallery,	Shapiro,
Coleman,	Gilson,	McCreesh,	Sipe,
Crowe,	Haluska,	McGinnis,	Snowden,
Dando,	Heyburn,	Miller,	Stevenson,
Deitrick,	Homsher,	Mundy,	Stiefel,
DiSilvestro,	James,	Owlett,	Tallman,
Daly,	Jaspan,	Pierson,	Thomas,
Edmonds,	Kilgallen,	Reed,	Walker,
Eroe,	Kunkel,	Rice,	Wolfenden,
Farrell,			Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 408, entitled:

An Act to authorize insurance companies to include in any general, blanket or group policy covering accidental bodily injuries or sickness a provision for payment of certain expenses incurred by the insured for dependents

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Daly,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe,	Kunkel,	Ruth,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

MOTION TO POSTPONE

Mr. CROWE. Mr. President, I move that Senate Bill No. 412 be placed on the postponed calendar.

Mr. WOLFENDEN. Mr. President, I would like the gentleman from Monroe, Mr. Crowe, to allow this bill to go over in order. Mr. Mallery has just spoken to me about an amendment that the Senator from Montgomery wanted inserted in the bill, and if the bill goes on the postponed calendar it will be difficult—the point is this; there are a lot of people interested in this bill, and this bill has been here for some time, and if it goes on the postponed calendar we will not get it back. And I might say I will insist upon a vote tomorrow, because this bill has been hanging around on the calendar for ten days and we are either going to support it or lick it.

Mr. CROWE. Mr. President, I withdraw my motion to place the bill on the postponed calendar.

BILL OVER IN ORDER

Mr. CROWE. Mr. President, I ask unanimous consent that Senate Bill No. 412, (House Bill No. 331), on third reading, entitled:

An Act defining and prohibiting unfair sales providing remedies for violations thereof and establishing penalties therefor

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL. Mr. President, I desire to know why this bill should go over in order. I would like to inquire from the Senator what is his purpose—that action be postponed on this matter?

Mr. MALLERY. Mr. President, in order to explain to the Senator from Philadelphia, Mr. Stiefel—the bill was authorized to be reported out with the understanding that it would be reported out with an amendment that it shall apply only for two years. I reported it out and it did not contain that amendment.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 414, entitled:

An Act authorizing school districts of the first class to fund floating indebtedness, incurred prior to December thirty-first, one thousand nine hundred and thirty-nine, for current expenses and debt service and to issue and sell bonds for this purpose.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, this is a series of three bills relating to our first class school districts, and in connection with the remarks I made yesterday I see no reason why Senate Bill 414 and Senate Bill 415, the first being a bill authorizing an increase in the indebtedness of Philadelphia, cannot go through and Senate Bill 415 being a bill fixing the tax rate, cannot go through, and I am therefore going to ask unanimous consent that Senate Bill 416 go over in order, pending a meeting of the minds on this situation.

Mr. MUNDY. Mr. President, I should like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. MUNDY. Mr. President, does Senate Bill 415 affect teachers' salaries?

Mr. SHAPIRO. Mr. President, Senate Bills Nos. 414 and 415 do not affect the teachers' salaries. Senate Bill 414 gives to the city of Philadelphia the right to issue bonds for twenty-five years to take up the deficit now existing in the school districts, somewhere around $5,500,000.

Senate Bill 415 increases the tax rate by one-and-one-quarter mills in the school district and is applicable for two years only, and has nothing whatever to do with the salaries of teachers.

And the question recurring,

Will the Senate agree to the bill on third reading,

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe,	Kunkel,	Ruth,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 415, entitled:

An Act to amend and reenact section five hundred and twenty-four of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended by limiting the total annual school tax for any one year in school districts of the first class and prescribing the method of fixing the levy of school taxes in such districts.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Farrell,	Lanius,	Ruth,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 416, on third reading, entitled:

An Act to amend and reenact section five hundred and thirty-two of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), en-

titled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistent therewith," as amended, by empowering school boards in districts of the first class to make for any year such general reductions in salaries fixed by law as will enable the district to keep its estimated annual expenditures within the estimate of funds available to the district for that year and by, in such instances, so regulating the discretionary power vested in the Superintendent of Public Instruction, to withhold requisitions for moneys payable by the Commonwealth to School Districts which have not made provision for full payment of minimum salaries and increments, that the exercise of such power shall not interfere with the operation of this act during the limited period in which it is to be in effect and granting certain options to the members of the school employes' retirement system during said period.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 422, entitled:

An Act to amend section one thousand and four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," as amended, by authorizing exchanges which maintain a surplus equal to the capital and surplus requirements of stock insurance companies engaged in the same kind of business, to write policies without contingent liability in such policy or in the power of attorney.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provision of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Eroe,	Kilgallen,	Pierson,
Cavalcante,	Farrell,	Kunkel,	Rice,
Chapman,	Frey,	Lanius,	Ruth,
Coleman,	Gelder,	Letzler,	Scarlett,
Crowe,	Geltz,	Mallery,	Snowden,
Dando,	Gilson,	McCreesh,	Stevenson,
Deitrick,	Haluska,	McGinnis,	Tallman,
Dent,	Heyburn,	Miller,	Thomas,
DiSilvestro,	Hómsher,	Mundy,	Walker,
Ealy,	James,	Owlett,	Wolfenden,
Edmonds,			Woodward,

NAYS—5

Jaspan,	Shapiro,	Sipe,	Stiefel,
Reed,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. DENT. Mr. President, I desire to interrogate the sponsor of the bill, the Senator from Allegheny, Mr. Geltz.

The PRESIDENT. Will the Senator from Allegheny, Mr. Geltz, permit himself to be interrogated?

Mr. GELTZ. Mr. President, I will.

Mr. DENT. Will the Senator from Allegheny, Mr. Geltz, in a few words, tell the Senate just what this bill does?

Mr. GELTZ. Mr. President, this is a repealer of an Act authorizing the County of Allegheny to have its own public utilities. It came up for a vote and was decisively defeated. It was decisively defeated and still stands on the statute books, and I think it ought to be taken off.

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Allegheny, Mr. Geltz.

The PRESIDENT. Will the Senator from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. SHAPIRO. Mr. President, as I understand it, this bill originally gave the right to these localities to establish their own electric utilities.

Mr. GELTZ. That is right, Mr. President.

Mr. SHAPIRO. Now, Mr. President, I understand that that bill had a provision for local referendum.

Mr. GELTZ. That is correct, Mr. President.

Mr. SHAPIRO. Mr. President, does that mean that it cannot be voted on again?

Mr. GELTZ. Mr. President, it can be voted on again, but we do not want it to come up at every election in Allegheny County. It was decisively defeated by the voters.

Mr. SHAPIRO. Mr. President, for the purpose of clarifying the record, I understand that this will not affect any existing utility that might be operating under this Act.

Mr. GELTZ. That is correct, Mr. President.

Mr. SHAPIRO. Therefore, there has been no expenditure by any governmental agency.

Mr. GELTZ. No, Mr. President.

Mr. DENT. Mr. President, last night we talked here about the so-called Charter Bill, in which they specifically stated that if the people defeated it at the polls of Philadelphia they could bring it up every four years.

Mr. OWLETT. Mr. President, that was taken out.

Mr. DENT. Mr. President, it is in the Pittsburgh bill—I know it still exists, it is still a part of the Pittsburgh bill; so why not wait until the Democrats win again and just leave it on the statute books and let the Democrats pass it.

Mr. KILGALLEN. Mr. President, I think I accurately voice the sentiments of the Democratic Senators from the County of Allegheny when I state that we are opposing the bill introduced by the Senator from Allegheny, Mr. Geltz. It is true that this proposition was submitted to the people of Allegheny, but the measure was confused with other matters and we do not think that the proposition was entirely discussed or thoroughly understood by the people of Allegheny.

Now, this bill is the very essence of home rule, it has in it the same elements that were in the City Manager Bill that was under discussion last night. This bill merely permits the people of Allegheny to undertake these matters if the people of Allegheny want to undertake them.

Mr. OWLETT. Mr. President, may I interrupt the Senator from Allegheny, Mr. Kilgallen, and ask him if he objects to this bill going over in its order?

Mr. KILGALLEN. Mr. President, not at all.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 424, on third reading, entitled:

An Act to repeal the act, approved the fourth day of June, one thousand nine hundred and thirty-seven (P. L. 1539), entitled "An act providing for the creation, incorporation, organization, and government of county public utility administrations in counties of the second class; providing for referendums to ascertain the will of the electors; authorizing such administrations to incur bonded indebtedness for the purpose of the construction of works, the acquistion of property, and the operation of public utilities, to contract for the payment therefor, or to have the price fixed by the Public Utility Commission; conferring the power of eminent domain; providing for the powers, duties, functions, and immunities of such administration; imposing certain duties and functions in connection with such administrations upon certain county officers; conferring power to enter into agreements with the United States and its instrumentalities, political subdivisions, and municipalities of the Commonwealth, and others; providing for a system of civil service and collective bargaining; and providing penalties; and for other purposes."

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 425, entitled:

An Act to amend sections 2601, 2602, 2603, and 2604 of the act approved the eighteenth day of May, one thousand nine hundred eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the election or appointment of auditors in merged and other union school districts, fixing the terms of office and manner of filling vacancies.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Bartlett,	Eroe,	Mallery,	Sipe,
Cavalcante,	Farrell,	McGinnis	Snowden,
Chapman,	Gelder,	Miller,	Stevenson,
Coleman,	Geltz,	Mundy,	Tallman,
Crowe,	Gilson,	Owlett,	Thomas,
Dando,	Heyburn,	Pierson,	Walker,
Deitrick,	Homsher,	Reed,	Wolfenden,
Ealy,	James,	Ruth,	Woodward,
Edmonds,	Letzler,		

NAYS—12

Dent,	Haluska,	Kunkel,	Rice,
DiSilvestro,	Jaspan,	Lanius,	Shapiro,
Frey,	Kilgallen,	McCreesh,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Mr. DENT. Mr. President, I am opposing this bill because it adds some burden to the local school district.

Ordered, That the Clerk return said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 428, (House Bill No. 386), entitled:

An Act to amend section four hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, providing that boards of school directors may become members of the State School Directors Association, and bear a proportionate part of the expenses of such association.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. RUTH. Mr. President, I feel there is a misunderstanding as to this bill. All this bill does is to put something in the law that the Court has been doing for more than twenty years. Under the law a school board is permitted to pay the traveling expenses of one delegate to a state convention but out of a long custom they have not been paying dues to the State Association. There is no provision in the law that permits the Board to pay dues in the directors' association, which amounts to five dollars a year in fourth-class districts. I ask my colleagues to vote for this bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe.	Kunkel,	Ruth,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. WOLFENDEN. Mr. President, I ask that the Senate Bill 444, House Bill 412, that went over in its order, be called up at this time so that it can be amended.

Mr. SHAPIRO. Mr. President, I thought that Senate Bill No. 444 was going over in order until tomorrow. I wanted to propose an amendment to that bill also. Is the bill going over even after this amendment?—because I would like to offer an amendment myself.

Mr. PRESIDENT. I should like to interrogate the Senator from Indiana.

The PRESIDENT. Will the Senator from Indiana, Mr. Wolfenden, permit himself to be interrogated?

Mr. WOLFENDEN. I will, Mr. President.

Mr. SHAPIRO. Mr. President, will the gentleman from Indiana state whether any good purpose can be served by voting on this amendment now on this particular bill and printing the bill and having it reprinted tomorrow. Would it not be just as well to let the bill go over in order and offer both amendments at the same time?—or we could offer the amendment separately and vote on them separately; but we certainly do not need to print the bill twice—and we are not saving any time.

Mr. WOLFENDEN. Mr. President, the amendments offered by the gentleman from Philadelphia, may be defeated.

Mr. SHAPIRO. Then, Mr. President, they can be voted down; but the bill can be taken care of tomorrow just as well.

Mr. WOLFENDEN. Mr. President, the point I wish to make is that there have been a number of people interested in this bill and they have been put off or deferred for a considerable time. The only thing I am asking is that the bill either be defeated or passed; and all of these actions seem to be in the nature of delays, they do not relate to the substance of the bill. This amendment was just to correct an error. The Senator from Montgomery asked that an amendment be put in, and through an oversight of the chairman of the committee, the Senator from Blair, allowed the bill to come out, without any amendment. It is only correcting what we should have done before the bill came out.

Mr. SHAPIRO. Mr. President, I suggest that there is no hurry about this bill, because according to the bill itself it does not go into effect until sixty days after its final passage; and this story about such an important piece of legislation going over for one day does not appeal to me.

I am very frank to say that I want to take out of that bill the provision as to its effective date and let it become effective September 1st, in order to give those people who have just as much doubt about the constitutionality of this Act as they did about the one just discussed an opportunity to contest it; and I think it ought to be allowed to go over in its order until tomorrow. This bill may be important but it is equally important to the people that are affected by it.

I therefore suggest that the amendments be withdrawn and we can offer them tomorrow or some other day.

Mr. WOLFENDEN. Mr. President, I withdraw my amendment.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 444, (House bill No. 632), entitled:

An Act to amend section ten of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 1011) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March Anno Domini one thousand nine hundred and one creating a department of city planning providing for its organization and powers regulating the platting of ground prohibiting the recording of plans and sales of lots therein before their approval under penalties making it a misdemeanor for the recorder of deeds to record an unapproved plan restricting accepting laying out opening and improving private streets prohibiting the erection of buildings on land not abutting on public streets not shown on the official master plan or an approved plat transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same the preparation and compilation of an official street map providing penalties for the violation of this act and repealing certain statutes" further defining the powers of the planning commission in cities of the second class.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey.	Letzler.	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson.	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel.
Deitrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Ruth,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 446, (House Bill No. 268), entitled:

An Act to add section six hundred and two and one-tenth to article six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof, providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws, general, special or local or any parts thereof that are or may be inconsistent therewith" further regulating the sale of unused and unnecessary land and buildings by boards of school directors.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,

Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deitrich,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	James,	Pierson,	Walker.
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe,	Kunkel,	Ruth,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. CHAPMAN, Mr. President, I ask unanimous consent that Senate Bill No. 457, on third reading, entitled:

An Act to amend sections one and five of the act approved the twenty-ninth day of May, one thousand eight hundred eighty-five, entitled, "An act to provide for the incorporation and regulation of natural gas companies," enlarging the powers of such corporations; and limiting the cases where certificates setting forth enlargement or alteration of territory of production need be recorded.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Mr. CAVALCANTE. Mr. President, will the sponsor of this bill explain just what this bill is intended to accomplish?

Mr. WOLFENDEN. Mr. President, will the Senator from Fayette repeat his question please?

Mr. CAVALCANTE. Mr. President, what is the purpose of this bill? I notice by the heading on it that it was introduced by the gentleman from Indiana by request.

Mr. WOLFENDEN. That is correct, Mr. President. What does the Senator from Fayette want to know?

Mr. CAVALCANTE. Mr. President, I do not think it is a discourtesy or improper for us to inquire at whose request the bill was introduced?

Mr. WOLFENDEN. Mr. President, I do not mind telling the gentleman from Fayette that this bill was requested to be introduced by the Sheriffs' Association, and I will tell you why. My estimation is that at the present time the premiums on the bonds are being paid by the county as a matter of custom. It has never been questioned until a short time ago when a case was brought by one of the western counties and it was decided that the sheriff is responsible for the premium on his bond. This would simply make by statute what has been customary in our county. As to any other county I do not know.

Mr. CAVALCANTE. Well, Mr. President, does not the bill go further than that?

Mr. WOLFENDEN. Yes, Mr. President.

Mr. CAVALCANTE. Mr. President, it is the part that goes further that I would like to have explained.

Mr. WOLFENDEN. Just what part, Mr. President, does the gentleman refer to?

Mr. CAVALCANTE. Mr. President, apparently the gentleman from Indiana would require considerable lenght of time to explain just how far this bill goes. I thank him very much for the information he has given.

Mr. President, it is my opinion that this bill is a bad bill. If it only dealt with the premiums on the surety bonds and who was to pay them, that is, the sheriff or the coroner or the county, I would not find the bill so difficult to understand, but it goes much further than that.

This bill, in the very first section, permits the Court to grant leave for filing of an additional surety in case the first bond given by the sheriff should be found insufficient. Now, that section is all right.

Section 2 deals with the premiums, and that is not bad; but the following section, Section 3, is a very bad section. I do not see how a sheriff or coroner would stand for that section. Here is what that section does: It requires the coroner or the sheriff, in addition to his surety bond, to execute a personal bond, signed by him and at his expense, recorded in the Recorder of Deeds office. Then the Recorder of Deeds is directed by this Act to issue a certificate of that recording to the Prothonotary, who shall enter that bond as a lien against the property of the sheriff or the coroner in that particular county.

Then it goes still a step further. It requires the Recorder of Deeds to forward a certified copy of that bond, and the record of it, the place where it is recorded, to the Secretary of the Commonwealth, and then it gives the Secretary of th Commonwealth the authority to issue certified copies of the certificate filed with him, and that certificae can be taken and led with the Prothonotary in any county of the State for the purpose of making it a lien on any property that the sheriff or coroner of Fayette county or any other county may have in these outside counties.

The effect of that is very plain to an attorney-at-law. It means that when this bond is filed and sent over to the Prothonatary and made a lien on the sheriff's property or the coroner's property, then in all other counties where the sheriff or the coroner may have property, those properties are immediately tied up.

Now, if the sheriffs and the coroners of this Commonwealth want to tie up their properties in that manner there must be something wrong with their brains, because it means after they become the sheriffs or the coroners of our counties, their property immediately becomes subject to the liens of that bond. They will not be able to sell their property unless it is sold subject to that lien; they will not be able to borrow any money on their properties if they need that money. Why, gentleman, how in the name of common sense can a sane sheriff or coroner of this Commonwealth say that he is in favor of a bill of this kind?

I do not think that they are in favor of this bill, and I think that it is very bad in that it ties up the sheriffs and coroners' properties like that. It ought to be defeated. Our sheriffs and coroners ought to be permitted to enjoy their real estate, if they have any, and be able to sell it, even when they are sheriffs or coroners.

This bill, it appears to me, Mr. President, that the sole purpose of it is to protect the surety company that furnishes the bond, because the same section, then provides that if the surety is made to pay for any default of the sheriff or coroner, that surety is subrogated to the bond issued in the name of the Commonwealth and which is a lien on the sheriff's or coroner's property.

Now, of course, I do not mean that a surety company or a surety should not receive protection and be subrogated, but at the same time I do not think it is just to protect the bonding and surety company at the expense of the sheriffs

or the coroners of our State by tying up their properties while they are in office and they will be prevented from selling their property.

This gives those surety companies a preference on the estates of sheriffs and coroners who may die, over their creditors, and I do not think it is a sound piece of legislation at all. I think it is very bad.

Mr. REED. Mr. President, I received a letter from a sheriff of one of the counties I represent asking me to give favorable consideration to this bill. I realize there is no county official that should be more easy to reach on a bond than a sheriff, because his duties are such that he can do an awful lot of damage if he is so minded; and if he does, the way to recoup any losses ought to be made as easy as possible to the people of the county.

And now, Mr. President, in view of the fact that this is a sheriffs and coroners bill, I would like to make this request of the Senator from Indiana, that he let this bill go over in its order until I write my sheriff and see whether he knows what the provisions of this bill really are.

Mr. WOLFENDEN. Mr. President, I am perfectly satisfied to let the bill go over in its order. I do not pretend to have the legal knowledge of the gentleman from Washington or the gentleman from Fayette, but my understanding is that this bill only clarifies the existing liability that the sheriff now has.

Mr. REED. Mr. President, I do not believe that there is any law on the books that goes as far as this bill goes in the way of protecting the bonding company or the individual bondsman against any irregularities that may occur in the conduct of the sheriff or coroner.

Mr. EALY. Mr. President, I understand that this bill is to go over in its order—

Mr. SHAPIRO. Mr. President, will the Senator from Somerset yield before we pass on this matter?

Mr. EALY. I will, Mr. President.

Mr. SHAPIRO. Mr. President, I have read this bill and I find it provides for the payment of premiums by the county beginning now for the year 1939. I therefore suggest that there ought to be an effective date in this Act, which does not appear now. Unless it does it will not become effective until September and we will be paying premiums from now on until September.

BILL OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 459, on third reading, entitled:

An Act relating to recognizances and official bonds of present and future sheriffs and coroners and to their sureties thereon; imposing the expense of corporate suretyships on such obligations upon the several counties and various duties upon the Courts of Common Pleas and county officers thereof; authorizing the substitution of approved surety companies for individual or corporate sureties upon such obligations and the release of any surety upon any such recognizance by such Court upon certain conditions; dispensing with sureties on such recognizances but providing for the acknowledgment, recording and indexing of same as liens on certain real estate; regulating such liens and releases therefrom; providing for refunds to sheriffs and coroners of certain premiums paid to sureties on their official bonds and recognizances; and repealing inconsistent laws, except as to existing claims or pending suits thereunder, subject to certain limitations.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

MOTION TO REQUEST RETURN OF NOTIFICATION OF CONFIRMATION.

Mr. EALY. Mr. President, I move that the Governor is hereby requested to return to the Senate the notification of the confirmation of the nominations submitted on May 1, 1939, for the appointment of the following persons, as members of the Board of Trustees of the West Chester State Teachers College for terms of four years and until their successors are qualified:

Fred S. Woods, West Chester, Chester County.

Mrs. Frances Price Donahoo, 2428 Edgemont Ave., Chester, Chester County.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 460, entitled:

An Act to amend paragraphs (6) and (7) of Section 2, Sections 405 and 915 of, and to add Sections 922 and 1315 to, of the act, approved the twenty-eight day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilties and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the proce-

dure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by adding to the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle"; requiring common carriers to deal only with certain common carriers by motor vehicles; providing for additional insurance by certain motor carriers of passengers; authorizing the Commission and the Department of Revenue to co-operate in identification plate requirements; and providing additional penalties.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, this bill came out once before and we said a few things about it, then it went over in order, and it is now up for final passage. I have been trying to fully understand the purpose of the bill and I have come to this conclusion, that I am satisfied that the hand that wrote the bill—the gentleman from Allegheny, Mr. Walker—the voice in it, however, I think is disclosed by just noting these facts.

On page 6 of the bill this amendment is made through the existing law: excluding from supervision of the public utility company law the following motor vehicles, those used in the transportation of property by the owner himself or to purchasers directly from him in vehicles owned and operated by the owner of such property and not otherwise used in transportation of property for compensation for others.

On the same page the same law is amended to include the identical words, that is, twice the same words appears in this act.

Now, Mr. President, studying these words a person would be lead to believe that these amendments were taken out of the control of the Public Utility Commission, all those motor vehicles that are owned by people who transport their own property. Now, who are those people? Who are the people that own motor vehicles that they use for transporting their own property?

I asked myself that question and I found it on page 8 of the same bill.

Section 915 of the Bill is amended which deals with the insurance to be carried by carriers on their motor vehicles and here is the amendment that this bill makes in that section:

"Provided however that all motor carriers of passengers whose current liquid assets do not exceed their current liabilities by at least one hundred thousand dollars shall cover each and every vehicle transporting such passengers with a public liability insurance policy." Who are the men protected by this bill, those who have assets and whose current liabilities do not exceed at least $100,000, do not exceed current liabilities by at least $100,000? Now, who can they be? Well, I imagine it does not require much mental stress to know that the only people in this state or the main people in this state who are affected by this bill and protected and given preferred rates are those oil companies who have hundreds of oil trucks on the state highways, who have their own property, that is gasoline. This bill—and it was explained to me and a few others of my colleagues—is a bill sponsored or offered by the truck drivers of this state and intended to protect them.

And now, I say, Mr. President, that this bill surely does have the mark that it was written by the gentleman from Allegheny but the context of it specifically show that it is for the protection and giving greater privilege to those who own large fleets of trucks and who have their own property—their own goods—and who have assets that exceed current liability by not less than $100,000.

Now, how many citizens of the State of Pennsylvania fall in that category and you want to take by this bill those people who operate all those hundreds of trucks on our state highways for the transportation of merchandise, you want to take them out of the control of the Pubilic Utility Commission—I say that we should not do that but we ought to keep all those large trucks and the use of them on our highways—we ought to keep them right where they are, under the jurisdiction and control of the Public Utility Commission, and we ought not to give Mr. Pew and his men any privilege over any other carrier in this state.

Why should we permit Mr. Pew and his people and the big oil companies who have all these trucks to escape the payment of insurance premiums, and yet we require the little man, the man who has fewer trucks and does not have that large assest—requiring him to pay premiums to insurance companies to protect him against liabilities, both property and personal?

Mr. WALKER. Mr. President, last Wednesday when I was so ably defending Mr. Pew and his oil interest here, in spite of the gasoline bill just reconsidered I suffered some embarrassment in being exposed as Joe Pew's henchman and now here again I have another bill and once more I am defending the vested interest.

Mr. Presdent, I have had the pleasure and privilege of representing trucking companies ranging from one fellow who owns one dump truck to great interests that own tremendous fleets of dump trucks. I have explained that because I am deeply in sympathy with the individual interests displayed here and with the intellectual honesty discussions we had on several ocasions, and when this bill eventually comes up for passage, whether on reconsideration after the gentleman gets back home or whether he takes my word for it and finds out what the bill is about, I will vote present and not vote for the bill, because I represent trucking companies who will be benefited directly and indirectly, and those companies pay me various fees for representing them, and I serve notice on the gentlemen of the Senate that I am disclosing my interests under the theory of intellectual honesty.

Now, Mr. President, I should like to explain to the gentleman from Fayette what this bill does. Back in 1931 the Public Utility Commission, which was then under the control of the distinguished Governor Pinchot, prepared a bill or a general order, known as No. 29, which directly took cognizance of the trucking industry. This order No. 29 divided the trucking industry into four different classes and issued certificates, a, b, c, d, trucks involved in those four classes were protected by this bill.

In 1935 the Federal Legislative Body distinguished, dignified, and known as the Federal Motor Carrier Act, in which the Interstate Commerce Commission was given jurisdiction over interstate trucking for the transportation of persons and property by means of modern vehicles between points in various states.

The Act of 1935 was so far superior to the provisions in the Pennsylvania Act that those who were deeply interested in the improvement of the trucking industry in Pennsyl-

vania set out to improve the statutes of this state by bringing the state act up to and comparable to the Federal Act.

The Pennsylvania Motor Trucking Association, which is an organization composed of single and independent organization truck owners and operators and drivers—it is in their behalf that these amendments were introduced and they are the ones who will benefit.

Let us take the amendments—and I would like to call attention to the Senator from Fayette, that the first one, found on page 6 in order that we may all understand this amendment, I would refer the gentleman to page 5 of this proposed bill, line 16, under the heading, "Common Carrier by Motor Vehicle."

Now, Mr. President, the carriers in Pennsylvania, under our Act of 1937, were divided into two classes—common carriers by motor vehicle and contract carriers by motor vehicle.

Mr. President, in 1937 the Pennsylvania Legislature, in its infinite wisdom, deemed it advisable to give the Public Utility Commission jurisdiction over contract carriers. That is the first time they ever took such jurisdiction over the contract carriers.

In order to give the contract carriers a distinct entity in the trucking industry the definitions and the provisions of the contract carrier clauses were incorporated in the Act of 1937. This was a distinct departure from the old public utility law of 1913, Pamphlet Law No. 1374.

In this bill before us regarding common carriers, it was found necessary to insert a provision or amendment which is found on page 6. In that we took out of the jurisdiction of the commission all those carriers who transport property to themselves, or to purchasers directly from them, in vehicles owned and operated by the owners of such property.

In other words, Mr. President, this first amendment, on page 6, takes cognizance of the common carrier, and the common carrier who is transporting his own property is absolutely and definitely removed from the jurisdiction of the Public Utility Commission. I see no harm in that. I do not see anything sinister in it, nor do I see the hand of Joe Pew in it. We are trying to protect the little dealer. The little truck owner, the man at the corner grocery store, would be benefited by that.

Mr. President, I would say to the Public Utility Commission, "You can have jurisdiction over the common carrier, you can have jurisdiction over the contract carrier, but you are not going to have jurisdiction over the little fellow who is trucking his own products," and that takes in also the farmer who delivers the products from his farm to the corner grocery store or in to the market and also takes into consideration the man who has delivery trucks not for hire.

In order to take care of the contract carrier it was necessary also to amend that provision at the bottom of page 6, line 23—because we remove the contract carrier from the jurisdiction of the commission.

In other words, by this amendment, nobody who is transporting as a contract carrier for himself—or, in his own vehicles, transporting property owned by himself, can, under any circumstances, directly or indirectly be brought under the jurisdiction of this commission; and that is one of the first evils of our own industry, because I also happen to be a truck driver. We are deeply interested in seeing that the contract carrier receives the same protection as the common carrier. Now, that is the second sinister thing in the Act.

I want to call attention to one thing that has created so much interest in the mind of the gentleman from Fayette. That is found on Page 8, and it reads: "provided, however, that all motor carriers of passengers whose current liquid assets do not exceed their current liabilities by at least one hundred thousand dollars shall cover each and every vehicle transporting such passengers with a public liability insurance policy, issued by an insurance company authorized to do business in this State, in such amounts as the commission may prescribe, but not less than five thousand dollars for one and ten thousand dollars for more than one person injured in any one accident."

Now, for the first time I find out that my sinister backer, Joe Pew, transports passengers for hire—for that is all this provision does. I am glad to find out that Mr. Pew is in the trucking business and transports passengers for hire.

The Public Utility Commission realizing the effectiveness and the economic necessity of eliminating taxicab companies who have current liquid assets of more $100,000, said that to exempt them from the provision they must carry insurance.

The little fellow operating one taxicab must have public liability insurance in order to protect his passengers, and there is nothing wrong with that; but many of the big taxicab companies set aside a cash reserve of one or two cents a mile for property and public liability and the commission recognizes the good business judgment in a thing like that. So they say to those big companies that put aside one or two cents a mile, "You can use that as a reserve; you do not need to take out insurance." There are never any claims pending against them because they are settled right out of this reserve.

The commission has recognized the expediency of this legislation and that is why we have put in this amendment. Joe Pew is not protected by this amendment. It is true the great big taxicab companies are protected by it, but at the same time the public is indirectly protected. We are not requiring the taxicab companies to buy property and liability insurance if they can show current liquid assets of one hundred thousand dollars over liabilities.

If you require those big companies to buy insurance covering their great fleets of taxicabs you are going to practically double the taxicab rates and there is nothing the Public Utility Commission can do about that. We are merely legislating what is at the present time a recognized policy of the Public Utility Commission.

Now, Mr. President, I would like to call the attention of the members of the Senate to the final amendment in this bill, which is found on page 9, and which was not referred to by the gentleman from Fayette; and I would like to explain it.

In the Federal Motor Carrier Act it is prohibited for a shipper or a consigner or a trucker to engage in any contribution toward violation of the Federal Motor Carrier Act. This clause was put in at the request of the Pennsylvania Motor Truck Association, to bring this State Act up to parity with the Federal Act; and all this amendment does is to say to the shipper "If you violate the Federal Motor Carrier Act the Interstate Commerce Commission will punish you; and if you violate the State Act the Public Utility Commission will punish you." We are only bringing our State Act in line with the Federal Motor Carrier Act.

I shall be glad to answer any other questions.

Mr. CAVALCANTE. Mr. President, where in this Act

does it state that a company that has a large fleet of motor vehicles used in the carrying of passengers is required to establish a reserve?

Mr. WALKER. Mr. President, the provision which says "provided however that all motor carriers of passengers whose current liquid assets do not exceed their present liabilities by at least $100,000—" and so on. Now, current liquid assets whould mean a reserve—not a book reserve but an actual current asset that is greater by $100,000 than the liability.

Mr. CAVALVANTE. Mr. President, what would prevent the carrier from using those assets for something else than property and public liability?

Mr. WALKER. Mr. President, the Public Utility Commission requires the Public Utility Companies whether transportation companies or power companies or water companies, or whatever they are, to furnish semi-annual statements, and those statements are carefully checked by an efficient auditor, and if this current liquid asset is depleted in any way there must be an explanation to show why they were depleted, depleted in any circumstance whatsover, and if during a six month period it is found the assets have gone below $100,000 the Public Utility Commission is in a position to have that reinstated.

Now, in addition to this the Public Utility Commssion is given the additional precaution to send out field men who very carefully check into all those books in order to see that the provisions of the law are maintained.

Mr. CAVALCANTE. Mr. President, how does that protect the little man that the gentleman from Allegheny was so much worried about and said that this act protects the passenger carrier whose liquid assets, rather current liquid assets, do not exceed $100,000? Who does the gentleman from Allegheny think the little man is—the passenger carrier, who has assets that exceed current liabilities by $100,000, or the passenger carrier that only has probably five or ten taxicabs?

Mr. WALKER. Mr. President, may I point out to the gentleman from Fayette that under the present law the Public Utility Commission requires the little fellow who owns only one taxicab to take out public liability insurance. This provision, found on page 8, deliberately protects the big man. The big man in the trucking industry is entitled to as much protection as the little man, surely you would not want to discriminate against the big man merely because he happens to be successful in his chosen field and the little man should not object to that.

Mr. CAVALCANTE. Mr. President, certainly there is an objection if the little fellow does not have liquid assets that do not exceed current liability by $100,000, he has got to get liability insurance. And now, may I ask the Senator from Allegheny if he knows what the rates are as to the carrier who has two taxicabs, how much is his insurance on those two.

Mr. WALKER. Mr. President, if two taxicabs are operated in the City of Oakmont the rate of property and public liability on one cab is $375 a year and for two cabs it is in the neighborhood of five hundred and some odd dollars a year, because there is a slight differentiation in the premiums according to the kind of policy you might obtain.

Now the little fellow must, under the present law and present regulations, he must buy the insurance. This act does not affect him one iota. This provision is to protect the big man. If he cannot carry his own insurance the effect is this: If you do not put this provision in the act, and if you force the big man who owns a fleet of taxicabs in Pittsburgh or Philadelphia to buy public liability insurance you would so increase their cost of operation that they would have to increase the rate.

Mr. CAVALCANTE. Mr. President, just one other question regarding section 1315, on page 9 of the bill—we all know that our colleague from Armstrong, Senator Sipe, is a farmer. Now, if Senator Sipe is fortunate enough to have a truck which he uses to transport farm products to market, if he should some day take the produce of his neighbor, or his neighbor should ask the gentleman from Armstrong to transport his farm products to market, would he be guilty of violating the provisions of this act?

Mr. WALKER. Mr. President, may I say to the gentleman from Fayette that he would not be guilty of violating this act. I want to refer to the original provisions of the public utility law, passed back in 1913, and reenacted in 1937, the self service feature has not been deleted. Before you can be guilty of violating any of the provisions of section 1315 which is in this present act you must be dealing with a bona fide recognized common carrier, not casual transportation.

If the gentleman appreciates what is contained in the expression "common carrier" he will appreciate the fact that the "casual transportation" referred to by the gentleman from Fayette, using the gentleman from Armstrong as an example, certainly would never come under the provisions of this Act.

Mr. CAVALCATE. Mr. President, I wish to thank the gentleman from Allegheny for his courtesy in answering my question.

Now, Mr. President, this bill ought to be defeated on the explanation and the answer made by the gentleman from Allegheny. This is a bad bill and it is very plain that a bill of this kind tends to protect the monopolies, to place the transportation of passengers in the hands of the big taxicab companies, because it saves them the insurance premiums on the public liability and property damage insurance, and puts them on a better competitive basis than the smaller man.

This bill ruins the little man because the big man, with a big fleet of taxicabs, will set aside his fund, and as the gentleman from Allegheny has stated; he will not have to pay this three or four hundred dollar premium on a policy on each taxicab and he can haul his passengers more reasonably; he will not have the expense that the other, the little fellow, has and the eventual result of this is to create a monopoly in the hands of the big man. So I reiterate again, this bill is not for the protection of the little man but is for the protection of the big man.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bartlett,	Farrell,	Letzler,	Ruth.
Chapman,	Gelder,	Mallery,	Scarlett,
Coleman,	Geltz,	McGinnis,	Snowden.
Crowe,	Gilson,	Miller,	Stevenson,
Dando.	Haluska,	Mundy,	Tallman,
Deitrick,	Heyburn,	Owlett,	Thomas,

Ealy,	Homsher,	Pierson,	Walker,
Edmonds,	James,	Rice,	Wolfenden,
Eroe,			Woodward.

NAYS—11

Cavalcante,	Jaspan,	McCreesh,	Sipe,
Dent,	Kilgallen,	Reed,	Stiefel,
DiSilvestro,	Lanius,	Shapiro,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

MOTION TO PUT ALL REMAINING THIRD READING BILLS OVER IN ORDER

Mr. OWLETT. Mr. President, I move that the balance of the bills on the Third Reading Calendar go over in their order.

Mr. MALLERY. Mr. President, I second the motion.

It was agreed to.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 514 as follows:

An Act to amend sections three hundred eight and three hundred nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" changing the conditions for borrowing money for current expenses and authorizing a supplemental budget and the borrowing of money to operate institutions for mental patients heretofore transferred to the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections three hundred eight and three hundred nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" are hereby amended to read as follows

Section 308 Borrowing Powers The commissioners of each county shall have power with the approval of the Department of Internal Affairs in the manner provided by law to issue and negotiate bonds of the institution district to raise funds for the acquisition of real estate for the erection and equipment of buildings for the payment of obligations of the predecessor poor district and for the refunding of outstanding bonds issued by it or the predecessor poor district Such bonds shall be issued and sold in the manner provided by law for county bonds

The commissioners may also borrow moneys for current expenses giving notes of the institution district payable in not over one year bearing not over six per centum interest and negotiated for not less than par

Section 309 Budget and Financial Requirements The commissioners of every county institution district shall annually at least thirty days prior to the adoption of the annual budget prepare a proposed budget of the amount of funds that will be required by the district in its several departments for the ensuing fiscal year Such proposed budget shall be prepared in a uniform form prepared and furnished as provided in this act and shall be apportioned to the several classes of expenditures of the district as the commissioners may determine Final action shall not be taken on any proposed budget until after at least ten days' public notice The proposed budget shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the adoption of the budget The commissioners after making such revisions and changes therein as appear advisable shall adopt the budget and the necessary appropriation measures required to put it into effect Within fifteen days after the adoption of the budget the commissioners shall file a copy of the same in the office of the Department of Internal Affairs

The commissioners shall have power to authorize the transfer within the same fund of any unencumbered balances or any portion thereof from one spending agency to another but such action shall be taken only during the last nine months of the fiscal year

No work shall be hired to be done no materials purchased no contracts made and no order issued for the payment of any moneys by the commissioners in any amount which will cause the sums appropriated to specific purposes to be exceeded

In the year one thousand nine hundred and thirty-nine the commissioners of any county institution district having an institution for the care and maintenance of mental patients transferred to the Commonwealth under the act approved the twenty-ninth day of September one thousand nine hundred and thirty-eight (Pamphlet Laws fifty-three) entitled "An act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws" shall have power to adopt a supplemental budget to any annual budget theretofore adopted for the amount of funds that will be required by such district to operate such institution for that proportion of the year one thousand nine hundred and thirty-nine not provided for in the regularly adopted annual budget and for the purpose of providing funds for the expenditures set forth in such supplemental budget may borrow moneys in accordance with section three hundred eight hereof

Section 2 This act shall become effective immediately upon final enactment

And said bill having read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 674, as follows:

An Act constituting a commission to examine the tax laws of the Commonwealth and of other States and countries and to prepare and submit bills to carry into effect its recommendations prescribing the powers and duties of said commission and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 A tax commission of the Commonwealth of Pennsylvania is hereby constituted consisting of nine citizens of the Commonwealth three of whom are to be appointed by the Governor three by the President pro tempore of the Senate and three by the Speaker of the House of Representatives to examine the laws of this State and of other States and countries relating to taxation to investigate systems and methods of taxation particularly with regard to the best methods of equitably and effectually reaching all property which should be subjected to taxation and avoiding conflicts and duplication of taxation on the same property to investigate and report upon the most efficient and economical method of collecting the revenue of the Commonwealth and to prepare the needed legislation to carry such methods into effect in this Commonwealth The members of said tax commission shall serve without compensation but their necessary traveling expenses and hotel bills while actually attending to the business of the tax commission shall be considered part of the expenses of said tax commission.

Section 2 The said tax commission is hereby authorized to sit at Harrisburg or elsewhere within the Commonwealth to choose a chairman from among its own members to employ a secretary and counsel and such other assistants as may be needed to take testimony subpoena witnesses and compel the production of books documents and papers and otherwise have all the powers of a ligislative committee

Section 3 The said tax commission shall report the results of its investigation to the General Assembly at the next regular or special session thereof together with such proposed legislative measures as it deems advisable to carry its recommendations into effect

Section 4 The sum of ten thousand dollars ($10,000) or so much thereof as may be necessary be and the same is hereby appropriated for the defraying of the expense of said tax commission to be paid upon the certificate of the chairman of the said tax commission by warrant of the Auditor General on the State Treasurer in the usual manner

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS INTRODUCED

Mr. McCREESH. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH read in his place and presented to the Chair Senate Bill No. 828, entitled:

An act making an appropriation to the Western Temporary Home of Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 829, entitled:

An act to amend the act, approved the ninth day of July, one thousand nine hundred and thirty-five (P. L. 621), entitled "An act providing for and regulating, subject to certain restrictions, limitations, and liabilites, the granting of pensions by the Commonwealth to certain blind persons; providing for the administration of this act by the Department of Welfare, the trustees who administer mothers assistance in the several counties; or by other trustees in certain cases; authorizing appointment of trustees for the pensions payable to certain individuals; authorizing the Department aof Welfare to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to the blind; and providing penalties," by making provision for the burial of blind persons receiving pensions.

Which was committed to the Committee on Welfare.

REPORT FROM COMMITTEE

Mr. GELDER. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER from the Committee on Highways reported as amended, Senate Bill No. 808, entitled:

An Act to amend section one of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 409), entitled "An act authorizing the Secretary of Highways to join two or more State highway routes, by the construction of connecting roads, under certain conditions, and providing for the payment of damages for land taken in the construction of such connecting roads," extending provisions to include boroughs, incorporated towns, or townships, and for taking over or building such connecting roads not exceeding one mile in length.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 140, entitled:

An Act affecting cities of the second class A, authorizing the annexation of boroughs and townships thereto under certain conditions and in connection therewith, placing duties upon or affecting courts of quarter sessions, county boards of elections and officers of boroughs, townships and cities of the second class A, and providing for the payment of the indebtedness of the various territorial units involved

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 158, entitled:

An Act to amend section one thousand two hundred six of and to add section one thousand two hundred six and one-tenth to the act approved the third day of June one thousand nine hundred and thirty-nine (P. L. 1333) entitled "An act concerning elections including general municipal

special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certan acts and parts of acts relating to elections" by changing the provisions relating to the judges of the courts of common pleas being in continuous session at the court house on the day of each primary and election and imposing additional duties upon the counsels for the county boards of elections

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 205, entitled:

An Act to carry into effect section one of article fifteen of the Constitution giving cities other than cities of the first and second classes the right and power to frame adopt and amend their own charters and to exercise powers and authority of local self-government and providing the procedure therefor imposing certain restrictions limitations and regulations imposing duties upon city councils city officers county commissioners and prothonotaries and providing for the payment of certain expenses by cities

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 235, entitled:

An Act to repeal the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2465) entitled "An act relating to motor vehicles new and used creating a motor vehicle dealers' commission establishing its jurisdiction powers and duties and creating and providing for approved motor vehicle appraisers establishing their powers and duties regulating the sale trade-in allowance appraisals and information furnished the Commonwealth on motor vehicles new and used and establishing regulations concerning speedometers authorizing the commission to establish periodical prices for used motor vehicles either sold or traded in establishing the appraisal value of motor vehicles new or used either for sale or used trade-in allowances providing for the licensing of motor vehicle dealers and salesmen and approved motor vehicle appraisers and the payment of fees therefor authorizing examination of the business papers and affairs of and requiring the filing of reports by licensees authorizing and empowering the commission to hold hearings and to issue rules and orders and the issuance of subpoena by the commission or its agents and conferring jurisdiction upon the courts to punish contempts or to prohibit violations of orders of the commission providing for appeals to the courts from decisions of the commission imposing penalties and making appropriations" and abolishing the motor vehicle dealers' commission and terminating the terms of its members

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 332, entitled:

An Act to amend section one of the act approved the twenty-fourth day of March one thousand nine hundred and five (P. L. 50) entitled "An act to reorganize the Board of Trustees of The Pennsylvania State College" making the Secretary of Mines an exofficio member of the Board of Trustees of the Pennsylvania State College and providing other changes in the membership of said board

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 336, entitled:

An Act authorizing counties to convey or lease property needed or convenient as a site for a county court house to the General State Authority to acquire additional property for such purposes, and to contract with and lease property from said Authority.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 337, entitled:

An Act to further amend section four of and to add section nine to the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by providing for additional projects the acquisition of property from counties and the leasing of projects by the Authority to counties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 340, (House Bill No. 172), entitled:

An Act to amend section two of the act approved the twelfth day of July one thousand nine hundred and nineteen (P. L. 941) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reporters expert typewriters clerks and other employes and providing for their compensation and mileage providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts or parts of acts inconsistent herewith" by eliminating certain requirements as to the matter to be printed in the Legislative Journal

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 419, entitled:

An Act to amend section 202 of and add a new section 425A to the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative de-

partments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certatin administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" in order to establish the State Civil Service Commission as a departmental administrative commission in the Department of Public Instruction

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 420, entitled:

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and an Administrator certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls imposing duties upon certain officers and employes of the Commonwealth authorizing cooperation with counties cities boroughs and towns and townships in matters relating to civil service defining certain crimes and misdemeanors imposing penalties and repealing certain acts and parts thereof

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 437, (House Bill No. 254), entitled:

An Act to amend section one thousand two hundred seven of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An Act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for compensation for services rendered by constables and their deputies.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 443, (House Bill No. 498), entitled:

An Act to amend sections two and five of the act, approved the first day of July, one thousand nine hundred nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage, and duties of the officers and employes of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies," further regulating the term of office of such officers and employes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 458, entitled:

An Act to provide for increasing the indebtedness of railroad corporations with the privilege of converting the same into capital stock.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 579, (House Bill No. 1165), entitled:

An Act to further amend section four of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (Pamphlet Laws five hundred ninety-six) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" allowing pensions to certain persons heretofore or hereafter dismissed

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 602, (House Bill No. 738), entitled:

An Act to further amend sections one, two, three, four and five of the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (P. L. 1032), entitled "An act providing for the abatement of nuisances caused by the improper grading or defective paving or encroaching fences in alleys, in cities of the first class; for the establishment of lines and grades for, and the grading, paving, or repaving of, said alleys, and the grading of private alleys hereafter laid out; and for apportioning the cost, and for the filing of liens therefor," by extending the provisions of said act to retaining walls.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 603, (House Bill No. 755), entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65), entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto, and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections, and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective, to cure such defective publication of sale notices and validate the sale thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 606, (House Bill No. 868), entitled:

An Act to repeal the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2778) entitled "An act providing that all appointments made by the county commissioners in counties of the first class shall be divided between the majority and minority commissioners"

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 608, (House Bill No. 947), entitled:

An Act to repeal the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 475) entitled "An act to amend the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled 'An act for the better government of cities of the first class of this Commonwealth' by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes"

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 622, (House Bill No. 527), entitled:

An Act to amend clause (g) as added to section one thousand one hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the title including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" removing the time limit within which all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 631, (House Bill No. 967), entitled:

An Act fixing leaves of absence for uniformed officers and men employed by cities of the first class as park guards.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 632,)House Bill No. 972), entitled:

An Act providing that uniformed officers and men employed by cities of the first class as park guards shall be entitled to twenty-four consecutive hours of rest each week except in emergency cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 636, entitled:

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance, and protesting of bills, notes, drafts, checks, and other negotiable paper on such days," by authorizing certain additional bank holidays.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 642, entitled:

An Act to further amend Section 41 of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real state devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decree reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by making further provision for the investment of trust funds in interest-bearing deposits.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 718, (House Bill No. 900), entitled:

An Act to amend sections one thousand four hundred two two thousand five hundred fifty-six and two thousand five hundred fifty-nine and to repeal section two thousand five hundred fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended clarifying the conditions of the bond of the city treasurer providing for the determination of certain expenses in connection with the collection of taxes for the city county institution district school and poor district and repealing a certain inconsistent section

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 748, entitled:

An Act to amend section forty of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commission, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, department and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and board of school directors; imposing penalties; and repealing existing legislation," to provide for the preservation of registration records.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 749, entitled:

An Act to amend sections thirty-three and thirty-four of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, department and bureaus, police officers, courts, judges, prothonotaries, sheriffs county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," to eliminate the necessity for the commission to prepare and distribute preliminary street lists.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 750, entitled:

An Act to amend section thirty-nine of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," to provide for the preservation of registration records.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 751, entitled:

An Act to amend sections thirty-two and thirty-three of the act approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens; parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," to eliminate the necessity for the commission to prepare and distribute preliminary street lists.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 759, entitled:

An Act to amend section one of the act, approved the seventh day of May, one thousand nine hundred and twenty-three (P. L. 158), entitled "An act creating a Legislative Reference Bureau; providing for the election of a director by the General Assembly; designating the officers and employes of such bureau, defining their duties; fixing their salaries; abolishing the present Legislative Reference Bureau; and making an appropriation," providing for the location of the bureau.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 761, entitled:

An Act to further amend clause six of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof, establishing certain funds from contributions by the Commonwealth and contributing State employes; defining the uses and purposes thereof and the manner of payments therefrom, and providing for the

guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," further defining State employes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 772, (House Bill No. 1064), entitled:

An Act to repeal section eight of the act, approved the twelfth day of July, one thousand nine hundred and nineteen (P. L. 941), entitled "An act providing for the preparation, contents, style, printing and binding of the Legislative Journal and its delivery and distribution; providing for the preparation, printing and binding of the Journals of the Senate and House of Representatives; authorizing the appointment of official reporters, expert typewriters, clerks and other employes, and providing for their compensation and mileage; providing for the making of an appendix and index, the printing of wrappers or envelopes for mailing the Legislative Journal; and repealing all acts or parts of acts inconsistent herewith" in so far as it relates to the preparation, printing, binding and distribution of the Separate Journal of the House of Representatives.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 773, (House Bill No. 1167), entitled:

An Act relating to the superannuated member of the State Employes' Retirement System and preserving retirement rights in case of sudden and unexpected death.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 774, (House Bill No. 1193), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell seven lots of ground with the messuages thereon if any and providing for the disposition of the proceeds derived as a result of sale of such lots.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 775, (House Bill No. 1212), entitled:

An Act providing for the refund of certain moneys by the Pennsylvania Turnpike Commission to the Department of Internal Affairs for the payment of salaries of employes heretofore or hereafter loaned to the said commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 783, (House Bill No. 1074), entitled:

An Act to amend sections one and two of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2460) entitled "An act creating a joint legislative commission to be known as the Joint State Government Commission providing for the appointment of its members and defining its powers and duties" by changing the number and terms of members further defining their powers and duties and terminating the terms of members now in office.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 808, entitled:

An Act to amend section one of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 409), entitled "An act authorizing the Secretary of Highways to join two or more State highway routes, by the construction of connecting roads, under certain conditions, and providing for the payment of damages for land taken in the construction of such connecting roads," extending provisions to include boroughs, incorporated towns, or townships, and for taking over or building such connecting roads not exceeding one mile in length.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Wednesday, May 3, 1939, at 1:00 o'clock, p. m. (Eastern Standard Time).

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:38 o'clock, p. m. (E.S.T.) until Wednesday, May 3, 1939, at 1:00 o'clock, p. m. (E.S.T.)

HOUSE OF REPRESENTATIVES

TUESDAY, May 2, 1939.

The House met at 1 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

Our Father's God, to Thee, Author of Liberty, to Thee we pray, thanking Thee for health and home, fireside and family, flag and fatherland.

May we love our heritage of civic and religious freedom. Increase our devotion and loyalty to our own United States, the best country and the most idealistic government in the world. Bless and guide all in authority over us. Inspire each of us until we can sincerely and heartily sing,

"I love every foot of this Prairie Land,
Every rock on her mountain side.
I love every drop of her water clear
That flows in her rivers wide.
I love every tree, every blade of grass
That grows within Columbia's gates.
The pride of the earth is the land of my birth,
My own United States."

We pray in the name of Christ. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Miss BRANCATO, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. WINNER. HOUSE BILL No. 1420.

An Act to amend the act, approved the twentieth day of June, one thousand nine hundred nineteen (Pamphlet Laws, five hundred twenty-one), entitled, as amended, "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; defining and taxing transfers made in contemplation of death; defining as a transfer and taxing the right of survivorship in property as to which such right exists; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," by further defining the commissions of registers of wills; regulating the opening of safety deposit boxes of a decedent; permitting supplemental appraisements in certain cases; further defining allowable deductions and limiting the time within which claims for deductions may be filed; and conforming the act to existing law.

Referred to the Committee on Judiciary General.

By Mr. WINNER. HOUSE BILL No. 1421.

An Act to amend the act, approved the seventh day of May, one thousand nine hundred twenty-seven (Pamphlet Laws, eight hundred fifty-nine), entitled "A supplement to the act, approved the twentieth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred and twenty-one), entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal,' imposing additional taxes equal to Federal credits," by adding thereto section three, imposing, and providing for, interest penalties on the estate taxes imposed under the provisions of the said act.

Referred to the Committee on Ways and Means.

By Mr. WINNER. HOUSE BILL No. 1422.

An Act to amend the act, approved the twentieth day of April, one thousand nine hundred twenty-seven (Pamphlet Laws, three hundred twenty-two), entitled "An act to amend, revise, consolidate, and change the laws relating to bonus, and providing for the imposition, computation, and collection of bonus for State purposes on the capital stock, stated capital, or capital of domestic corporations, banks, and trust companies, and certain partnerships," as amended, by clarifying and enlarging its meaning and modifying and changing the provisions relating to the imposition, computation and collection of bonus imposed by said act; requiring certain reports; imposing additional duties on State, county and corporate officers; creating a lien for unpaid bonus; and imposing penalties.

Referred to the Committee on Ways and Means.

By Mr. TROUT. HOUSE BILL No. 1423.

An Act to amend the act, and to reenact and amend section two hundred twelve of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles, and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties cities boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as variously amended, further amplying and changing the provisions of said act relating to certificates of title, the correction, cancellation and assignment thereof, notices contained therein and the rights of persons to apply for, receive and possess such certificates as agents, and declaring liens and encumbrances shown on such certificates to be lawful notice thereof to the Commonwealth, creditors and purchasers; further regulating the registration and operation of certain motor vehicles, trailers and semi-trailers, the application for, and suspension of operators, licenses, the use of registration tags in certain casas, and the lawful weight, size, equipment and speed of such vehicles; removing certain exemptions and providing new exemptions from the various provisions of said act; providing for the suspension of inspection stations, appeals from such suspension, and the appointment and regulation of new ones by the Secretary of Revenue; authorizing the destruction of certain motor vehicles by the secretary; restricting the transportation of explosives; authorizing certain the arrest and prosecution of, and entry of bail by offenders on Sunday; changing the time when prosecution may be brought for certain offenses; making certain certificates from inspection stations competent and prima facie evidence in prosecution proceedings; changing fees, disposing of certain fines and penalties and forfeited bail, and changing and imposing new penalties.

Referred to the Committee on motor Vehicles.

By Mr. WOODSIDE. HOUSE BILL No. 1424.

An Act transferring money from the State School Fund to the General Fund and providing for the subsequent return from the General Fund of the transferring money.

Referred to the Committee on Appropriations.

By Mr. WOODSIDE. HOUSE BILL No. 1425.

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred thirty-nine.

Referred to the Committee on Appropriations.

By Mr. WOODSIDE. HOUSE BILL No. 1426.

An Act transferring money from the Flood Control Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Referred to the Committee on Appropriations.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 1. (HOUSE BILL No. 1427.)

An Act to amend sections three and eight of the act approved the thirtieth day of March one thousand nine hundred and thirty-seven (P. L. 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" by providing that the registration commission is to consist of the county commissioners instead of appointed commissioners and by providing that appropriations to carry out the act are to be made in the same manner as other appropriations are made

Referred to the Committee on Cities—First Class.

SENATE BILL No. 2. (HOUSE BILL No. 1428.)

An Act for the better government of cities of the first class of the Commonwealth by providing, among other things, for a councilmanic form of government with a council elected by proportional representation and with a city manager selected by council; the creation, abolition and change of departments and the addition to departments of certain functions pertaining to parks, detention, and correction, planning within the city, weights and measures, and dependent, neglected incorrigible and delinquent children; transferred from certain county offices to the extent of the performance of such functions within such cities, improvement of the civil service; increased control over finances by requiring balanced current and capital budgets and by greater control over the collection of charges, fees and taxes, and over payments of salaries and other expenditures out of the city treasury; improvements in the making and revision of assessments; the grant of home rule to such cities; and penalties.

Referred to the Committee on Cities—First Class.

SENATE BILL No. 218. (HOUSE BILL No. 1429.)

An Act for the better government of cities of the second class of the Commonwealth by providing among other things for a councilmanic form of government with a council elected by proportional representation and with a city manager selected by council, the creation abolition and change of departments and the addition to departments of certain functions pertaining to parks planning within the city improvement of the civil service increased control over finances by requiring balanced current and capital budgets and by greater control over the collection of charges fees and taxes and over payments of salaries and other expenditures out of the city treasury, abolishing Property Assessment as a city function and the grant of home rule to such cities and penalties.

Referred to the Committee on Cities—Second Class.

SENATE BILL No. 245. (HOUSE BILL No. 1430.)

An Act limiting the liability of fiduciaries for taxes assessments and other charges against real property held by them to the assets of the estate fund or trust of which such property is a part.

Referred to the Committee on Judiciary General.

SENATE BILL No. 661. (HOUSE BILL No. 1431.)

An Act for the prevention of congenital syphilis; providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children; imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child, and imposing penalties.

Referred to the Committee on Public Health and Sanitation.

SENATE BILL No. 662. (HOUSE BILL No. 1432)

An Act regulating the issuance of marriage licenses; prohibiting the issuance thereof to persons infected with syphilis in certain stages; requiring each applicant to produce certain evidence of freedom from such disease; imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties.

Referred to the Committee on Public Health and Sanitation.

SENATE BILL No. 673 (HOUSE BILL No. 1433)

An Act to amend Section 1 of the act approved the first day of December, one thousand nine hundred and thirty-eight (P. L. 111), entitled "An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for, or intended to be used for, the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Utility Commission; making illegal the use of certain wires for purposes other than those specified in the witten contract heretofor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal" by excluding therefrom private wires used for fire and burglar alarm purposes, telegraph messenger call boxes and associated circuits, time clock circuits, and certain telegraph teleprinters.

Referred to the Committee on Public Utilities.

SENATE BILL No. 461. (HOUSE BILL No. 1434)

An Act to amend paragraph 1 of Section 1, Clauses (f), (g) and (h) of Section 202, paragraph 4 of Section 403, Sections 405 and 406, to add Clause (f) to Section 407, and to amend Section 413 of the act approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1449), entitled "An act establishing a court of record

in the county of Allegheny for control, care, guidance, treatment, trial, placement and commitment of delinquent, neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency, neglect or dependency of children; defining the jurisdiction and powers of the court, and regulating procedure therein; providing for the transfer thereto of certain powers, functions and duties from other courts, providing for the election of judges thereof, the appointment of probation officers, other necessary staff officials and assistants; providing for housing of same, and providing for detention facilities; making the contributing to or encouraging of the delinquency, neglect or dependency of children a misdemeanor; and providing penalties," by extending the provisions of the act to children under eighteen years of age.

Referred to the Committee on Judiciary Special.

SENATE BILL No. 462. (HOUSE BILL No. 1435)

An Act to amend Clause 2 of Section 1, and Sections 4, 6, 7, 8, and 14 of the act approved the second day of June, one thousand nine hundred and thirty-three, (P. L. 1433), entitled "An act defining the powers of the courts of quarter sessions, the Municipal Court of Philadelphia, and the County or Juvenile Court of Allegheny County, with respect to the care, guidance, control, trial, placement and commitment of delinquent, dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency, neglect and dependency of children; and amending, revising and consolidating the law relating thereto," by extending the provisions of the act to children under eighteen years of age.

Referred to the Committee on Judiciary Special.

SENATE BILL No. 596. (HOUSE BILL No. 1436)

An Act to prohibit the transfer of personal property from a resident decedent to an alien beneficiary of a foreign country which prohibits such transfers to citizens of this Commonwealth; and providing for the escheat and distribution of such property.

Referred to the Committee on Ways and Means.

BILL INTRODUCED AND REFERRED

By Mr. WATKINS. HOUSE BILL No. 1437.

An Act to amend section one of the act, approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 874), entitled "An act relating to judicial sales and sales upon writs of execution or otherwise; and preserving the lien of mortgages on real estate other than upon unseated lands," providing that a judicial sale for the collection of delinquent taxes shall discharge any mortgage recorded after the effective date of this act.

Referred to the Committee on Municipal Corporations.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 1, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, May 8, 1939 at eight o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, May 8, 1939, at eight o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 444.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 28, 1939

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 444, Printer's No. 60, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES

RECONSIDERATION OF VOTE

Mr. SCHROCK. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. WOODSIDE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Somerset Mr. Schrock, vote on the final passage of this bill?

Mr. SCHROCK. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Dauphin, Mr. Woodside, vote on the final passage of this bill?

Mr. WOODSIDE. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. SCHROCK. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. SCHROCK. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend section 1, page 3, line 17 by striking out, with boldface brackets, after the word "of" and before "de-" the word: "[such]" and inserting in lieu thereof the word: "any"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

LEAVE OF ABSENCE

Mr. REUBEN E. COHEN asked and obtained leave of absence for himself for tomorrow's session.

REPORTS FROM COMMITTEES

Mr. McCLESTER from the Committee on Education reported as committed, House Bill No. 833, entitled:

An Act to further amend section five hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," further regulating the incurring and refunding of temporary indebtedness.

Mr. HERFERD M. WOOD from the Committee on Mines and Mining reported as committed, House Bill No. 1005, entitled:

An Act to authorize and direct the Attorney General to take such steps as are in his opinion necessary to oppose increases and to secure reductions in the freight rates and transportation charges on anthracite coal produced in Pennsylvania from such places of production to such markets as are now or were heretofore served with anthracite coal from Pennsylvania or which may appear to be logical future markets for said coal and making an appropriation of one hundred thousand dollars or so much thereof as may be necessary from the general fund to the Attorney General for such purpose and authorizing the expenditure of said money over a period of four years and directing the Public Utility Commission or any other departments branches commissions agents or officers of this Commonwealth to aid and assist the Attorney General in such ways as the Governor or the Attorney General may request in furthering such efforts.

Mr. STAMBAUGH from the Committee on Highways reported as committed, House Bill No. 41, entitled:

An Act to further amend section one of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 147), entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs, incorporated towns, cities of the Third Class and townships, under certain conditions and restrictions, and appropriating money in the motor license fund for such purposes; providing for a limitation of the Commonwealth's liability for reconstruction and maintenance, in certain cases, under orders of court or the Public Service Commission; providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts; authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws, subject to certain conditions and restrictions; providing for the crediting of certain moneys to the motor license fund, and providing for the return to the county or disposal of said bridges in certain cases; and repealing certain acts with reference to county bridges," by providing for the lighting of bridges taken over by the Commonwealth at the expense of the Commonwealth.

Mr. WATKINS from the Committee on Highways reported as committed, House Bill No. 1022, entitled:

An Act to amend further section five of an act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act" by providing that the Department of Highways may, in the descretion of the Secretary of Highways, construct, reconstruct, resurface or maintain additional width.

Mr. WATKINS from the Committee on Highways reported as committed, House Bill No. 1026, entitled:

An Act to provide that, under certain conditions, roads, highways, bridges, and other highway structures may be constructed to such width as may be determined by the authorities responsible for such highways, and providing for condemnation of land and payment of damage therefor.

Mr. WAGNER from the Committee on Education reported as committed, House Bill No. 650, entitled:

An Act to further amend the act, approved the first day of May, one thousand nine hundred and thirteen (P. L., one hundred thirty-eight), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof, and for the payment of tuition by certain school districts, and reimbursement thereof by the State," by providing for the election of county supervisors of agriculture and homemaking, the election of principals, instructors and lectures for the Public Service Institute, and by further providing for the reimbursement by the Commonwealth of districts of the second, third, and fourth classes.

Mr. SETH W. BROWN from the Committee on Mines and Mining reported as committed, House Bill No. 1211, entitled:

An Act to amend section two of the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2772), entitled "An act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein, and to make copies of such records available upon payment of prescribed fees; and providing fees and penalties." creating a special fund in the State Treasury to be known as the Topographic and Geologic Survey Fund; providing for the transfer of certain moneys into said fund, by the State Treasurer, and for the payment of moneys to, and the requisition of moneys from said fund by the Bureau of Topographic and Geologic Survey in the Department of Internal Affairs.

Mr. SETH W. BROWN from the Committee on Judiciary General reported as committed, House Bill No. 1299, entitled:

An Act to amend section one of the act approved the twenty-eighth day of June, one thousand nine hundred and seventeen, (P. L. 645), entitled "An act making it unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name, style, or designation, unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary; requiring county commissioners, at the expense of the county, to provide books for the entry of such certificates; fixing the fees of the Secretary of the Commonwealth and prothonotary; and providing penalties,"

as amended; excluding from the provisions of said act all limited partnerships and members thereof for which a certificate is filed in the office of the recorder of deeds.

Mr. COOK from the Committee on Highways reported as amended, House Bill No. 158, entitled:

An Act to further amend section ten of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by extending the purposes for which counties may use moneys received from said tax.

Mr. WEBSTER from the Committee on Education reported as committed, House Bill No. 1208, entitled:

An Act to amend and re-enact section five hundred and twenty-four of an act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistant therewith," as amended, by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class.

Mr. SWEENEY from the Committee on Banking reported as committed, House Bill No. 1149, entitled:

An Act to further amend section seventeen of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," authorizing payment by the board to a credit union where rights have been assigned, and the note is unpaid; and empowering the board to make additional deductions from member's salary for the repayment of such amounts into the member's savings account.

Mr. CORDIER from the Committee on Banking reported as committed, House Bill No. 223, entitled:

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance, and protesting of bills, notes, drafts, checks, and other negotiable paper on such days," by authorizing certain additional bank holidays.

Mr. McLANE from the Committee on Mines and Mining reported as committed, House Bill No. 1007, entitled:

An Act to authorize and direct the Attorney General to take such steps as are in his opinion necessary to oppose increases and to secure reductions in the freight rates and transportation charges on bituminous coal produced in Pennsylvania from such places of production to such markets as are now or were heretofore served with bituminous coal from Pennsylvania or which may appear to be logical future markets for said coal and making an appropriation of one hundred thousand dollars or so much thereof as may be necessary from the general fund to the Attorney General for such purpose and authorizing the expenditure of said money over a period of four years and directing the Public Utility Commission or any other departments branches commissions agents or officers of this Commonwealth to aid and assist the Attorney General in such ways as the Governor or the Attorney General may request in furthering such efforts.

Mr. ROTHENBERGER from the Committee on Highways reported as committed, House Bill No. 1321, entitled:

An Act cancelling certain debts due the Commonwealth by townships and the agreements under which such debts were created.

BILLS RE-REFERRED

Mr. ACKERMAN returned from the Committee on Highways with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 323, entitled:

An Act authorizing and directing the Department of Highways to erect and construct a bridge over the Susquehanna River between a point in or near the Borough of Middletown, Dauphin County and a point in York County; and to provide the necessary approaches and connections with State highways; providing for the acceptance of Federal aid; empowering counties to pay certain damages; providing for the collection of tolls on such bridge and making an appropriation.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

Mr. ACKERMAN returned from the Committee on Highways with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 324, entitled:

An Act authorizing and directing the Department of Highways to erect and construct a bridge over the Susquehanna River between a point in or near the Borough of Millersburg, Dauphin County and a point in Perry County, and to provide the necessary approaches and connections with State highways; providing for the acceptance of Federal aid, empowering counties to pay certain damages; providing for the collection of tolls on such bridge and making an appropriation.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

Mr. BRONSON returned from the Committee on Highways with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 928, entitled:

An Act relating to tunnels in townships of the first class located within counties of the second class; providing for the transfer of such tunnels to the Commonwealth; and conferring and imposing upon the Department of Highways certain powers and duties.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

REPORT FROM SLATE COMMITTEE

Mr. WINNER offered the following report from the Slate Committee.

The report was read by the Clerk as follows:

In the House of Representatives, May 2, 1939.

Resolved, That Charlotte W. Revan, 371 Third Avenue, Phoenixville, Penna., be appointed as Clerk to Committee vice Leo J. Morris, 224 Marshall St., Phoenixville, Penna., resigned, effective May 1, 1939.

On the question,

Will the House adopt the report?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Montgomery, Mr. Winner.

The SPEAKER. Will the gentleman from Montgomery permit himself to be interrogated?

Mr. WINNER. I shall, Mr. Speaker.

Mr. HERBERT B. COHEN. Do I understand that the present employee is replacing an individual who has resigned?

Mr. WINNER. That is correct, Mr. Speaker.

Mr. HERBERT B. COHEN. Do I understand that the personnel is still maintained at the full amount allowed by the act of 1919?

Mr. WINNER. That is correct.

Mr. HERBERT B. COHEN. Fully loaded?

Mr. WINNER. That is correct.

On the question recurring,

Will the House adopt the report?

It was adopted.

The SPEAKER. The Chair requests the gentleman from Indiana, Mr. Stewart, to preside.

MR. STEWART IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of Housce Bill No. 272, entitled:

An Act to amend section five hundred and thirty-one of the act approved the twenty-third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act, and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections by requiring the county board of elections to fix the compensation for the use of fire houses as polling places at primaries and elections

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 879, entitled:

An Act requiring political subdivisions to refund taxes and license fees erroneously and inadvertenly paid thereto and giving a right of action against such political subdivision for the recovery of such taxes and fees upon their failure to make such refunds making the provisions of the act retroactive and repealing existing laws

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1019, entitled:

An Act authorizing cities of the third class boroughs incorporated towns and townships to abate certain interest charges and penalties added to municipal claims imposed or assessed for certain improvements prohibiting the sale of real property for the nonpayment of such claims for a certain period preserving the liens of such claims and providing for the extension thereof

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1200, entitled:

An Act authorizing all counties cities boroughs incorporated towns townships and institution districts to place their respective officers and employes in the State Employes' Retirement Association prescribing the procedure to be followed and authorizing a special tax to pay the expenses incident thereto placing certain duties upon the State Treasurer and the fiscal officers of the said municipal units prohibiting the future establishment of local pension or retirement systems and providing in certain cases for the discontinuance of existing ones

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1036, entitled:

An Act to regulate and restrain the sale purchase exchange pledge and dealing in distillery bonded warehouse certificate for whiskey or any other potable distilled spirits except ethyl alcohol conferring powers and imposing duties upon the Pennsylvania Liquor Control Board authorizing the granting of permits and registration of agents to deal in such certificates and the suspension and revocation of such permits and registration of agents providing for hearings and appeals to the court of common pleas forbidding transactions in such certificates in this state except as herein provided prescribing and imposing penalties and providing for the disposition of filing registration and permit fees

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1102, entitled:

An Act to repeal the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2797) entitled "An act requiring collectors of city county borough town township school and poor district taxes to file certain reports with the quarter sessions court and the Department of Internal Affairs directing such department to prepare and furnish forms for such reports making such reports available for public inspection requiring all payments to such collectors for compensation and expenses and expenses to be by warrant or order prohibiting such collectors from deducting their compensation and expenses from public funds in their possession and making violation of the act a misdemeanor"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Indiana, Mr. Stewart.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1347, as follows:

An Act to amend section two thousand eight hundred one of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special of local or any parts thereof that are or may be inconsistent therewith" making it unlawful to require and for certain persons to solicit teachers to become members of certain organizations and prohibiting the solicitation of dues for certain organizations during school hours

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two thousand eight hundred one of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 2801 No religious or political test or qualification shall be required of any director visitor superintendent teacher or other officer appointee or employe in the public schools of this Commonwealth

It shall be unlawful to require any teacher to enroll in or become a member of any lodge educational society or labor union and it shall be unlawful for any board of school directors or any member thereof superintendent or principal to solicit any teacher to enroll in or become a member of any lodge educational society or labor union Membership dues for lodges educational societies labor unions and other organizations shall not be solicited during school hours or on school premises excepting dues for organizations properly local to a particular school district

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration House Bill No. 1140, as follows:

An Act to amend section nine of the act approved the second day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1198) entitled "An act relating to employes and organizations thereof defining labor disputes prescribing the procedure by which and the conditions under which injunctions may be granted in such disputes and the scope thereof declaring certain undertakings and promises between employers and employes contrary to public policy and void prescribing the nature of proof necessary in actions arising out of labor disputes against persons or associatioins prescribing the terms and conditions for bonds to be furnished prior to the issuance of injunctions prescribiing the procedure in case of appeal from granting injunctions limiting the duration of temporary and permanent injunctions in case of labor disputes and providing for the payment of costs and repealing all acts or parts of acts inconsistent herewith" providing additional cases where restraining orders and temporary and permanent injunctions may be granted

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine of the act approved the second day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1198) entitled "An act relating to employes and organizations thereof defining labor disputes prescribing the procedure by which and the conditions porary and permanent injunctions in case of labor disputes and the scope thereof declaring certain undertakings and promises between employers and employes contrary to public policy and void prescribing the nature of proof necessary in actions arising out of labor disputes against persons or associations prescribing the terms and conditions for bonds to be furnished prior to the issuance of injunctions prescribing the procedure in case of appeal from granting injunctions limiting the duration of temporary and permanent injunctions in case of labor disputes and providing for the payment of costs and repealing all acts or parts of acts inconsistent herewith" is hereby amended to read as follows

Section 9 No court of this Commonwealth shall issue any restraining order or a temporary or permanent injunction in any case involving or growing out of labor dispute except after hearing the testimony of witnesses in open court (with opportunity for cross-examination) in support of the allegations of a complaint made under oath and testimony in opposition thereto if offered and except after findings of fact by the court to the effect

(a) That unlawful acts have been threatened and will be committed unless restrained or have been committed and will be continued unless restrained but no temporary or permanent injunction or temporary restraining order shall be issued on account of any threat or unlawful act excepting against the person or persons association or organization making the threat or committing the unlawful act or actually authorizing or ratifying the same after actual knowledge thereof

(b) That substantial and irreparable injury to complainant's property will follow unless the relief requested is granted

(c) That as to each item of relief granted greater injury will be inflicted upon complainant by the denial of relief than will be inflicted upon defendants by granting of relief

(d) That no item of relief granted is relief which is prohibited under section six of this act

(e) That complainant has no adequate remedy at law and

(f) That the public officers charged with the duty to protect complainant's property are unable to furnish adequate protection

(g) That the activity sought to be enjoined violates or grows out of a failure to comply with any law of the Commonwealth

(h) That the activity is in breach of a valid labor agreement arrived at after collective bargaining or by the order of the Labor Relations Board

Such hearing shall be held only after a verified bill of complaint and a verified bill of particulars specifying in detail the time place and the nature of the acts complained of and the names of the persons alleged to have committed the same or participated therein have been served and after due and personal notice thereof has been given in such manner as the court shall direct to all known persons against whom relief is sought and also to the chief of those public officials of the county and city within which the unlawful acts have been threatened or committed charged with the duty to protect complainant's property The hearing shall consist of the taking of testimony in open court with opportunity for cross-examination and testimony in opposition thereto if offered and no affidavits shall be received in support of any of the allegations of the complaint

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Labor for further consideration.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. Herbert B. Cohen and Mr. Reuben E. Cohen and were as follows:

YEAS—75

Achterman,	DeNote,	Lovett,	Rider
Allen,	Downey,	Malloy,	Rooney,
Allmond,	Falkenstein,	Malone,	Rosenfeld,
Andrews,	Fauset,	McLane,	Rothenberger,
Baker,	Finnerty,	Melchiorre,	Sarraf,
Balthaser,	Flanagan,	Mihm,	Scanlon,
Bohn,	Furman,	Mooney,	Schrope,
Boles,	Gorski,	Moran,	Shaw,
Boney,	Harkins,	Munley,	Stank,
Brancato,	Hess,	O'Brien,	Tarr,
Broad,	Hindman,	O'Connor,	Thompson, E. F.,
Brown, H. S.,	Hoffman, S. K.,	O'Keefe,	Tronzo,
Burns,	Holland,	Ominsky,	Walsh,
Burris,	Keenan,	O'Neill,	Weiss,
Check,	Kenehan,	Preston,	Welsh, E. B.,
Chervenak,	Kilroy,	Readinger,	Welsh, M. J.,
Cohen, H. B.,	Kline,	Reese, R. E.	Westrick,
Cohen, R. E.,	Levy,	Regan,	Williams,
Corrigan,	Long,	Reynolds,	

NAYS—126

Ackermann,	Ewing,	Leisey,	Simons,
Alspach,	Fisher,	Leydic,	Sloan,
Atkins,	Fiss,	Lichtenwalter,	Snyder,
Auker,	Fleming,	Lyons,	Sollenberger,
Balliet,	Foor,	Madden,	Stambaugh,
Bardes,	Freed,	Marr,	Stewart,
Bennett,	Fullerton,	Matthews,	Stockham,
Boorse,	Gates,	McClester,	Sweeney,
Boorse,	Gillan,	McGarrity,	Tahl,
Bower,	Gillette,	McKinney,	Taylor,
Boyd,	Goll,	McNally,	Terry,
Bretherick,	Habbyshaw,	McVay,	Thistle,
Bronson,	Haines,	Montgomery,	Thompson, G. R.,
Brown, S. W.,	Hall,	Moser, F. S.,	Tiemann,
Brunner,	Hamilton,	Moser, J. L.	Trout,
Cadwalader,	Harbeson,	Muir,	VanAllsburg,
Calvin,	Haudenshield,	O'Dare,	Van Belle,
Carpenter,	Henry,	Peacock,	Voorhees,
Christler,	Hewitt,	Peale,	Wagner,
Clearwater,	Hocke,	Reagan,	Watkins,
Cook,	Hoffman, J. N.,	Reese, D. P.,	Webster,
Cooper,	Hoyt,	Rhodes,	Wilkinson,
Cordier,	Huntley,	Riley	Wilson,
Cortese,	Imbrie,	Robertson,	Winner,
Curran,	James,	Rose,	Wood, H. M.,
Dalrymple,	Johnston,	Roseberry,	Wood, L. H.,
Denman,	Jones,	Royer,	Wood, N.,
Dietz,	Kane,	Sarge,	Woodside,
Dix,	Knoble,	Schrock,	Yeakel,
Donahue,	Kowalski,	Seif,	Turner,
Eckels,	Krise,	Serrill,	Speaker,
Ely,	Lee,	Shearer,	

So the question was determined in the negative and the motion was not agreed to.

BILL POSTPONED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1285, entitled:

An Act to amend section two thousand four hundred thirteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments board and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" assigning certain rooms in the State Capitol to the General Assembly

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two thousand four hundred thirteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools and Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain ohter executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended to read as follows

Section 2413 Board of Commissioners of Public Grounds and Buildings The Board of Commissioners of Public Grounds and Buildings shall have the power and its duty shall be

(a) To assign rooms in the State Capitol to the Governor the General Assembly and the officers and committees thereof hte Supreme and Superior Courts and the judges and officers thereof and as far as possible to the several administrative departments boards and commissions of the State Government Provided That the halls of the Senate and the House of Representatives together with the corridors and ante-rooms adjoining the same and the rooms in the main Capitol building hereinafter enumerated are hereby permanently assigned to the General Assembly and the officers and committees thereof that is to say

All such rooms that are used by the Senate shall at all times be under the absolute control of the President pro tempore of the Senate and all such rooms that are used by the House of Representatives shall at all times be under the absolute control of its Speaker The President pro tempore or the Speaker as the case may be may arrange with the Board of Commissioners of Public Grounds and Buildings for the exchange of any room or rooms hereby assigned to the General Assembly for any other room or rooms which they deem more advantageous for the use of their respective branches of the General Assembly

(b) Whenever the Department of Property and Sup-

plies shall have leased offices rooms or accommodations outside the Capitol buildings for the use of the administrative departments boards or commissions to assign such rooms to such administrative departments boards or commissions as cannot be adequately accommodated in the Capitol buildings

(c) To approve or disapprove proposed leases for branch offices rooms and accommodations outside the capital city and to assign such offices rooms and accommodations if and when leased

(d) To approve or disapprove proposed purchases by the Department of Property and Supplies as purchasing agency of articles other than those on the department's schedules when a similar article is included on such schedules and to approve or disapprove departures from specifications contained in the schedules or from standard specifications for articles not included in the schedules by departments boards or commissions having charge of State institutions

On the question,

Will the House agree to the section?

Mr. HABBYSHAW. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 2413), page 3, line 14, by striking out the word: "and"

Amend Sec. 1 (Sec. 2413), page 3, line 14, by inserting after the word "ante-rooms" the following: "conference rooms, lobbies, post offices and other space now used"

Amend Sec. 1 (Sec. 2413), page 3, by inserting between lines 17 and 18 the following: "To the House of Representatives and the Legislative Reference Bureau on the first floor, in the south wing, all office floor space south of the rotunda, except that space in the southeast wing, embracing a floor area of approximately sixty-two feet north and south by seventy-two feet east and west; on the entresol floor, in the south wing, all office floor space south of the rotunda, except that space in the southeast wing, embracing a floor area of approximately sixty-two feet north and south by seventy-two feet east and west, and except the two offices located at the southwest corner of the south wing, embracing a floor area of approximately twenty-three feet by fifty-five feet, and in the central wing, all office space on the south side of the wing east of the rotunda; on the second floor, in the central wing, all office space on the south side of the wing east of the rotunda; on the third floor, in the central wing, all office space in the wing east of the rotunda; in the basement, south wing, all office and storage floor space south of the rotunda."

Amend Sec. 1 (Sec. 2413), page 4, line 2, by inserting after the part-word "sembly" the following: "The Department of Property and Supplies shall continue to provide for the maintenance and repair of all floor space hereby assigned to the General Assembly, and shall provide daily janitor services for the same."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

An Act to amend section two thousand four hundred thirteen of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers, fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions, shall be determined," assigning certain rooms in the State Capitol to the General Assembly.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreebaly to order,

The House proceeded to the second reading and consideration of House Bill No. 673, entitled:

An Act to amend subsection (7) of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescibing defining and limiting ther duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporation subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the

procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by enlarging the definition of the phrase "Contract Carrier by Motor Vehicle" to include persons or corporations who furnish transporation of school children exclusively

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby cnacts as follows

Section 1 Subsection (7) of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporarv rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" is hereby amended to read as follows

(7) "Contract Carrier by Motor Vehicle" means any person or corporation who or which provides or furnishes transportation of passengers or property or both or any class of passengers or property between points within this Commonwealth by moto vehicle for compensation whether or not the owner or operator of such motor vehicle or who or which provtdes or furnihhes with or without drivers any motor vehicle for such transportation or for use in such transportation other than as a common carrier by motor vehicle but shall not include (a) a lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance supervision or control of the motor vehicle so sold [or] (b) any bona fide cooperative association transporting property exclusively for the members of such association on a non-profit basis or (c) any person or corporation who or which provides or furnishes transportation of school children exclusively

On the question,

Will the House agree to the section?

Mr. STEWART. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1 (Sub-section 7), page 5, line 25, by inserting after the word "exclusively" the following: "or (d) any person or corporation who or which uses or furnishes for use dump trucks for the transportation of materials ordinarily used or removed in building operations highway construction or maintenance or in any other construction work"

Amend bill, page 5, by inserting after line 25, the following section: "Section 2. This act shall become effective immediately upon final enactment."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An act to amend subsection (7) of section two of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle; and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligation issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for reviews by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over

certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by enlarging the definition of the phrase "Contract Carrier by Motor Vehicle" to include persons or corporations who furnish transportation of school children exclusively.

On the question,

Will the House agree to the title?

Mr. STEWART. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 3, line 11 from top of page, by inserting after the word "exclusively" the following: "or transportation of materials in dump trucks"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1038, entitled:

An Act to regulate the practice of chiropody in the Commonwealth of Pennsylvania to provide for the establishment of a State Board of Chiropody Examiners in the Department of Public Instruction to define the duties and powers of said board to provide for examining and registering of chiropodists in this State and to provide penalties for the violation of this act

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 For the purpose of state regulation under this act chirpody shall be defined as the diagnosis of foot ailments and the practice of minor surgery upon the feet limited to those structures of the foot superficial to the inner layer of fascie of the foot the palliative and mechanical treatment of deformities and functional disturbances of the feet and the making of models of the foot and toes or any one or more of such activities

Chiropody shall not include the right to treat communicable or constitutional diseases of the bones ligaments or muscles of the feet or any other part of the body or to perform any operation on the bones ligaments muscles or tendons of the feet involving the use of any cutting instrument or the right to use any anesthetic other than local The words "chiropody" and "pediatry" for the purpose of this act shall have the same meaning and effect

On the question,

Will the House agree to the section?

Mr. McKINNEY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 1, page 2, line 7, by striking out the word "Pediatry" and insert in lieu thereof "podiatory"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 All persons now licensed by the Commonwealth of Pennsylvania to practice chiropody or who shall hereafter begin to practice chirpody in the Commonwealth of Pennsylvania shall possess the qualifications required by this act It shall be unlawful for any person to designate himself or his occupation by the use of any words letters or trade diplomas calculated to lead others to believe that he is a chiropodist unless he is duly licensed as provided for in this act All persons licensed under this act shall designate themselves as chiropodists No person granted a license under the provisions of this act shall display or use the title "Doctor" or its synonym with the designation "Chiropodist" "Foot Specialist" or "Pediatrist"

On the question,

Will the House agree to the section?

Mr. McKINNEY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment were read by the Clerk as follows:

Amend section 2, page 2, line 22, by striking out the word "with" and insert in lieu thereof "without"

Amend section 2, page 2, line 23, by striking out the word "Pediatrist" "and insert in lieu thereof "Podiatrist"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third to the eighth sections inclusive were separately read and agreed to as follows:

Section 3 There is hereby established a State Board of Chiropody Examiners which shall be a departmental administrative board in the Department of Public Instruction and shall be subject to the same suprevision regulation and restriction as other professional examining boards within such department

This board shall consist of the Superintendent of Public Instruction ex officio and five members who shall be appoint edby the Governor These members shall be selected from among practicing chiropodists of this Commonwealth who have no affiliation in any capacity with any school or college of chiropody Each appointee shall immediately after his appointment be furnished with a certificate thereof by the Secretary of the Commonwealth The term of office of the five members first appointed shall be One for one year two for two years and two for three years The Governor shall designate the term of office of each appointee Upon the expiration of the term of each one of said members as appointed the terms of the successors shall be for three years The outgoing members shall be eligible for reappointment The term of office of each member shall commence on the fifteenth day of the month next following his appointment The board shall select from their number a chairman and a secretary The secretary need not be a member of the board and he shall receive such compensation as shall be determined by the board with the approval of the superintendent of Public Instruction

The pay of the members of the State Board of Chiropody Examiners and the necessary traveling expenses actually incurred in the transaction of their business shall be fixed by the Department of Public Instruction and at no time shall the expenses of the board exceed the income of its receipts

Section 4 The State Board of Chiropody Examiners for the purpose of examining applicants under this act for a license to practice chiropody in this Commonwealth shall hold two meetings each year at such time and place as the board may determine The board shall give thirty days' notice of the time nad place of such examinations in such manner as the board may prescribe The board shall make adn adopt rules and regulations in connection with the conduct of such examinations as may in their judgment be necessary to carry out the purpose of this act It shall provide such books blanks and forms as may be necessary in order to conduct such examinations and shall keep and preserve a complete record of all its transactions No license to practice chiropody shall be granted by the board unless at least three of the members of the board shall vote in favor of granting such license All examinations shall be conducted by the board in writing but the board may in its discretion supplemnet such written examination by oral and clinical examination The examination shall be in the following subjects Chiropody hygiene anatomy physiology pathology bacteriology chemistry therapeutics dermatology shoetherapy and physio-therapy limited in their scope to the treatment of the lower extremities After such examination the board shall without unnecessary delay act upon the same and shall have issued by the Superintendent of Public Instruction a certificate in duplicate to all candidates receiving a minimum standing of sevnty-five per centum in each subject Any candidate failing to pass said examination shall within one year be entitled to a reexamination at no addditional cost but in no event shall he be entitled to more thn one reexamination Should he fail to pass this second examination he shall file a new application before he shall be entitled to another examination The board shall report to the Department of Public Instruction in detail their transactions

Section 5 Every person receiving such certificate shall file one copy thereof at once with the prothonotary of the court of common pleas of the county in which he is practicing and the other copy shall be prominently posted in his office Before he shall practice in any other county of the State he shall file a certified copy of said cerfiticate in the office of the prothonotary of said county It shall be the duty of the prothonotary to record the pose as part of the records of his office and the number of the book and page therein containinge copy of said records shall be kept in an index to be provided for that purpose In all legal proceedings said record shall be prima facia evidence of all matters therein contained The fee for filing said certificate shall be fifty cents to be paid by the person whose certificate is registered

Section 6 All persons now licensed and registered by the State Board of Medical Education and Licensure in the Department of Public Instruction and engaged in the practice of chiropody or who shall hereafter be licensed by the Board of Chiropody Examiners as herein provided shall register with the State Board of Chiropody Examiners on the first day of January one thousand nine hundred and forty and shall thereafter register in like manner on or before the first day of January of each succeeding year Each person so registering with the board shall pay for each annual registration and certificate herein provided for a fee to be fixed by the Department of Public Instruction

Section 7 Each person now licensed and registered by the State Board of Medical Education and Licensure in the Department of Public Instruction to practice chiropody shall be issued a new certificate under this act by the State Board of Chiropody Examiners and upon payment by the applicant of a fee to be fixed by the Department of Public Instruction the said board shall issue to the said applicant a certificate authorizing him to practice chiropody in this State which cetrificate shall be recorded as hereinbefore required and when so recorded shall confer upon said applicant all the rights and privileges conferred by the certificate issued after examination

Section 8 From and after January first one thousand nine hundred and forty any person not heretofore authorized to practice chiropody in this State and desiring to enter upon said practice shall file with the said board a written application for examination which applicatio must be accompanied by a fee to be fixed by the Depar ment of Public Instruction and also accompanied by sati factory proof that the applicant is not less than twenty one years of age of good moral character and a citize of the United States an dhas obtained preliminary instru tion which is equivalent to four years' high school Th fact that such instruction has been received by the ap plicant shall be evidenced by a certificate satisfactory t the said board Such applicant before presentation fo examination must be a graduate of a reputable incor porated school of chiropody acceptable to the board There upon the applicant shall be subjected to an examinatio All applicants presenting themselves for examination be ginning January first one thousand nine hundred an forty-one must present satisfactory proof of having com pleted a four year course of at least eight months in eac scholastic year at a college or school of chiropody recog nized by the State Board of Chiropody Examiners

The ninth section was read as follows:

Section 9 No person who is not a duly licensed an registered chiropodist shall by any means or in any writ ten or printed circular or on any business card letter head or sign or otherwise assume the title "Chiropodist "Pediatrist" "D S C" "G Cp" "M Cp" "Ped G" "Foot Spe cialist" "Foot Correctionist" "Pedopractor" nor any othe title name or description implying or calculated to lead t the belief that he is qualified to practice chiropody Any per son not having complied with or violating any of the provi sions of this act shall be guilty of a misdemeanor an upon conviction thereof shall be sentenced to pay a fin of not less than fifty dollars nor more than two hundre dollars and in default of payment thereof shall be im prisoned for not less than sixty (60) days nor more tha one hundred and eighty (180) days for the first viola tion Penalty for further violations to be proportionatel increased Nothing in this act contained shall be construe to interfere with or affect regularly licensed physicians i the discharge of their professional duties and provided als that nothing herein contained shall be construed so as t prohibit or restrict the sale or fitting of shoes or com mercial foot appliances provided however that no suc retail merchant shall be permitted to practice chiropod as provided for in this act unless duly licensed to practic chiropody

On the question,

Will the House agree to the section?

Mr. McKINNEY. Mr. Speaker, I desire to offer the fol lowing amendments.

The SPEAKER. The amendments will be read by th Clerk.

The amendments were read by the Clerk as follows:

Amend Section 9, page 7, line 17, by striking out th word "Pediatrist" "and insert in lieu thereof the wor "Podiatrist"

Amend section 9, page 7, line 19, by striking out th word "Pedopractor" "and insert in lieu thereof "Podop ractor"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The tenth section was read as follows:

Section 10 The State Board of Chiropody Examiner may as hereinafter provided revoke by a vote of no less than three of its members any certificate which ha been issued and in such case should cause the name o the holder to be stricken from the book of registratio by sending a certificate of revocation to the prothonotar of the county in which the name of the said person i registered Such certificate shall be in the form of certified copy of a resolution of the said board and upo

eceiving such certificate the prothonotary shall revoke ıch registration For the revoking of any license any or l of the following shall be sufficient cause

(a) If any person in any affidavit or examination equired of an applicant for examination or certification registrtion under the laws regulating the practice of iropody shall wilfully make false statements in material gard

(b) If any person shall allow or permit others than mself to practice under a certificate of license issued to m

(c) If any person is convicted of a crime involving oral turpitude

(d) If any person shall publicly advertise price

Any person against whom any of the above charges ave been made shall be notified of the fact and a copy the charges shall be sent him by the board and such erson shall be given a fair and impartial trial by the oard whose decision shall be made by a majority of ie members thereof Any person aggrieved by the deci- on of the said board may appeal from such decision to e court of common pleas of the county in which the pplicant is registered which appeal shall be by petition to id court The court may hear the matter de novo and all have power to either sustain or reverse the action the board

On the question,

Will the House agree to the section?

Mr. TROUT. Mr. Speaker, I desire to offer the fol- wing amendment.

The SPEAKER. The amendment will be read by the lerk.

The amendment was read by the Clerk as follows:

Amend Section 10, Page 9, by striking out all of line 3.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The eleventh to the fourteenth sections inclusive and tle were separately read and agreed to as follows:

Section 11 All fees received by the board under the rovisions of this act shall on the last day of each month e paid into the general fund of the State Treasury

Section 12 Applicants registered or certified by the ex- miners of other states whose requirements are equal to ıose of this State may upon payment of a fee to be et by the Department of Public Instruction be granted certificate without examination provided however that ie provisions of this section shall be extended only to ıose states who extend to this State the same privilege shall be the duty and within the power of the State oard of Chiropody Examiners to refuse to examine ap- icants from reputable colleges of chiropody of other ates who do not extend the same courtesy and privilege graduates of reputable colleges of chiropody of this tate or from colleges of chiropody of lower scholastic anding than this State

Section 13 All acts and parts of acts inconsistent with e provisions of this act are herby repealed

Section 14 This act shall become effective on the first ay of January one thousand nine hundred and forty

An Act to regulate the practice of chiropody in the ommonwealth of Pennsylvania; to provide for the es- blishment of a State Board of Chiropody Examiners in ie Department of Public Instruction; to define the duties nd powers of said board; to provide for examining and egistering of chiropodists in this State; and to provide enalties for the violation of this act.

And said bill having been read at length the second time nd agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1399, (Senate Bill No. 433), entitled:

An Act to amend section seven of the act approved the eleventh day of May, one thousand nine hundred and five, (P. L. 442), entitled "An act for the appointment and maintenance of a board, to be known as the Armory Board of the State of Pennsylvania, and for the payment of its expenses, and for providing, managing and caring for armories for the use of the National Guard of Pennsylvania, throughout the Commonwealth of Pennsylvania, and making an appropriation for the same; authorizing the State Armory Board to receive from counties, cities, municipalities and other sources donations or contributions for the purpose of this act," authorizing the Armory Board to accept donations and contributions from boroughs and townships, and authorizing boroughs and townships to make such donations and contributions.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1392, (Senate Bill No. 268), entitled:

An Act to amend paragraph (c) of section four hundred nine and paragraphs (a) and (c) of section four hundred eleven of the act, approved the twenty-eight day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion results costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over cer-

tain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by providing a more equitable method for the apportionment of damages and expenses occasioned by or resulting from the construction, relocation, alteration, protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways; limiting in certain cases the amount to be borne by the public utilities concerned, and providing for the recovery by the commission on behalf of the Commonwealth of the amount of expenses occasioned by or resulting from such crossing improvement, as well as the amount of damages or compensation awarded to the owners of adjacent property.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 670, (Senate Bill No. 206), as follows:

An Act prohibiting the issuing of certain licenses and permits to persons unless school per capita taxes assessed against them have been paid providing methods for proof of payment and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 No license or permit except marriage licenses shall be issued or granted by any department board or commission of the Commonwealth or by any agent of the Commonwealth to any person over twenty-two years of age unless the application for such license or permit shall be accompanied by a tax receipt showing payment of a school per capita tax assessed during the last calendar year preceeding the year in which the application is made issued in the name of the applicant or by the applicant's personal affidavit in substantially the following form "I ..... do hereby swear (or affirm) that any school per capita tax assessed against me during the last calendar year preceding the calendar year in which this affidavit is made (has been paid in full to the tax collector) (or has been exonerated by the tax levying authority)

(Signed) .....

Such affidavit need not be taken before an officer authorized to administer oaths but shall be deemed self-administered when signed by the person making the same

Section 2 Any person wilfully signing a false oath or affirmation in order to secure a license or permit without the payment of the school per capita tax as herein required shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding Ten ($10.00) Dollars and in default in the payment of such fine and costs shall be sentenced to imprisonment for a term not exceeding ten days

Section 3 The provisions of this act shall not apply where the applicant is not a resident of this Commonwealth or is a resident of a school district which does not impose a per capita school tax or is exempted by law or by action of the tax levying authorities

Section 4 All acts or parts of acts inconsistent herewith are hereby repealed

Section 5 This act shall become effective the first day of September one thousand nine hundred and thirty-nine

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government, for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. ACHTERMAN. I make, Mr. Speaker and members of the House, this motion for the reason that I feel the bill is perhaps placing the state in the position that it becomes a tax collector, if not directly then indirectly, for the collection of the per capita tax in Pennsylvania, that is, at least in those districts which have a per capita school tax. It strikes me that we are attacking the problem indirectly when we should attack it directly.

The reason for the bill is the fact that there has been a failure to collect in some districts, at least, the per capita school tax. Very frankly, Mr. Speaker, we have on third reading today House Bill 979, and I call to the attention, particularly of the majority members of the House, House Bill 979, which if passed finally becomes the law and will give to the tax collectors the power to collect not only the per capita school tax but also the occupational tax as it is known in some section of Pennsylvania. That bill, Mr. Speaker, actually tries to cure the whole existing system in Pennsylvania and does it directly and not indirectly, nor does it place any burden or any embarrassment upon any citizen who actually pays his tax. In the event House Bill 979 does not pass in this House or the Senate, then I say, Mr. Speaker, we still have ample time to bring back to this House Senate Bill 206 and act upon it, but I don't believe that we ought to pass Senate Bill 206 and then subsequently pass House Bill 979, and have two bills. In that event Senate Bill 206 would be of no value and useless, and cause annoyance and embarrassment far beyond the scope we intend.

Mr. Speaker and members of the House, I therefore ask for the support of the members on this motion.

Mr. BRETHERICK. Mr. Speaker and members of the House, I might state that this bill was sponsored by the Pennsylvania School Directors Association, and that it does not place any burden upon any state department to see that the tax is collected and it will not make out of any department of this Commonwealth a tax-collecting agency. The only purpose of this is to require an applicant for a state license, other than a marriage license, to state whether or not he has paid his or her per capita tax. As far as the state is concerned there is no obligation on the part of any department to follow up the matter of seeing that the tax is paid. Those back in the local taxing communities will then be able to check and see whether the per capita tax has been paid, and if a false affidavit has been made in procurring a state license the authorities will follow the matter up and the burden will be theirs.

I urge the members of the House to vote against this motion.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1393, (Senate Bill No. 375), entitled:

An Act authorizing the Commonwealth, political subdivisions and certain institutions to purchase blind-made commodities and services from organizations for the blind without contract or advertisement; providing for the fixing of fair market prices for such commodities and services by a committee composed of heads of certain departments and representatives of institutions where blind-made commodities are manufactured; and imposing certain duties upon the Department of Property and Supplies and the State Council for the Blind.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1105, as follows:

An Act providing for and regulating the State licensing of nurses of several classes the biennial recording of licenses regulating the profession of nursing imposing penalties and repealing certain existing laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That the State Board of Examiners for Registration of Nurses hereinafter called the board shall adopt a seal and shall establish by-laws and regulations not inconsistent with law for its own government and for the execution of all of the laws it is its duty to enforce or administer It shall meet annually for organization on a date to be fixed by the by-laws and at such other times as it may designate Its officers shall be elected for a term of one year and shall serve until their successors are elected All vacancies arising in said offices shall be filled by the board in like manner for the unexpired term It shall not have any power in any way to fix prices or in any way control the compensation received by the registered nurse or licensed attendant

Section 2 The board, shall once every year and at such other times and under such conditions as shall be provided by the by-laws examine all applicants eligible for examination to determine whether they are qualified to be licensed and shall issue to each person passing said examination to the satisfaction of the board a proper certificate setting forth that such person has been licensed as specified thereon either as a registerd nurse or as a licensed attendant

Section 3 No application for licensure as a registered nurse shall be considered unless accompanied by a fee of ten dollars ($10.00) Every applicant to be eligible for examination for license as a registered nurse must furnish evidence satisfactory to the board that he or she is twenty-one years of age or over is a citizen of the United States is of good moral character has completed work equal to a standard high school course as evaluated by the Department of Public Instruction and has graduated from a school of nursing which gives at least a two years' course of instruction or has received instruction in different schools of nursing connected with hospitals for periods of time amounting to at least a two years' course as aforesaid and then graduated which school or combination of school of nursing must be on the approved list issued by the State Board of Examiners for Registration of Nurses as hereinafter provided Provided That a graduate nurse licensed or registered in any state of the United States where the requirements for licensure or registration in the judgment of the board are at least equal to the requirements of law for such nurses in Pennsylvania may at the discretion of the board be licensed without examination upon application in writing on forms provided by the board and upon the payment of a fee of ten dollars ($10.00)

Section 4 Every person legally entitled to practice as a registered nurse or to use the letters "R N" at the time this act becomes effective shall be licensd to practic under this act and may continue to so practice upon the biennial registration of his or her license as required by this act Nothing in this act shall affect the right of bona fide students preparing on the effective date of this act for examination as registered nurses to take said examination The board shall make such provision therefor as is necessary and may issue licenses instead of registration certificates

Section 5 No application for licensure as a licensed attendant shall be considered unless accompanied by a fee of five dollars ($5.00) Every applicant for examination as a licensed attendant must furnish evidence satisfactory to the board that he or she is twenty-one years of age or over is a citizen of the United States is of good moral character has completed at least the eighth grade in the public schools or its equivalent and has such other preliminary qualification requirements as the board may prescribe has completed the course of study in and holds a certificate of an approved school for the training of licensed attendants giving a course of not less than nine months or has had training which in the opinion of the board warrants the examination of said person for licensure as a licensed attendant Provided That all persons engaged in caring for the sick or disabled upon the effective date of this act who are not registered nurses or licensed attendants may continue to so care for the sick or disabled until November 1 1939 without further registration or qualification Such persons shall be entitled to licensure and registration as licensed attendants upon proof of such qualifications as may be prescribed by the board The minimum qualifications required by the board in such cases shall include proof that such person was actually engaged in the care of the sick or disabled within a period of one year prior to the effective date of this act is twenty-one years of age or over is a citizen of the United States is of good moral character and has such training and experience as the board may prescribe

Section 6 All persons legally entitled to operate as licensed attendants or to use the letters "L A" at the time this act becomes effective shall be entitled to continue to so practice upon the biennial registration of his or her license as required by this act Nothing in this act shall affect the right of bona fide students preparing on the effective date of this act for examination as licensed atendants to take said examinations The board shall make such provision therefor as is necessary

Section 7 The board shall on or before November 1 1940 and biennially thereafter publish and distribute a list of all licensed nurses and licensed attendants to whom have been issued Registration Cards as hereinafter provided and shall at intervals regulated by its by-laws prepare and make available for public distribution lists of all schools of nursing or combinations of schools of nursing approved by it the graduates of which shall be eligible for examination for licensure as licensed nurses and similar lists of schools for the training of licensed attendants the graduates of which shall be eligible for examination for licensure as licensed attendants Provided That the removal of any such school from the approved list shall not make any bona fide student therein at the time of said removal ineligible for examination

Section 8 Any person who has a valid license as a licensed nurse or licensed attendant and who has a valid Registration Card as hereinafter provided may practice as such and use the title Registered Nurse and the abbreviation R N or the title Licensed Attendant and the abbreviation L A as the case may be

Section 9 Each person licensed by the board as a licensed nurse or licensed attendant shall on or before the first lay of November 1939 and biennially therafter cause his or her license to be recorded in the office of the board The fee for such recording shall be two dollars ($2.00) for the license of a licensed nurse and one dollar ($1.00) for the license of a licensed attendant The form and method of such recording of licenses shall be provided for by the board in such manner as will enable the board to carry into effect the purposes of this act

Section 10 Each person causing his or her license to be recorded as required by law shall be given a card called a Registration Card showing the years for which it is valid and which shall entitle the recipient to practice as set forth thereon

Section 11 (a) It shall be unlawful for any person corporation or institution after the effective date of this act

to open operate or conduct any school or institution for the training of nurses or persons to care for the sick unless and until such school has been approved by the State Board of Examiners for Registration of Nurses and then only so long as said school shall remain on the approved list of schools provided for in Section 1 hereof or

(b) Sell or fraudulently obtain or furnish any nursing diploma license record or registration or aid or abet therein or

(c) Practice nursing as defined by this act under cover of any diploma license record or registration illegally or fraudulently obtained or sign or issue any such diploma license record or registration unlawfully or under fraududent representation or mistake of fact in a material regard or

(d) Practice nursing as defined in this act unless said person is the holder of a valid license to so practice and a valid Registration Card or

(e) Use in connection with his or her name the words licensed nurse registered nurse graduate nurse licensed attendant or the letters R N G N L N or L A or any designation tending to imply that he or she is a graduate nurse licensed nurse or registered nurse or a licensed attendant unless he or she is duly licensed and registered to so practice under the provisions of this act or

(f) Practice nursing during the time his or her license or registration card issued under the provisions of this act is suspended or revoked or

(g) Otherwise violate any of the provisions of this law and he or she shall upon conviction thereof before any magistrate alderman or justice of the peace in the county where the offense shall have been committed be subject to a fiine of not less than ten dollars ($10.00) for the first offense not less than twenty-five dollars ($25.00) for the second and additional offenses and not more than two hundred dollars ($200.00) for any offense to be collected by summary conviction as like fines are now collected by law or in case of non-payment of the fine to undergo an imprisonment in the county jail for a period not exceeding ten (10) days Provided That any person so convicted shall have the right to appeal as in any other case of summary conviction The board shall have the power through any of its members or employes to institute any prosecutions under this act

Section 12 Nursing as a licensed or registered nurse within the meaning of this act is the performing of professional services requiring technical skills and specific knowledge based on the principles of scientific medicine acquired by means of a prescribed course in an accredited school of nursing as defined herein and practiced in conjunction with curative or preventive medicine as prescribed by a licensed physician and the application of such nursing procedures as involve understanding cause and effect in order to safeguard life and health of a patient and others

A licensed nurse within the meaning of this act is a person who has met all the legal requirements for licensing and has been so licensed in the state and who for compensation or personal profit engage in nursing as the same is hereinabove defined

Section 13 Nursing as a Licensed Attendant within the meaning of this act is the performance of such duties as are required in the physical care of a patient or the carrying out of medical orders as prescribed by a licensed physician requiring an understanding of nursing but not requiring all the professional service or qualifications set forth in the definition of nursing as a licensed or registered nurse

Section 14 This act confers no authority to practice medicine or surgery nor does it prohibit

(a) Gratuitous nursing of the sick by friends or members the family

(b) Incidental care of the sick by domestic servants or by friends primarily employed in the household as long as they do not practice nursing within the meaning of this act

(c) Domestic adminstration of family remedies by any person

(d) Nursing services in case of an emergency

(e) Nursing by a person temporaily in this state in compliance with an engagement made outside of this state which engagement requires that such person accompany and care for a patient temporarily residing in this state

If adequate medical and nursing supervision by a licensed or registered nurse or nurses is provided nursing service may be given by attendants or others in institutions under the jurisdiction of or subject to visitation by the Department of Health or the Department of Welfare

Nursing services may be rendered by a student enrolled in an accredited school of nursing when these services are incidental to the course of study and general duty nursing may be rendered by a graduate of such school working under its supervision pending the results of the first licensing examination scheduled by the board following graduation if this examination is taken by him or her or pending the result of any other licensing examination upon the approval in each case of the board

Section 15 The board may suspend revoke or restore any license or registration for sufficient cause in accordance with the by-laws and regulations of the board but any suspension or revocation shall only be by unanimous vote of the members of the board after a full and fair hearing before the board upon the question of revocation or suspension and after thirty days' notice of the time and place of said hearing and a copy of the charges preferred have been sent by registered mail to the holder of the license or Registration Card at his or her last known address Any person aggrieved by the action of the board in suspending or revoking a license or registration may appeal therefrom within thirty days after such action to the Court of Common Pleas of Dauphin County which court shall hear the matter de novo and shall enter such order affirming modifying or reversing the action of the board as to it shall appear proper

Section 16 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 528, as follows:

An Act to further amend section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" by modifying and further defining certain exemptions from said taxes by including specifically employers' thrift or savings association whether operated by employees or the employer

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as last amended by the act approved the twenty-first day of April one thousand nine hundred and thirty-three (Pamphlet Laws 54) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the

authority of the same That all personal property of the classes hereinafter enumerated owned held or possessed by any person persons copartnerships or unincorporated association or company resident located or liable to taxation within this Commonwealth or by any joint-stock company or association limited partnership bank or corporation whatsoever formed erected or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other State or government and liable to taxation within this Commonwealth whether such personal property be owned held or possessed by such person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation in his her their or its own right or as active trustee agent attorneyin-fact or in any other capacity for the use benefit or advantage of any other person persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation is hereby made taxable annually for county purposes and in cities coextensive with counties for city and county purposes at the rate of four mills on each dollar of the value thereof and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section seventeen hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other State or government including cartrust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section seventeen hereof all shars of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other State or government except shares of stock in any bank corporation or limited partnership that may be liable to a tax on its shares or its capital stock for State purposes under the law of this Commonwealth or relieved from the payment of tax on its shares or capital stock for State purposes by the laws of the Commonwealth all moneys loaned or invested in other States Territories the District of Columbia or foreign countries all other moneyed capital in the hands of individual citizens of the State all stages omnibuses hacks cabs and other vehicles used in transporting passengers for hire except steam and street passenger railway cars owned used or possessed within this Commonwealth by any person or persons or by any corporate body or bodies all annuities yielding annually over two hundred dollars Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor to interest-bearing accounts in any bank or banking institution savings institution employers thrift or savings association whether operated by employees or the employer or trust company And provided That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said four mills tax herein provided for or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said four mills tax on any of the said such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for county purposes and in cities coextensive with counties for city and county purposes shall be taxed or taxable for any other local purpose or for State purposes under the laws of this Commonwealth And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated hereafter received from any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth and not doing business within this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth and not doing business within this Commonwealth

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1030, entitled:

An Act to further reenact and amend the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" changing maximum and minimum rates periods total amounts and aggregate of compensation changing the system of computation of wages for compensation purposes changing practice and rules of evidence defining earning power after accident authorizing the board to terminate compensation in certain cases changing the classes of dependents entitled to compensation in case of death increasing powers and duties of the board and imposing additional penalties and generally amendnig clarifying and changing the provisions of said act

The first section was read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as reenacted and amended by the act approved the fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1552) is hereby further reenacted and amended to read as follows

ARTICLE I

Interpretation and Definitions

Section 101 That this act shall be called and cited as The Pennsylvania Workmen's Compensation Act and shall apply to all accidents occurring within this Commonwealth irrespective of the place where the contract of hiring was made renewed or extended and shall not apply to any accident occurring outside of the Commonwealth except to accidents occurring to Commonwealth employes outside the Commonwealth while such employes are engaged in duly authorized business of the Commonwealth and except accidents occurring to Pennsylvania employes whose duties require them to go temporarily beyond the territorial limits of the Commonwealth not over ninety days when such employes are performing services for employers whose place of business is within the Commonwealth

Section 102 Wherever in this act the singular is used the plural shall be included where the masculine gender is used the feminine and neuter shall be included

Section 103 The term "employer" as used in this act is declared to be synonymous with master and to include natural persons partnerships joint-stock companies corporations for profit corporations not for profit municipal corporations the Commonwealth and all governmental agencies created by it [Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "employer" as applied to partnerships or joint-stock companies or corporations shall mean the partners or the executive officers or local managers thereof]

Section 104 The term "employe" as used in this act is declared to be synonymous with servant and includes

[(a)] All natural persons [including minors] who perform services [of any kind except agriculture services or domestic services performed in a private home] for another for a valuable consideration exclusive of persons whose employment is casual in character and not in the regular course of the business of the employer and exclusive of persons to whom articles or materials are given out to be made up cleaned washed altered ornamented finished or repaired or adapted for sale in the worker's own home or on other premises not under the control or management of the employer

[(b) All members or employes of volunteer fire companies of the various cities boroughs incorporated towns and townships who shall be and are hereby declared to be "employes" of such cities boroughs incorporated towns and townships for all the purposes of this act and shall be entitled to receive compensation under this act in case of injuries received in accidents occurring while actually engaged as firemen or while going to or returning from any fire which the fire companies of which they are members shall have attended or while performing any other duties of such companies]

Section 105 The term "contractor" as used in article two section two hundred and three and article three section three hundred and two (b) shall not include a contractor engaged in an independent business other than that of supplying laborers or assistants in which he serves persons other than the employer in whose service the accident occurs but shall include a sub-contractor to whom a principal contractor has sub-let any part of the work which such principal contractor has undertaken

Section 106 The exercise and performance of the powers and duties of a local or other public authority shall for the purposes of this act be treated as the trade or business of the authority

Section 107 The term "Department" when used in this act shall mean the Department of Labor and Industry of this Commonwealth

The term "Board" when used in this act shall mean The Workmen's Compensation Board of this Commonwealth

[Section 108 For the purpose of this act minors shall have the same power to contract file claims for compensation and receive compensation as adult employes subject however to the power of the board in its discretion at any time to require the appointment of a guardian to contract or to receive moneys thereunder or under an award for the benefit of any such minor Any minor employed by his parent or parents shall have the right to file a claim for compensation under this act against such parent or parents in his own name and in his own right and to enforce the payment of such compensation]

ARTICLE II

Damages by Action at Law

Section 201 That in any action brought to recover damages for personal injury to an employe in the course of his employment or for death resulting from such injury it shall not be a defense

(a) That the injury was caused in whole or in part by the negligence of a fellow employe or

(b) That the employe has assumed the risk of the injury or

(c) That the injury was caused in any degree by the negligence of such employe unless it be established that the injury was caused by such employe's intoxication or by his reckless indifference to danger The burden of proving such intoxication or reckless indifference to danger shall be upon the defendant and the question shall be one of fact to be determined by the jury

[Section 201.1 In any action brought to recover damages for personal injury to an employe in the course of his employment or for death resulting from such injury the following legal presumption the rules for admitting certain evidence and the amount of damages which can be recovered shall apply

(a) When injury results to an employe in the course of his employment it shall be presumed that the employer's negligence caused said injury which presumption may be rebutted by the employer and both the injured employe and the employer will be permitted to introduce testimony showing the cause of said injury The final determination in all cases shall be a question of fact for the jury

(b) When an employe sustains an injury in the course of his employment declarations remarks and utterances made by the injured employe within twelve hours after the injury was sustained shall be admissible as competent evidence

(c) If the jury finds that the employe's injury was caused or contributed to by the employer's violence or failure to observe any safety law or regulation in effect at the time of the injury the injured employe or his dependents shall be entitled to double damages]

Section 202 The employer shall be liable for the negligence of all employes while acting within the scope of their employment including engineers chauffeurs miners mine-foremen fire-bosses mine superintendents plumbers officers of vessels and all other employes licensed by the Commonwealth or other governmental authority if the employer he allowed by law the right of free selection of such employes from the class of persons thus licensed and such employes shall be the agents and representatives of their employers and their employers shall be responsible for the acts and neglects of such employes as in the case of other agents and employes of their employers and notwithstanding the employment of such employes the property in and about which they are employed and the use and operation thereof shall at all

times be under the supervision management and control of their employers

Section 203 An employer who permits [a sub-contractor or employe to engage another in whole or in part in services furthering the employer's regular business entrusted to such employe or sub-contractor shall be liable to the employe so engaged in the same manner and to the same extent as to his own employe whether said injury occurred upon premises occupied or controlled by the employer or not provided only that the injury occurred in the course of employment] the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor for the performance upon such premises of a part of the employer's regular business entrusted to such employe or contractor shall be liable to such laborer or assistant in the same manner and to the same extent as to his own employe

Section 204 No agreement composition or release of damages made before the date of an accident except the agreement defined in article three of this act shall be valid or shall bar a claim for damages for the injury resulting therefrom and any such agreement other than that defined in article three herein is declared to be against the public policy of this Commonwealth The receipt of benefits from any association society or fund shall not bar the recovery of damagse by action at law nor the recovery of compensation under article three hereof and any release executed in consideration of such benefits shall be void

ARTICLE III

Elective Compensation

Section 301 (a) When employer and employe shall by agreement either express or implied as hereinafter provided accept the provisions of article three of this act compensation for personal injury to or for the death of [any] such employe by an accident in the course of his employment shall be paid in all cases by the employer without regard to negligence according to the schedule contained in sections three hundred and six and three hundred and seven of this article provided that no compensation shall be paid when the injury or death is intentionally self-inflicted or is caused by the employe's wilful disobedience of orders rules or regulations adopted by the employer for the protection of the safety of persons employed and the preservation of property or is caused by the employe's wilful failure or refusal to use a reasonable safety appliance provided for him or is caused by the employe's violation of law but the burden of proof of such fact shall be upon the employer

(b) The right to receive compensation under this act shall not be affected by the fact that a minor [is employed by his parent or parents or] is employed or is permitted to be employed in violation of the laws of this Commonwealth relating to the employment of minors or that he obtained his employment by misrepresenting his age [or that any minor or other employe on account of whose injury or death the benefits are claimed was violating any law or rule or regulation of the business or industry or a positive order of the employer at the time of the injury except that no minor or employe shall be entitled to receive compensation under this act who at the time of injury was engaged in the commission of a felony]

(c) The terms "injury" and "personal injury" as used in this act [except as used in article two] shall be construed to mean only violence to the physical structure of the body and such disease or infection as naturally results therefrom and wherever death is mentioned as a cause for compensation under this act it shall mean only death resulting from such violence and its resultant effects and occurring within [five] three hundred weeks after the accident The term "injury by an accident in the course of his employment" as used in this article shall not include an injury caused by an act of a third person intended to injure the employe because of reasons personal to him and not directed against him as an employe or because of his employment but shall include all other injuries sustained while the employe is actually engaged in the furtherance of the business or affairs of the employer whether upon the employer's premises or elsewhere and shall include all injuries caused by the condition of the premises or by the operation of the employer's business or affairs thereon sustained by the employe who though not so engaged is injured upon the premises occupied by or under the control of the employer or upon which the employer's business or affairs are being carried on the employe's presence thereon being required by the nature of his employment

Section 302 (a) In every contract or hiring made after December thirty-first one thousand nine hundred and fifteen and in every contract of hiring renewed or extended by mutual consent expressed or implied after said date it shall be conclusively presumed that the parties have accepted the provisions of article three of this act and have agreed to be bound thereby unless there be at the time of the making renewal or extension of such contract an express statement in writing from either party to the other that the provisions of article three of this act are not intended to apply and unless a true copy of such written statement accompanied by proof of service thereof upon the other party setting forth under oath or affirmation the time place and manner of such service be filed with the department wthin ten days after such service [and before any accident has occurred] Every contract of hiring oral written or implied from circumstances now in operation or made or implied on or before December thirty-first one thousand nine hundred and fifteen shall be conclusively presumed to continue subject to the provisions of article three hereof unless either party shall on or before said date in writing have notified the other party to such contract that the provisions of article three hereof are not intended to apply and unless there shall be filed with the department a true copy of such notice together with proof of service within the time and in the manner hereinabove prescribed Provided however That the provisions of this section shall not be so construed as to impair the obligation of any contract now in force or invalidate any acceptance or rejection of the provisions of article three of the Workmen's Compensation Act heretofore in force but such prior acceptance or rejection shall continue unimpaired under this act until notice is given as provided in section three hundred four hereof In the employment of minors article three shall be presumed to apply unless the said written notice be given by or to the parent or guardian of the minor It shall not be lawful for any officer or agent of this Commonwealth or for any county city borough town or township therein or for any officer or agent thereof or for any other governmental authority created by the laws of this Commonwealth to give such notice of rejection of the provisions of this article to any employe of the Commonwealth or of such governmental agency

(b) After December thirty-first one thousand nine hundred and fifteen an employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor for the performance upon such premises of a part of the employer's regular business entrusted to that employe or contractor shall be conclusively presumed to have agreed to pay to such laborer or assistant compensation in accordance with the provisions of article three unless the employer shall post in a conspicuous place upon the premises where the laborer's or assistant's work is done a notice of his intention not to pay such compensation and unless there be filed with the department within ten days thereafter [and before any accident has occurred] a true copy of such notice together with proof of the posting of the same setting forth upon oath or affirmation the time place and manner of such posting and after December thirty-first one thousand nine hundred and fifteen any such laborer as assistant who shall enter upon premises occupied by or under control of such employer for the purpose of doing such work shall be conclusively presumed to have agreed to accept the compensation provided in article three in lieu of his right of action under article two unless he shall have given notice in writing to the employer at the time of entering upon such em-

ployer's premises for the purpose of doing his work of his intention not to accept such compensation and unless within ten days thereafter [and before any accident has occurred] there shall have been filed with the department a true copy of such notice accompanied by proof of service thereof upon such employer setting forth under oath or affirmation the time place and manner of such service And in such cases where article three binds such employer and such laborer or assistant it shall not be in effect between the intermediate employer or contractor and such laborer or assistant unless otherwise expressly agreed

Section 303 Such agreement shall constitute an acceptance of all the provisions of article three of this act and shall operate as a surrender by the parties thereto of their rights to any form or amount of compensation or damages for any injury or death occurring in the course of the employment or to any method of determination thereof other than as provided in article three of this act Such agreement shall bind the employer and his personal representatives and the employe his or her wife or husband widow or widower next of kin and other dependents

Section 304 Any agreement between employer and employe for the operation or non-operation of the provisions of article three of this act may be terminated prior to any accident by either party upon [sixty] thirty days' notice to the other in writing if a copy of such notice with proof of service be filed in the department as provided in section three hundred and two of this article

Section 305 Every employer liable under this act to pay compensation shall insure the payment of compensation in the State Workmen's Insurance Fund or in any insurance company or mutual association or company authorized to insure such liability in this Commonwealth unless such employer shall be exempted by the department from such insurance An employer desiring to be exempt from insuring the whole or any part of his liability for compensation shall make application to the department showing his financial ability to pay such compensation whereupon the department if satisfied of the applicant's financial ability shall [upon the payment of a fee of twenty-five dollars ($25.00)] issue to the applicant a permit authorizing such exemption [Whenever an application for an exemption shall be filed by or on behalf of more than one employer every such employer applicant shall be required to pay the fee prescribed by this section in order to obtain a permit] The department shall establish a period of twelve (12) calendar months to begin and end at such times as the department shall prescribe which shall be known as the annual exemption period Unless previously revoked all permits issued under this section shall expire and terminate on the last day of the annual exemption period for which they were issued Permits issued under this act shall be renewed upon the filing of an application [and the payment of a renewal fee of twenty-five dollars ($25.00)] The department may from time to time require further statements of the financial ability of such employer and if at any time [it should appear to the department that] such employer [is] appear no longer able to pay compensation shall revoke its permit granting exemption in which case the employer shall immediately subscribe to the State Workmen's Insurance Fund or insure his liability in any insurance company or mutual association or company as aforesaid

[Every employer liable under this act to pay compensation shall post and maintain in a conspicuous place in and about his place of business a notice that he has secured the payment of compensation to his employes and their dependents in accordance with the provisions of this section Such notice shall be in such form as shall be prescribed by the department and among other things shall set forth the name of the employer's insurance carrier or that he has been exempted by the department from carrying insurance as the case may be]

[If any employer shall fail to comply with the provisions of this section with respect to posting and maintaining the notice required by this act such employer shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five dollars ($25.00) and costs of prosecution]

If any employer fails to comply with the provisions of this section [with respect to insuring or securing an exemption from insurance or in any applications filed under this section shall furnish the department with a false or fraudulent statement of outstanding incurred liability for compensation or any other false or fraudulent statement] such employer shall be guilty of a misdemeanor and upon conviction thereof [in a summary proceeding shall] for every such failure [or false or fraudulent statement] shall be sentenced to pay a fine of not less than one hundred dollars ($100) or more than [three] five hundred dollars [($300)] ($500) and costs of prosecution [and upon failure to pay such fine and costs shall be sentenced to undergo] or imprisonment for a period of not more than [three] six months or both at the discretion of the court Every day's violation [and every false or fraudulent statement] shall constitute a separate offense It shall be the duty of the department to enforce the provisions of this section and it shall investigate all violations that are brought to its notice and shall institute prosecutions for violations thereof All fines recovered under the provisions of this section shall be paid by the clerk of the court to the department and by it paid into the State Treasury

[In any proceeding against an employer under this section a certificate of non-insurance issued by the official Workmen's Compensation Rating and Inspection Bureau and a certificate of the department showing that the defendant has not been exempted from obtaining insurnace under this section shall be prima facie evidence of the facts therein stated]

[For the purposes of this section minor children working for their parents shall be conclusively presumed to be emancipated]

Section 306 The following schedule of compensation is hereby established for injuries resulting in total disability

(a) For the first five hundred weeks after the seventh day of total disability [sixty-five] sixty-six and [two-thirds per centum of the wages of the injured employe as defined in section three hundred and nine but the compensation shall not be more than eighteen dollars per week nor less than [twelve] nine dollars per week and shall not exceed in the aggregate the sum of seventy-five hundred dollars Provided That if at the time of the injury the employe receives wages of less than nine dollars per week then he shall receive the full amount of such wages per week as compensation [Provided That if total disability shall continue for a period of four weeks or more the employe also shall be entitled to receive compensation for the first seven days of total disability Should total disability become permanent then in addition to the compensation provided for five hundred weeks and beginning at the expiration of the five hundred weeks the sum of thirty dollars per month shall be payable during such permanent total disability prior to death Provided however That such monthly payments shall cease if the person receiving compensation accepts other public funds contributed to by the employer which equal or exceed the amount of compensation payments] Nothing in this clause shall require payment of compensation after disability shall cease Should partial disability be followed by total disability the period of five hundred weeks mentioned in this clause of this section shall be reduced by the number of weeks during which compensation was paid for such partial disability

(b) For disability partial in character (except the particlar cases mentioned in clause (c)) [sixty-five] sixty-six and two-thirds per centum of the difference between the wages of the injured employe as defined in section three hundred and nine and the earning power of the employe thereafter but such compensation shall not be more than [eighteen] fifteen dollars per week This compensation shall be paid during the period of such partial disability [but not for more than four hundred weeks Such compensation shall begin upon the termination of total disability if any total disability resulted from the injury and upon the termination of compensation for per-

manent injuries compensable under section three hundred six (c) if the partial disability shall result from injuries other than the permanent injury compensated for under clause (c) of this section If the partial disability shall continue for a period of four weeks or more the employe shall also be entitled to receive compensation for the first seven days of partial disability] not however beyond three hundred weeks after the seventh day of disability Should total disability be followed by partial disability the period of [four] three hundred weeks mentioned in this clause shall be reduced by the number of weeks during which compensation was paid for total disability [In cases of partial disability the actual earnings of an employe after the date of injury may along with other evidence be received as vidence of the extent of his earning power but if such employe has no such earnings the referee may in the interest of justice fix such earning power as shall be reasonable having due regard to the character of his previous employment and the nature of his injury and his partial disability] The term "earning power" as used in this section shall be construed to mean the weekly amount customarily paid in the vicinity for the character of work which the employe is physically able to perform without regard to the availability of such work but in no case shall earning power be less than the weekly amount which the employe receives after the accident

(c) For all disability resulting from permanent injuries of the following classes the compensation shall be exclusively as follows

For the loss of a hand [sixty-five] sixty-six and two-thirds per centum of wages during [two hundred] one hundred and seventy-five weeks

For the loss of an arm [sixty-five] sixty-six and two-thirds per centum of wages during two hundred and [sixty-five] fifteen weeks

For the loss of a foot [sixty-five] sixty-six and two-thirds per centum of wages during one hundred and [seventy-five] fifty weeks

For the loss of a leg [sixty-five] sixty-six and two-thirds per centum of wages during two hundred and [fifty] fifteen weeks

For the loss of an eye [or for the removal of a cataract from or lense of an eye causing the loss of binocular vision sixty-five] sixty-six and two-thirds per centum of wages during [two hundred] one hundred and twenty-five weeks

For the complete loss of hearing [in one ear sixty-five per centum of wages during forty weeks For the loss of hearing] in both ears [sixty-five] sixty-six and two-thirds per centum of wages during one hundred and fifty weeks

For the loss of a thumb [sixty-five] sixty-six and two-thirds per centum of wages during [seventy-five] sixty weeks

For the loss of a first finger commonly called index finger [sixty-five] sixty-six and two-thirds per centum of wages during [fifty] thirty-five weeks

For the loss of a second finger [sixty-five] sixty-six and two-thirds per centum of wages during [forty] thirty weeks

For the loss of a third finger [sixty-five] sixty-six and two-thirds per centum of wages during twenty weeks

For the loss of a fourth finger commonly called little finger [sixty-five] sixty-six and two-thirds per centum of wages during fifteen weeks

[For the loss of a great toe sixty-five per centum of wages during sixty weeks]

[For the loss of a first toe sixty-five per centum of wages during thirty-five weeks]

[For the loss of a second toe sixty-five per centum of wages during thirty weeks]

The loss of [less than] the first phalange of the [toe] thumb or of any finger shall be considered equivalent to the loss of one-half of such [toe] thumb or finger and shall be compensated at the same rate or for the loss of a [toe] thumb or finger but for one-half of the period provided for the loss of a [toe] thumb or finger [Provided however That the accident involves injury to part of the bone of the phalange]

The loss of more than one phalange [or more] of a [toe] thumb or finger shall be considered equivalent to the loss of the entire [toe] thumb or finger

For the loss of or permanent loss of the use of any two or more such members [or the permanent loss of the use of the finger thumb hand arm foot leg toe or eye as hereinbefore provided] not constituting total disability [sixty-five] sixty-six and two-thirds per centum of wages during the aggregate of the periods specified for each

[The loss of the function of the distal joint shall be considered compensable for the period of one-half the number of weeks set forth for the loss of the toe or finger involved The loss of the function of the proximal joint shall be considered to be the loss of the use of the toe or finger and shall be compensable as set forth above for the loss of the toe or finger involved]

For serious and permanent disfigurement of the head or face [or neck] of such a character as to produce an unsightly appearance and such as is not usually incident to the employment [sixty-five] sixty-six and two-thirds per centum of wages not to exceed [two hundred] one hundred and fifty weeks [If by reason of disfigurement an injured employe shall be unable to obtain any employment for which he is otherwise qualified the board may order compensation to be paid in accordance with the provisions of clause (a) or clause (b) of this section]

Unless the board shall otherwise determine the loss of both hands or both arms or both feet or both legs or both eyes shall constitute [permanent] total disability to be compensated according to the provisions of clause (a)

Amputation between the elbow and the wrist [and the knuckles] shall be considered as the equivalent of the loss of a hand and amputation between the [toes] knee and the ankle shall be considered as the equivalent of the loss of a foot Amputation at or above the [wrist] elbow shall be considered as the loss of an arm and amputation at or above the [ankle] knee shall be considered as the loss of a leg Permanent loss of the use of a hand arm foot leg eye [toe] finger or thumb [for industrial purposes] shall be considered as the equivalent of the loss of such hand arm foot leg eye [toe] finger or thumb

This compensation shall not be more than eighteen dollars per week nor less than [twelve] nine dollars per week Provided That if at the time of injury the employe receives wages of less than nine dollars per week then he shall receive the full amount of such wages per week as compensation

(d) The period of five hundred weeks mentioned in clause (a) three hundred weeks mentioned in clause (b) and the specific periods (or aggregate specific periods as the case may be) mentioned in clause (c) shall begin to run seven days after disability begins and shall run concurrently

[(d)] (e) No compensation shall be allowed for the first seven days after disability begins except as hereinafter provided in [clauses (a) (b) and (e)] clause (f) of this section

[(e)] (f) During the first [three months] sixty days after [the date of injury and during such further period as the board may in the manner hereinafter provided require in a particular case] disability begins the employer shall furnish reasonable surgical and medical [dental and nursing] services [hospital treatment artificial appliances] medicines and supplies as and when needed unless the employe refuses to allow them to be furnished by the employer [Provided That the injured employe by petition to the board and notice to the employer may be permitted by the board to consult a physician of his own choice at any time during his disability the cost of such consultation to be paid by the employer in accordance with a schedule of charges to be prescribed and approved by the board Any such request shall be acted upon promptly either with or without a hearing and shall have preference over any other matter or proceeding pending before the board or the referee Upon application of an injured employe the board may issue its order requiring the employer to furnish such further services hospital treatment medicines artificial appliances or supplies dur-

ing such further period and in such additional amounts after the three months' period as the board may in the interest of justice deem advisable] The cost of such services [(exclusive of the cost of hospital treatment and artificial appliances)] medicines and supplies [during the aforesaid three months' period] shall not exceed [over two hundred] one hundred and fifty dollars [($200)] ($150) If the employer shall upon application made to him refuse to furnish such services [hospital treatment appliances] medicines and supplies the employe may procure same and shall receive from the employer the reasonable cost thereof within the above limitations In addition to the above service medicines and supplies hospital treatment services and supplies shall be furnished by the employer for the said period of sixty days The cost for such hospital treatment service and supplies shall not in any case exceed the prevailing charge in the hospital for like services to other individuals if the employe shall refuse [such] reasonable surgical medical and hospital services [hospital treatment appliances] medicines and supplies tendered to him by his employer he shall forfeit all rights to compensation for any injury or any increase in his incapacity shown to have resulted from such refusal [Provided however That the employe need not submit to surgical treatment which in the opinion of at least two qualified physicians might jeopardize his life The employer shall also furnish to the employe or pay the cost of transportation to and from the place where such services are rendered and reimbursement for such costs assumed by the employe may be enforced as payments of compensation are enforced]

[(f)] Should the employe die from some other cause than the injury the liability for compensation shall cease]

[(g) If an employe receives an injury compensable under this act which of itself would not cause permanent total disability but which combined with a previous major permanent injury does in fact cause permanent total disability or if an employe who has previously suffered a major permanent injury receive an injury compensable under this act which of itself is a permanent injury or which either causes permanent total disablity or results in the death of such employe compensation for such further permanent injury total disabiltiy or death shall be paid out of the moneys existing to the credit of the second injury reserve account hereinafter created by this act in The State Workmen's Insurance Fund as follows]

[(1) In the case of further permanent injury not resulting in total disability either of itself or in combination with any prior major permanent injury the amount provided by clause (c) of this section for the particular type of the later permanent injury]

[(2) In the case of total disability resulting either from the later injury of itself or from such injury combined with any prior major permanent injury an amount equivalent to the difference between the compensation payable for any prior major permanent injury and the amount payable for total disability under clause (a) of this section]

[(3) In the case of death resulting from the later injury or from a combination of any prior major permanent injury and the later injury the amount payable under section three hundred seven of this act in cases of death]

[The employer of any such employe shall be responsible for compensating the injured employe for the second injuries and in the manner prescribed in this subsection but shall be relieved from the payment of compensation to such employe to the extent such compensation is paid under this subsection out of the second injury reserve account of the State Workmen's Insurance Fund]

[Such employer in order to obtain the benefits of this subsection shall file with the board a petition of agreed facts in the manner provided in section four hundred eleven of this act and thereafter the procedure shall be the same as in other cases except that the board may in its discretion act on such petition without a hearing]

[For purposes of this subsection a "major permanent injury" shall mean all permanent injuries set forth in clause (c) of section three hundred six exclusive of loss of or loss of use of one or more fingers or toes not amounting to loss of or loss of use of hand or foot]

(g) Should the employe die as a result of the injury the period during which compensation shall be payable to his dependents under section three hundred and seven of this article shall be reduced by the period during which compensation was paid to him in his lifetime under this section of this article No reduction shall be made for the amount which may have been paid or contracted to be paid for medical and hospital services and medicines nor for the expenses of the last sickness and burial Should the employee die from some other cause than the injury the liability for compensation shall cease

(h) Hernia shall be considered as a physical weakness or ailment which ordinarily develops gradually and shall not be compensable unless incontrovertible proof is offered that the hernia was at once precipitated by sudden effort or severe strain and that first the descent of the hernia followed the cause without intervening time second there was actual pain in the hernial region at the time of descent third the above manifestations were of such severity that the same were noticed at once by the claimant necessitating immediate cessation of work and communicated to the employer or a representative of the employer within forty-eight hours after the occurrence of the accident

Section 307 In case of death compensation shall be computed on the following basis and distributed to the following persons

1 If there be no widow or widower entitled to compensation compensation shall be paid to the guardian of the child or children or if there be no guardian to such other persons as may be designated by the board as hereinafter provided as follows

(a) If there be one child twenty-five per centum of wages of deceased but not in excess of six dollars per week

[(a)] (b) If there be [either one or] two children thirty-five per centum of wages of deceased but not in excess of [twelve] nine dollars per week

[(b)] (c) If there be three children forty-five per centum of wages of deceased but not in excess of [fourteen] eleven and a half dollars per week

[(c)] (d) If there be four children [sixty] fifty-five per centum of wages of deceased but not in excess of [sixteen] fourteen dollars per week

[(d)] (e) If there be five [or more] children [sixty five] sixty-two and one-half per centum of wages of deceased but not in excess of [eighteen] sixteen and a half dollars per week

(f) If there be six or more children sixty-six and two-thirds per centum of wages of deceased but not in excess of eighteen dollars per week

2 To the widow or widower if there be no children forty-four per centum of wages but not in excess of [twelve] eleven dollars per week

3 To the widow or widower if there be one child [fifty-nine] fifty-three per centum of wages but not in excess of [fifteen] thirteen and a half dollars per week

4 To the widow or widower if there be two children [sixty-five] sixty-two and one-half per centum of wages but not in excess of sixteen dollars per week

4½ To the widow or widower if there be three or more children [sixty-five] sixty-six and two-thirds per centum of wages but not in excess of eighteen dollars per week

5 If there be neither widow widower nor children entitled to compensation [or if the widow widower or children are not receiving the maximum compensation payable under this act] then to the father or mother if dependent to any extent upon the employe at the time of the accident twenty-five per centum of wages but not in excess of [ten] five dollars per week Provided however That in the case of a minor child who has been contributing to his parents the dependency of said parents shall be [conclusively] presumed And provided further That if the father or mother was totally dependent upon the deceased employe at the time of the accident the compensation

payable to such father or mother shall be forty-five per centum of wages but not in excess of [fifteen] ten dollars per week [but the provisions of this paragraph in connection with other provisions of this section shall not be deemed to require the payment of compensation in excess of eighteen dollars per week in any one case]

6 If there be neither widow widower children nor dependent parent entitled to compensation [of if the widow widower children or dependent parent are not receiving the maximum compensation payable under this act] then to the brothers and sisters [until the age of eighteen] if actually dependent upon the decedent for support at the time of his death fifteen per centum of wages for one brother or sister and five per centum additional for each additional brother or sister with a maximum of twenty-five per centum such compensation to be paid to their guardian or if there be no guardian to such other person as may be designated by the board as hereinafter provided [but the provisions of this paragraph in connection with other provisions of this section shall not be deemed to require the payment of compensation in excess of eighteen dollars per week in any one case]

7 Whether or not there be dependents as aforesaid the reasonable expense of burial not exceeding two hundred dollars which shall be paid by the employer or insurer directly to the undertaker (without deduction of any amounts theretofore paid for compensation or for medical expenses)

Compensation shall be payable under this section to or on account of any child brother or sister only if and while such child brother or sister is under the age of [eighteen unless such child brother or sister is dependent by reason of disability in which case such compensation shall be paid to or on account of such child brother or sister until he or she reaches the age of twenty-one] sixteen No compensation shall be payable under this section to a widow unless she was living with her deceased husband at the time of his death or was then actually dependent upon him [for] and receiving from him a substantial portion of her support No compensation shall be payable under this section to a widower unless he be incapable of self-support at the time of his wife's death and be at such time dependent upon her for support [The] If members of decedents household at the time of his death the terms "child" and "children" shall include step-children [and] adopted children and children to whom he stood in loco parentis [if members of decedent's household at the time of his death] and shall include posthumous children Should any dependent of a deceased employe die or remarry or should the widower become capable of self-support the right of such dependent or widower to compensation under this section shall cease Provided however That upon remarriage of any widow [other than a nonresident alien widow] the compensation of such widow shall continue as hereinbefore provided for [two years from the date of such remarriage] one-third of the period during which compensation then remains payable to her Provided further That if upon investigation and hearing it shall be ascertained that the widow or widower is living with a man or woman as the case may be in meretricious relationship and not married or the widow living a life of prostitution the board may order the termination of compensation payable to such widow or widower If the compensation payable under this section to any person shall for any cause the compensation to the remaining persons entitled thereunder shall thereafter be the same as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased

The wages upon which death compensation shall be based shall not in any case be taken to exceed twenty-seven dollars per week nor be less than [eighteen] fifteen dollars [and fifty cents] per week

This compensation shall be paid during [five] three hundred weeks [except that in the case of a widow if she remain unmarried compensation shall continue after said period of five hundred weeks at the rate of five dollars per week for life] and in the case of children entitled to compensation under this section the compensation of each child shall continue after said period of [five] three hundred weeks until such child reaches the age of [eighteen] sixteen at the rate of [twenty-five] seventeen and one-half per centum of wages but not in excess of [five] four dollars per week if there is one child [thirty-five] twenty-seven and one-half per centum of wages but not in excess of [eight] six and a half dollars per week if there are two children [fifty] thirty-eight and one-half per centum of wages but not in excess of [ten] nine dollars per week if there are three children [seventy-five] fifty per centum of wages but not in excess of [fifteen] eleven and a half dollars per week if there are four children [or more] fifty-five per centum of wages but not in excess of twelve dollars and seventy-five cents per week if there are five children and sixty per centum of wages but not in excess of fourteen dollars per week if there are six children or more

The board may if the best interest of a child or children shall so require at any time order and direct the compensation payable to a child or children or to a widow or a widower on account of any child or children to be paid to the guardian of such child or children or if there be no guardian to such other person as the board as hereinafter provided may direct If there be no guardian or committee of any minor dependent or insane employe or dependent on whose account compensation is payable the amount payable on account of such minor dependent or insane employe or dependent may be paid to any surviving parent or to such other person as the board may order and direct and the board may require any person other than a guardian or committee to whom it has directed compensation for a minor dependent or insane employe or dependent to be paid to render as and when it shall so order accounts of the receipts and disbursements of such person and to file with it a satisfactory bond in a sum sufficient to secure the proper application of the moneys received by such person

Section 308 Except as hereinafter provided all compensation payable under this article shall be payable in periodical instalments as the wages of the employe were payable before the accident

[All compensation payable under this article shall be made payable only to employes or their dependents or their guardians or such other persons as may be designated by the board]

[Any person copartnership association or corporation who or which violates any of the provisions of this section shall upon conviction thereof in a summary proceeding be sentenced to pay for each violation a fine of not less than ten dollars ($10.00) nor more than twenty-five dollars ($25.00)]

Section 309 Wherever in this article the term "wages" is used it shall be construed to mean [the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident except that if the injured employe was at the time of the injury a minor and his disability shall continue after he shall have reached the age of twenty-one years his average weekly wage for the purpose of determining the compensation payable under this act shall be determined on the basis of the earnings that such minor if not disabled probably would earn at the age of twenty-one (21) years In determining such probable earnings due consideration shall be given to the employe's aptitude education and experience fitting him for any employment not only in the trade or business in which he was engaged at the time of the injury but in any other trade or busines In determining such probable earnings the referee and the board shall have the right to receive into evidence as competent testimony the earnings of other employes of similar aptitude education and experience engaged in a similar trade or business and findings based upon such testimony shall be final The term "wages" shall include board and lodging received from the employer Whenever the employe receives board and lodging as a part of his wages the board shall be rated at fifty cents per day and board together with lodging shall be rated at one dollars per day for the purpose of computing wages In] [seasonable occupations the employe's weekly wages shall be taken to be one-fiftieth of the total wages which he has earned from all occupations during the year im-

mediately preceding the accident unless it be shown that during such year by reason of exceptional causes such method of computation does not ascertain fairly the earnings of the employe in which case the period for calculation shall be extended so far as to give a basis for the fair ascertainment of his average weekly earnings In continuous employment if immediately prior to the accident the rate of wages was fixed by the day or hour or by the output of the employe his weekly wages shall be taken to be five and one-half times his average earnings at such rate for a working day and using as a basis of calculation his earnings during so much of the preceding six months as he worked for the same employer Provided however That if the employe regularly and habitually worked more than five and one-half days per week the weekly wage shall be found by multiplying his average earnings for working day by six six and one-half or seven according to the customary number of working days constituting an ordinary week in his occupation or trade Where the employe is working under concurrent contracts with two or more employers his wages from all employers shall be considered as if earned from the employer liable for compensation]

[In cases where the employe has been in the employ of the employer less than one full week and by reason of the shortness of time during which the employe has been in the employment of the employer or the nature or terms of the employment it is impracticable to ascertain the average weekly wages as hereinbefore provided the average weekly amount which during the six months previous to the injury has been earned by other persons employed by the same employer under similar contracts of hiring or if there are no persons so employed by other persons employed by other employers under similar contracts of hiring under similar conditions shall be taken as the basis for the ascertainment of the weekly wages of such employee] the average weekly wages of the employe ascertained as follows

(a) If at the time of the accident the wages are fixed by the week the amount so fixed shall be the average weekly wage

(b) If at the time of the accident the wages are fixed by the month the average weekly wage shall be the monthly wage so fixed multiplied by twelve and divided by fifty-two

(c) If at the time of the accident the wages are fixed by the year the average weekly wage shall be the yearly wage so fixed divided by fifty-two

(d) If at the time of the accident the wages are fixed by the day hour or by the output of the employe the average weekly wage shall be whichever is most favorable to the employe as computed under the following four methods

(1) Total wages earned in the employ of the employer during the fifty-two calendar weeks (or twelve calendar months if the employe receives wages monthly or semi-monthly) immediately preceding the accident divided by fifty-two

(2) Total wages earned in the employ of the employer during the thirty-nine calendar weeks (or nine calendar months if the employe receives wages monthly or semi-monthly) immediately preceding the accident divided by thirty-nine

(3) Total wages earned in the employ of the employer during the twenty-six calendar weeks (or six calendar months if the employe receives wages monthly or semi-monthly) immediately preceding the accident divided by twenty-six

(4) Total wages earned in the employ of the employer during the thirteen calendar weeks (or three calendar months if the employe receives wages monthly or semi-monthly) immediately preceding the accident divided by thirteen

If the employe has been in the employ of employer less than thirteen calendar weeks (or three calendar months if the employe receives wages monthly or semi-monthly) immediately preceding the accident his average weekly wage shall be computed under the fore-going paragraph (4) taking "total wages" for such purpose to be the amount he would have earned had he been so employed by employer the full thirteen calendar weeks (or three calendar months) immediately preceding the accident and had worked when work was available to other employes in a similar occupation unless it be conclusively shown that by reason of exceptional causes such methods of computation does not ascertain fairly the "total wages" of employe so employed less than thirteen calendar weeks (or three calendar months)

(e) In occupations which are exclusively seasonal and therefore cannot be carried on throughout the year the average weekly wage shall be taken to be one-fiftieth of the total wages which the employe has earned from all occupations during the twelve calendar months immediately preceding the accident unless it be shown that during such year by reason of exceptional causes such method of computation does not ascertain fairly the earnings of the employe in which case the period for calculation shall be extended so far as to give a basis for the fair ascertainment of his average weekly earnings

The terms "average weekly wage" and "total wages" as used in this section shall include board and lodging received from the employer and when so received the board shall be rated at fifty cents per day and board together with lodging shall be rated at one dollar per day but such terms shall not include gratuities received from the employer or others nor shall such terms include amounts deducted by the employer under the contract of hiring for labor furnished or paid for by the employer and necessary for the performance of such contract by the employe nor shall such terms include deductions from wages due the employer for rent and supplies necessary for the employe's use in the performance of his labor

Where the employe is working under concurrent contracts with two or more employers and the defendant employer has knowledge of such employment prior to the accident his wages from all such employers shall be considered as if earned from the employer liable for compensation

Section 310 [Compensation under this article to alien dependent widows and children not residents of the United States shall be two-thirds of the amount provided in each case for residents and the employer may at any time commute all future installments of compensation payable to alien dependents not residents of the United States by paying to such alien dependents the then value thereof calculated in accordance with the provisions of section three hundred and fourteen of this article] Alien widows children widowers parents brothers and sisters not residents of the United States shall not be entitled to any compensation

[Non-resident alien dependents may be officially represented by the consular officers of the nation of which such alien or aliens may be citizens or subjects and in such cases the consular officers shall have the right to receive for distribution to such non-resident alien dependents all compensation awarded hereunder and the receipt of such consular officers shall be a full discharge of all sums paid to and received by them]

Section 311 [Unless the employer shall have actual knowledge of the occurrence of the injury or] Unless the employe or someone in his behalf or some of the dependents or someone in their behalf shall give notice thereof to the employer within [thirty] fourteen days after the accident no compensation shall be due until such notice be given [or knowledge obtained but if the employe or other beneficiary shall show that his delay in giving notice was due to his mistake or ignorance of fact or of law or to his physical or mental inability or to fraud misrepresentation or deceit or to any other reasonable cause or excuse then compensation shall be allowed unless the employer shall show that he did not know and by reasonable diligence could not have learned of the accident and that he was prejudiced by the delay in which case he shall be relieved to the extent of such prejudice [and unless such notice be given within ninety days after the occurrence of the injury no compensation shall be allowed

Section 312 The notice referred to in section three hundred and eleven hereof shall be substantially in the following form

To (name of employer)

You are hereby notified that an injury of the following character (.....) was suffered by (name of employe injured) who was in your employment at (place) while engaged as (kind of employment) on or about the (.....) day of (.....) Anno Domini (.....) and that compensation will be claimed therefor

Date ..... Signed (.....)

But no variation from this form shall be material if the notice be sufficient to inform the employer that a certain employe by name received an injury the character of which is described in ordinary language in the course of his employment or or about a time specified and at or near a place specified

Section 313 The notices referred to in section three hundred and two and section three hundred and eleven hereof may be served personally upon the employer or upon the manager or superintendent in charge of the works or business in which the accident occurred or by sending them through the registered mail to the employer at his or its last known residence or place of business or if the employer be a corporation either foreign or domestic then upon the president vice-president secretary or treasurer thereof [Knowledge of the occurrence of the injury on the part of] Notice served upon any of said agents shall be [the knowledge of] notice to the employer

Section 314 At any time after the injury the employe if so requested by his employer must submit himself for examination at some reasonable time and place to a physician or physicians legally authorized to practice under the laws of such place who shall be selected and paid by the employer If the employe shall refuse upon the request of the employer to submit to the examination by the physician or physicians selected by the employer the board may upon petition of the employer order the employe to submit to an examination at a time and place set by it and by the physician or physicians selected and paid by the employer or by a physician or physicians designated by it and paid by the employer and if the employe shall without reasonable cause or excuse disobey or disregard such order he shall be deprived of his right to compensation under this article The board may at any time after such first examination upon petition of the employer order the employe to submit himself to such further examinations as it shall deem reasonable and necessary at such times and places and by such physicians as it may designate and in such case the employer shall pay the fees and expenses of the examining physician or physicians and the reasonable traveling expenses and loss of wages incurred by the employe in order to submit himself to such examination The refusal or neglect without reasonable cause or excuse of the employe to submit to such examination ordered by the board either before or after an agreement or award shall deprive him of the right to compensation under this article during the continuance of such refusal or neglect and the period of such neglect or refusal shall be deducted from the period during which compensation would otherwise be payable

The employe shall be entitled to have a physician or physicians of his own selection to be paid by him participate in any examination requested by his employer or ordered by the board

Section 315 In cases of personal injury all claims for compensation shall be forever barred unless within [two years] one year after the accident the parties shall have agreed upon the compensation payable under this article or unless within [two years] one year after the accident one of the parties shall have filed a petition as provided in article four hereof [In cases of death all claims for compensation shall be forever barred unless within two years after the date of death the parties shall have agreed upon the compensation under this article or unless within two years after the date of death one of the parties shall have filed a petition as provided in article four hereof Where however payments of compensation have been made in any case or an employer has failed to report to the department the occurrence of an injury to his employe as required by law said limitations shall not take effect until the expiration of two years from the time of the making of the last payment or the filing of such report as the case may be] In cases of death all claims for compensation shall be forever barred unless within one year after the death the parties shall have agreed upon the compensation under this article or unless within one year after the death one of the parties shall have filed a petition as provided in article four hereof Where however payments of compensation have been made in any case said limitations shall not take effect until the expiration of one year from the time of the making of the most recent payment prior to date of filing such petition

Section 316 The compensation contemplated by this article may at any time be commuted by the board at its then value when discounted at five per centum interest with annual rests [disregarding the probability of the beneficiary's death] upon application of either party with due notice to the other if it appear that such commutation will be for the best interest of the employe or the dependents of the deceased employe and that it will avoid undue expense or undue hardship to either party or that such employe or dependent has removed or is about to remove from the United States or that the employer has sold or otherwise disposed of the whole or the greater part of his business or assets [Except as provided in section three hundred and ten hereof and in this section no commutation of compensation shall be made] Provided however That unless the employer agrees to make such commutation the board shall require the employe or the dependents of the deceased employe to furnish proper indemnity safeguarding the employer's rights

[Any person partnership association or corporation who or which shall commute or attempt to commute any compensation directly or indirectly in violation of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or to undergo imprisonment for a period of not more than six (6) months or both in the discretion of the court No person partnership association or corporation shall be entitled to receive credit for any moneys paid in violation of this section and any such payment shall be considered as a gratuity]

Section 317 At any time after the approval of an agreement or after the entry of the award a sum equal to all future instalments of compensation may (where death or the nature of the injury renders the amount of future payment certain) with the approval of the board be paid by the employer to any savings bank trust company or life insurance company in good standing and authorized to do business in this Commonwealth and such sum together with all interest thereon shall thereafter be held in trust for the employe or the dependents of the employe who shall have no further recourse against the employer The payment of such sum by the employer evidenced by the receipt of the trustee noted upon the prothonotary's docket shall operate as a satisfaction of said award as to the employer Payments from said fund shall be made by the trustees in the same amounts and at the same periods as are herein required of the employer until said fund and interest shall be exhausted in the appointment of the trustee preference shall be given in the discretion of the board to the choice of the employe or the dependents of the deceased employe Should however there remain any unexpended balance of any fund after the payment of all sums due under this act such balance shall be repaid to the employer who made the original payment or to his legal representatives

Section 318 The right of compensation granted by this article of this act shall have the same preference (without limit of amount) against the assets of an employer liable for such compensation as is now or may hereafter be allowed by law for a claim for unpaid wages for labor Provided however That no claim for compensation shall have priority over any judgment mortgage or conveyance of land recorded prior to the filing of the petition award or agreement as to compensation in the office of the prothonotary of the county in which the land is situated Claims for payments due under this article of this act shall not be assignable and (except as provided in section five hundred and one of article five hereof) shall be

exempt from all claims of creditors and from levy execution or attachment which exemption may not be waived

Section 319 Where a third person is liable to the employe or the dependents for the injury or death the employer shall be subrogated to the right of the employe or the dependents against such third person less reasonable attorney's fees and other proper disbursements but only to the extent of the compensation payable under this article by the employer Any recovery against such third person in excess of the compensation therefore paid by the employer shall be paid forthwith to the employe or to the dependents and shall be treated as an advance payment by the employer on account of any future instalments of compensation

Section 320 (a) If the employe at the time of the accident is a minor under the age of eighteen years employed or permitted to work in violation of any provission of the laws of this Commonwealth relating to minors of such age compensation either in the case of injury or death of such employe shall be [double] one hundred and ten per centum of the amount that would be payable to such minor if legally employed The amount by which such compensation shall exceed that provided for in case of legal employment may be referred to as "additional compensation"

(b) The employer and not the insurance carrier shall be liable for the additional compensation Any provision in an insurance policy undertaking to relieve an employer from such liability shall be void

(c) Where death or the nature of the injury renders the amount of future payments certain the total amount of the additional compensation subject to discount as in the case of commutation shall be immediately due and payable It shall be deposited subject to the approval of the board in any savings bank trust company or life insurance company in good standing and authorized to do business in this Commonwealth

Where the amount of the future payments of compensation is uncertain the board shall upon the approval of the agreement or the entry of an award determine as nearly as may be the total amount of payment to be made and the additional compensation so calculated shall immediately upon such determination become due and payable by the employer The amount may be redetermined by the board and any increase shall then become due and payable and any excess which shall be shown to have been paid shall be returned to the person paying the same Upon determination of the amount due it shall be deposited as above provided Payments of compensation out of deposits shall be made to the employe or dependents as payments of other compensation are made Provided however That the board may in its discretion and upon inquiry as in cases of commutation accelerate such payments

(d) The provisions of the foregoing paragraph (c) shall not apply to employers who are exempted by the department from the necessity of carrying insurance

(e) Possession of an employment certificate duly issued and transmitted to the employer in accordance with the provisions of the child labor law and receipt thereof duly acknowledged by him shall be conclusive evidence to such employer of his legal right to employ the minor for whose employment such certificate has been issued

(f) The possession of an age certificate duly issued and transmitted to the employer by the school authorities of the school district in which a minor resides shall be conclusive evidence to the employer of the minors age as certified therein

[(g) If neither party has elected not to be bound by the provisions of article three of the act to which this act is an amendment in the manner prescribed by section three hundred and two of said act they shall be held to have agreed to be bound by the provisions of this act and to have waived any other right or remedy at law or in equity for the recovery of damages for injuries occurring under the circumstances herein described]

[Section 321 In the case of an employe who dies as the result of an injury received in the course of his employment and who leaves no dependents entitled to receive in excess of fifteen hundred dollars ($1500.00) compensation under this act the employer or his insurance carr as the case may be shall pay the sum of fifteen hund dollars ($1500.00) to the department or the difference tween the amount paid to such dependents and the sum fifteen hundred dollars ($1500.00) In order to enforce p ment of such sum the department shall have power file with the board a claim for the same in like man as any claim for compensation may be filed under t act]

[(b) One-fourth of the amount received in each c under this section by the department but not however excess of two hundred and fifty dollars ($250.00) shall paid by it into the Federal Rehabilitation Fund of State Treasury through the Department of Revenue wh amount shall be credited to a ledger account to be kno as the industrial rehabilitation account All moneys cr ited to the industrial rehabilitation account are here appropriated to the department for all expenses incurr by the department under the rehabilitation laws of t Commonwealth for the rehabilitation of injured emplo who are entitled to compensation under this act and w are as a result of their injuries totally or partially capacitated for remunerative employment in the line employment in which they were employed at the ti of injury]

[(c) The balance of any amount received by the partment under this section shall be paid by it into State Workmen's Insurance Fund of the State Treasu through the Department of Revnue which amount sh be credited to a ledger account to be known as t second injury reserve account All amounts credited the second injury reserve account are hereby approp ated to the department for the payment of the compn tion provided in clause (g) of section three hundred a six of this act]

[Whenever at the end of any fiscal year of the Co monwealth after the year one thousand nine hundred a forty-five the total amount credited to the second inju reserve account shall exceed a sum equivalent to th times the average annual incurred liability of the acco to employes or their dependents during the three prece ing fiscal years the surplus amount shall upon requisiti of the department be transferred to the Federal Rehabi tation Fund of the State Treasury and credited to t industrial rehabilitation account in such fund All amou so transferred shall be available and are hereby app priated to the department for the same purposes which moneys credited to such account are appropriat by subsection (b) of this section]

ARTICLE IV

Procedure

Section 401 The term "Referee" when used in t article shall mean Workmen's Compensation Referee

The term "Fund" when used in this article shall me the State Workmen's Insurance Fund of this Commo wealth

The term "Employer" when used in this article sh mean the employer as defined in article one of this a or his duly authorized agent or his insurer if such surer has assumed the employer's liability or the fu [of] if the employer be insured therein

Section 402 All proceedings before the board or a referee and all appeals to the board shall be institut by petition addressed to the board All petitions shall in writing and in the form prescribed by the board

Section 403 All petitions all copies of agreements compensation and all papers requiring action by the boa shall be mailed or delivered to the department at principal office

Section 404 The department shall immediately up their receipt properly file and docket all petitions agre ments for compensation findings of fact by the board any referee awards or disallowances of compensation modifications thereof and all other reports or papers fil with it under the provisions of this act or the rules regulations of the board

Section 405 Immediately upon receiving from the boa or any referee any award or disallowance of compens

on or any modification thereof or any other decision the epartment shall serve a copy thereof on all parties in nterest

Section 406 All notices and copies to which any party nall be entitled under the provisions of this article shall e served by mail or in such manner as the board shall irect For the purposes of this article any notice or copy nall be deemed served on the date when mailed properly amped and addressed and shall be presumed to have eached the party to be served but any party may show y competent evidence that any notice or copy was not eceived or that there was an unusual or unreasonable elay in its transmission through the mails In any such se proper allowance shall be made for the party's fail- e within the prescribed time to assert any right given m by this act

The department the secretary and every referee shall eep a careful record of the date of mailing every notice d copy required by this act to be served on the parties interest

Section 407 On or after the seventh day after any acci- nt shall have occurred the employer and employe or his pendents may agree upon the compensation payable the employe or his dependents under this act but any greement made prior to the seventh day after the acci- nt shall have occurred or permitting a commutation of yments contrary to the provisions of this act or vary- g the amount to be paid or the period during which mpensation shall be payable as provided in this act all be wholly null and void It shall be unlawful for y empoyer to accept a receipt showing the payment of mpensation when in fact no such payment has been ade

All agreements made in accordance with the provisions this section shall be in writing and signed by all parties interest

[It shall be unlawful for any employer to procure or cause to be procured the signature of any employe or the dependents of any employe or of other persons interest to any agreement or supplemental agreement hich is not complete in every material respect and any mployer so doing shall upon conviction thereof in a sum- ary proceeding be sentenced to pay a fine of one hun- ed dollars ($100.00) for each offense]

All agreements for compensation and all supplemental greements for the modification suspension reinstatement termination thereof and all receipts executed by any jured employe of whatever age or by any dependent to hom compensation is payable under section three hun- ed and seven and who has attained the age of sixteen ars shall be valid and binding unless modified or set de as hereinafter provided

Section 408 All agreements for compensation may be odified suspended reinstated or terminated at any time a supplemental agreement approved by the depart- nt if the incapacity of an injured employe has in- eased decreased recurred or temporarily or finally ter- nated or if the status of any dependent has changed

Section 409 Whenever an agreement or supplemental greement shall be executed between an employer and an employe or his dependents as provided by this act such greement shall be executed in triplicate Two copies ereof signed by all parties in interest shall be mailed delivered to the department within thirty days after ecution [by the claimant] It shall be the duty of the partment to examine the agreement to determine ether it conforms to the provisions of section four ndred and seven to notify the parties thereto of its idity or invalidity under theaforesaid section within irty days after the copies of the agreement have been iled or delivered to it and if the agreement be ap- ved to send to the employe together with such notifi- ion of its approval a copy of the agreement Provided wever That any payment made in accordance with any greement prior to the receipt of notice of invalidity shall charge pro tanto the liability under article three of this a of the employer making such payments

Whenever an agreement or a supplemental agreement isapproved by the department the employer shall pay the employe compensation on the basis of such agree- ment to such extent as the agreement would if approved require Compensation on the basis of such agreement shall be paid until such time as the employer's liability for compensation is finally determined under the provisions of this act Any payments made by an employer in ac- cordance with such agreement shall discharge pro tanto his liability for such compensation as may be subsequently determined to be due the employe under the provisions of this act]

[Any employer who shall fail to mail or deliver to the department two copies of any agreement or supple- mental agreement within thirty days after such agreement or supplemental agreement is executed by the claimant shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five dollars ($25.00) for each such failure]

Section 410 If after any accident the employer and the employe or his dependent concerned in any accident shall fail to agree upon the facts thereof and the com- pensation due under this act the employe or his depend- ents [or the department for and on behalf of such em- ploye or his dependents whenever an agreement or supple- mental agreement has been disapproved by the depart- ment or it shall otherwise deem it to be in the interests of justice to do so] may present a claim for compensation to the board [All allegations contained in the claim peti- tion must be separately and specifically admitted or denied by the defendant Claimant shall have a right upon a petition to the referee and his order thereon to in- spect the premises where the claimant's alleged injury was received]

Whenever any claim for compensation is presented to the board [other than claims of nonresident alien depend- ants] and is finally adjudicated in favor of the claimant the amounts of compensation actually due at the time the first payment is made after such adjudication shall bear interest at the rate of six per centum per annum [beginning fourteen days after the date of the accident] from the day such claim is presented and such interest shall be payable to the same persons as the compensa- tion is payable

In case any claimant shall die before the final adju- dication of his claim the amount of compensation due such claimant to the date of death shall be paid to the dependents entitled to compensation or if there be no dependent then to the estate of the decedent

Section 411 Whenever the employer and the employe or his dependant shall on or after the seventh day after any accident agree on the facts on which a claim for compensation depends but shall fail to agree on the com- pensation payable thereunder they may petition the board to determine the compensation payable Such petition shall contain the agreed facts and shall be signed by all parties in interest The board shall fix a time and place for hear- ing the petition and shall notify all parties in interest As soon as may be after such hearing the board shall award or disallow compensation in accordance with the provisions of this act

Section 412 If any party shall desire the commutation of future instalments of compensation he shall present a petition therefore to the board

Section 413 The board or a referee designated by the board may at any time review and modify or set aside an original or supplemental agreement upon petition filed by either party with the board or in the course of the proceedings under any petition pending before such board or referee if it be proved that such agreement [in any material respect is incorrect] was procured by the fraud coercion or other improper conduct of a party or was founded upon a mistake of law or of fact Provided That except in the case of eye injuries an agreement can only be reviewed modified or set aside if a petition is filed with the board within one year after the date of the most recent payment of compensation made prior to the filing of such petition

The board or referee designated by the board may at any time modify reinstate suspend or terminate an original or supplemental agreement or an award upon petition filed by either party with such board upon proof that the

disability of an injured employe has increased decreased recurred or has temporarily or finally ceased or that the status of any dependent has changed Such modification reinstatement suspension or termination shall be made as of date upon which it is shown that the disability of the injured employe has increased decreased recurred or has temporarily or finally ceased or upon which it is shown that the status of any dependent has changed Provided That except in the case of eye injuries an agreement or an award can only be reviewed modified or reinstated [if] during the time such agreement or award has to run if for a definite period and except in the case of eye injuries no agreement or award shall be reviewed or modified or reinstated unless a petition is filed with the board within one year after the date of the [last] most recent payment of compensation [with or without an agreement] made prior to the filing of such petition

The board or referee to whom any such petition has been assigned may subpoena witnesses hear evidence make findings of fact and award or disallow compensation in the same manner and with the same effect and subject to the same right of appeal as if such petition were an original claim petition

The filing of a petition to terminate or modify a compensation agreement or award as provided in this section shall operate as a supersedeas and shall suspend the payment of compensation fixed in the agreement or by the award in whole or to such extent as the facts alleged in the petition would if proved require [except that the filing of a petition relative to a change in or termination of the disability of an injured person shall not act as a supersedeas unless such petition contains an affidavit by a physician that he has examined the claimant a percentage estimate of the extent of disability and that the petitioner in his opinion is entitled to the relief prayed for in the petition Payment must be made up to date of the filing of the petition to terminate and in the case of a petition to modify in accordance with the per centum of liability admitted in such petition In any such action to terminate or modify the burden of proof shall be upon the party filing such petition No petition to terminate or modify an existing agreement or award shall be filed while said agreement or award is being adjudicated]

Section 414 Whenever a claim petition or other petition is presented to the board the board shall by general rules or special order either direct it to be heard by one or more members of the board or assign it to a referee for hearing Provided however That petitions presented under sections four hundred and eleven and four hundred and twelve shall be heard by one or more members of the board

The department shall serve upon each adverse party a copy of the petition together with a notice that such petition will be heard by the board or the referee to whom it has been assigned (giving his name and address) as the case may be and if the petition shall have been assigned to a referee shall mail the original petition to such referee together with copies of the notices served upon the adverse parties

Section 415 At any time before an award or disallowance of compensation or order has been made by a referee to whom a petition has been assigned the board may order such petition heard before it or one or more of its members or may reassign it to any other referee Unless the board shall otherwise order the testimony taken before the original referee shall be considered as though taken before the board or substituted referee

Section 416 Within ten days after a copy of any petition has been served upon any adverse party he may file with the secretary of the board if the petition has been directed to be heard by the board or with the referee if the petition has been assigned to a referee an answer in the form prescribed by the board

Every fact alleged in a petition not specifically denied by an answer so filed by an adverse party shall be deemed to be admitted by him But the failure of any adverse party or of all of them to deny a fact so alleged shall not preclude the board or referee before whom the petition is heard from requiring of its or his own mo proof of such fact

Section 417 As soon as may be after the twelfth after notice that a petition has been directed to be h by the board has been served upon the adverse pa thereof the board shall fix a time and place for hea the petition If a petition be assigned to a referee he twelve days after notice that such petition has been signed to him has been served upon the adverse pa fix a time and place for hearing the petition Such h ing shall not be less than [five] seven nor more than f teen days after the mailing of notice thereof by the re The secretary of the board if the petition has been dire to be heard by the board or by one or more of its m ber or the referee to whom the petition has been signed shall serve upon all parties in interest a notic the time and place of hearing and shall serve upon petitioner a copy of any answer of any adverse part

Section 418 The board if a petition is directed t heard by it or by one or more of its members or referee to whom a petition is assigned for hearing subpoena witnesses order the production of books other writings and hear evdience and shall make writing and as soon as may be after the conclusion the hearing such findings of fact conclusions of law award or disallowance of compensation or other orde the petition and answers and the evidence produce be it or him and the provisions of this act shall in its or judgment require The findings of fact made by the bo in any petition heard by it or by one or more of members or upon a hearing de novo shall be final as hereinafter provided and the findings of fact m by a referee to whom a petition has been assigned any question of fact has been referred under the pr sions of section four hundred and nineteen shall be unless an appeal is taken as provided in this act or u the board shall under the provisions of section four dred and twenty-five of this article grant a hearing novo or a rehearing

Section 419 The board may refer any question of arising under any petition including a petition for c mutation heard by it to a referee to hear evidence report to the board the testimony taken before him such testimony and findings of fact thereon as the bo may order The board may refer any question of arising out of any petition assigned to a referee to other referee to hear evidence and report the testim so taken thereon to the original referee

Section 420 The board or a referee if it or he de it necessary many of its or his own motion either bef during or after any hearing make an investigation of facts set forth in the petition or answer The board referee with the consent of the board [shall whenev shall be deemed in the interest of justice to do so] appoint one or more impartial physicians or surgeons examine the injuries of the plaintiff and report ther or he may employ the services of such other experts shall appear necessary to ascertain the facts The re of any physician surgeon or expert appointed by board or by a referee shall be filed with the board referee as the case may be and shall be a part of record and open to inspection as such

The board shall fix the compensation of such physici surgeons and experts which when so fixed shall be p [by the employer to the physician surgeon or exper any employer shall fail to pay such cost promptly physician surgeon or expert may proceed to collect same in the manner provided in this act for the collec of awards of compensation] out of the sum appropria to the Department of Labor and Industry for the ma tenance of the department and shall be taxed as part the costs of the proceedings to be repaid to such depa ment by either party or both as the board may direc any sum so taxed shall not be paid by the party direc to repay the same may be collected as costs are n collectible

Section 421 All hearings before the board or one more members thereof or before a referee shall be pu

Section 422 Neither the board nor any of its me

s nor any referee shall be bound by the technical
es of evidence in conducting any hearing or investiga-
n but all findings of fact shall be based only upon
fficient competent evidence to justify same The suffi-
ncy of such evidence is hereby declared to be a ques-
n of law to be determined by the courts upon review
f any party or witness resides outside of the Com-
nwealth or through illness or other cause is unable to
tify before the board or a referee his or her testi-
ny or deposition may be taken within or without this
Commonwealth in such manner and in such form as the
ard may by special order or general rule prescribe The
ords kept by a hospital of the medical or surgical
atment given to an employe in such hospital shall be
missible as evidence of the medical and surgical matters
ted therein but shall not be conclusive proof of such
tters

Section 423 Any party in interest may within twenty
ys after notice of a referee's award or disallowance of
mpensation shall have been served upon him take an
peal to the board on the ground (1) that the award
disallowance of compensation is not in conformity with
e terms of this act or that the referee committed any
er error of law (2) that the findings of fact and award
disallowance of compensation was unwarranted by
e] sufficient competent evidence or was procured by
ud coercion or other improper conduct of any party in
erest The board may upon cause shown extend the
ne provided in this article for taking such appeal or for
e filing of an answer or other pleading

n any such appeal the board may disregard the find-
s of fact of the referee and may examine the testi-
ny taken before such referee and if it deem proper
y hear other evidence and may substitute for the find-
s of the referee such findings of fact as the evidence
en before the referee and the board as hereinbefore
ovided may in the judgment of the board require and
y make such disallowance or award of compensation or
er order as the facts so founded by it may require

Section 424 Whenever an appeal shall be based upon
alleged error of law it shall be the duty of the board
grant a hearing thereon The board shall fix a time
d place for such hearing and shall serve notice thereof
all parties in interest

As soon as may be after such hearing the board shall
her sustain or reverse the referee's award or dis-
owance of compensation or make such modification
erof as it shall deem proper

Section 425 Whenever an appeal shall be taken on the
ound that the referee's award or disallowance of com-
nsation was unwarranted by the evidence or because
fraud coercion or other improper conduct by any party
interest the board may in its discretion grant a hear-
g de novo before the board or one or more of its mem-
rs or assign the petition for rehearing to any referee
signated by it or sustain the referee's award or dis-
owance of compensation If the board shall grant a
aring de novo it shall fix a time and place for same
d notify all parties in interest

As soon as may be after any hearing de novo by the
ard it shall in writing state its findings of fact and
ard or disallow compensation in accordance with the
ovisions of this act

Section 426 The board upon petition of any party and
on cause shown at any time before the court of com-
n pleas of any county of this Commonwealth to which
appeal has been taken under the provisions of section
ur hundred and twenty-seven of this article shall have
ken final action thereon may grant a rehearing of any
tition upon which the board [or referee] has made an
ard of disallowance of compensation or other order or
ling or upon which the board has sustained or reversed
y action of a referee [The time for taking appeals shall
suspended pending the determination of the first peti-
n for rehearing in those cases in which such petition is
d within twenty days from notice of decision of the
Workmen's Compensation Board] but such rehearing shall
t be granted more than [two years] one year after the
ard has made such award disallowance or order or rul-
ing or has sustained or reversed any action of the referee If the board shall grant a rehearing of any petition from [its] the board's action on which an appeal has been taken to and is pending in the court of common pleas of any county of this Commonwealth under the provisions of section four hundred and twenty-seven of this article the board shall file in such court a certified copy of its order granting such rehearing and it shall thereupon be the duty of such court to cause the record of the case to be remitted to the board Provided however That nothing contained in this section shall limit or restrict the right of the board or a referee designated by the board to review modify set aside reinstate suspend or terminate an original or supplemental agreement or an award in accordance with the previsions of section four hundred thirteen of this article

Section 427 Any party may appeal from any action of the board on matters of the law to the court of common pleas of the county in which the accident occurred or of the county in which the adverse party resides or has a permanent place of business or by agreement of the parties to the court of common pleas of any other county of this Commonwealth Such appeal must be brought within twenty days after notice of the action of the board has been served upon such party unless any court of common pleas to which an appeal lies shall upon cause shown extend the time herein provided for taking the appeal The party taking the appeal shall at the time of taking the appeal serve upon the adverse party a written notice thereof setting forth the date of the appeal and the court in which the same is filed and shall file either with his notice of appeal or within thirty days thereafter such exceptions to the action of the board as he may desire to take and shall specify the findings of fact in any of the board or of the referee sustained by the board which he alleges to be unsupported by competent evidence

Upon filing of the notice of an appeal the prothonotary of the court of common pleas to which the appeal has been taken shall issue a writ of certiorari directed to the board commanding it within ten days after service thereof to certify to such court its entire record in the matter in which the appeal has been taken The writ so issued shall be mailed by the prothonotary to the department at Harrisburg together with a copy of the exceptions The board shall within ten days after such service certify to such court its entire record in the matter in which the appeal has been taken including the notes of testimony

Any court before whom an appeal is pending from any action of the board may remit the record to the board for more specific findings of fact if the findings of the board or referee are not in its opinion sufficient to enable it to decide the question of law raised by the appeal

If the court of common pleas of any county of this Commonwealth shall affirm an award or order of the board or of a referee sustained by the board fixing the compensation payable under this act the court shall enter judgment for the total amount stated by the award or order to be payable whether then due and accrued or payable in future instalments If such court shall sustain the appellant's exceptions to a finding or findings of fact and reverse the action of the board founded thereon the court shall remit the record to the board for further hearing and determination in which the procedure shall be the same as that hereinbefore provided in this article in the case of a petition presented to the board except that [the board may order that any part of] the testimony taken in the original proceedings [may] shall be considered as though taken in such further hearing

The prothonotary of any court of common pleas to which an appeal has been taken from the board shall send to the board a certificate of the judgment of the court as soon as rendered with a copy of any opinion which may be filed in the case and within five days shall give notice of such judgment and the date by thereof registered mail to each attorney-at-law appearing in the case at the address given by the attorney in the pleadings and if no attorney-at-law has appeared by registered mail to the party or parties not represented by counsel At the end of the period hereinafter allowed for an appeal from

the judgment of the court the record of the board shall be remitted to it by the prothonotary unless an appeal shall have been taken to the Superior Court as hereinafter provided If such appeal shall be taken the record shall be remitted to the board by the prothonotary on its return from the appellate court

Any party may appeal to the Superior Court from the judgment of the court of common pleas within thirty days after entry of said judgment irrespective of the amount involved Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the Superior Court and the record so certified shall contain all that was before the court of common pleas Any appeal from the action of the board to a court of common pleas and from it to the Superior Court shall take precedence over all other civil actions The judgment of the Superior Court shall be final unless an appeal therefrom is allowed [by the Supreme Court] as in the case of other judgments of [the Superior Court] that tribunal

Section 428 At any time after the approval of a compensation agreement or after an award or order has been made by the board or referee [the department] the employe or dependents entitled to compnsation thereunder may file a certified copy of the agreement and the order of the board approving the same or of the award or order with the prothonotary of the court of common pleas of any county and the prothonotary shall enter the total amount of compensation stated in the agreement award or order to be payable to the employe or his dependents whether then due and accrued or payable in future instalments as a judgment against the employer or other party liable under such agreement or award Such judgment shall be a lien against property of the employer or other party liable under such agreement or award and execution may issue thereon forthwith

Wherever after an accident any employe or his dependents shall have entered into a compensation agreement with his employer or shall file a claim petition with the board he may file a certified copy thereof with the prothonotary of the court of common pleas of any county The prothonotary shall enter the amount stipulated in any such agreement or claimed in any such petition as judgment against the employer If the agreement be approved by the department or compensation awarded as claimed in the petition the amount of compensation stipulated in the agreement or claimed in the petition shall be a lien as of the date when the agreement or petition was filed with the prothonotary Pending the approval of the agreement or the award of compensation no other lien which may be attached to the employer's property during such time shall gain priority over the lien of such agreement or award but no execution shall issue on any compensation judgment before the approval of the agreement or the award of compensation on the said petition

If the agreement be disapproved or after hearing compensation shall be disallowed the employer may file with the prothonotary of any county in which the petition or agreement is on record as a judgment a certified copy of the disapproval of the agreement or disallowance of compensation and it shall be the duty of such prothonotary to strike off the judgment

If the amount of compensation claimed be disallowed but another amount awarded the compensation judgment shall be a lien to the extent of the award as of the date of filing the petition with the prothonotary with the same effect as to other liens and the same disability to issue execution thereon as if the compensation claimed had been allowed In such cases the prothonotary shall make such modification of the record as shall be appropriate

If the compensation payable under any agreement or award upon which judgment has been entered under the provisions of this section shall be modified suspended reinstated or terminated by a supplemental agreement executed under the provisions of section four hundred and eight or by an award or order made under the provisions of section four hundred and thirteen any party to such judgment at any time after such agreement has been approved by the department or after the expiration of the time allowed for an appeal from the award or order may file with the prothonotary of the court of common pleas of any county in which the judgment is on record a certified copy of such supplemental agreement award or order and it shall thereupon be the duty of the prothonotary to modify suspend reinstate or satisfy such judgment in accordance with the terms of such supplemental agreement award or order

Execution may issue by first filing with the prothonotary an affidavit that there has been a default in payments of compensation due on any judgment for compensation entered prior to the approval of the compensation agreement or an award on petition as soon as such agreement shall have been approved by the department or such award made as evidence by the approval of the board of the award or by a certified copy thereof

Execution shall in all cases be for the amount of compensation and interest thereon due and payable up to the date of the issuance of said execution with costs and further execution may issue from time to time as further compensation shall become due and payable until full amount of the judgment with costs shall have actually been paid

Section 429 If any party against whom a compensation agreement award or other order fixing the compensation payable under this act has been filed of record in any county of this Commonwealth in accordance with the provisions of section four hundred and twenty-eight of this article or against whom judgment has been entered by the prothonotary of the court of common pleas of any county on any award or order of the board or a referee shall at any time present to the board receipts or copies thereof certified by any referee showing the payment of compensation as required by the agreement or award in full to the date of presentation to the referee the board shall issue a certificate to such party in the form prescribed stating the extent to which the judgment on the agreement or award has been reduced Upon the presentation of such certificate to the prothonotary of the court of common pleas of any county in which such agreement or award has been filed of record as a judgment or in which judgment on an award has been entered by the prothonotary of the court of common pleas it shall be the prothonotary's duty to mark such judgment satisfied to the extent of the payments so certified and upon the presentation to such prothonotary of a certificate issued by the board under the provisions of section three hundred and seventeen of this act it shall be the duty of the prothonotary to mark such judgment fully satisfied

Section 430 The lien of any judgment entered upon any award shall not be divested by any appeal If however the party appealing from the award shall file with the board a bond in such amount and in such form as the rules and regulations of the board shall direct the appeal shall pending its decision excuse the payment of so much of the compensation as is contested therein but if the final decision on appeal shall sustain the award it shall be the duty of the employer by whom such award is payable to make payments of compensation as from the date of the original award If on appeal the award is sustained as to a part it shall be the duty of the employer by whom such part is payable to make payments as from the date of the original award In case the award is annulled on appeal it shall be the duty of the prothonotary of any county in which such award has been entered as a judgment to mark it satisfied

Section 431 The cost of the prothonotary for entering the amount of compensation as provided in this act or making a modification of the record or marking the judgment satisfied shall be allowed taxed and collected as upon a confession of judgment on a judgment note

Section 432 It shall be the duty of the prothonotary of each court of common pleas and of the Supreme and Superior Court of the Commonwealth to make a monthly report to the board of the disposition of all appeals taken to the board of the disposition of all appeals taken to such court under the provisions of this article

Section 433 A document on file in the department or with the board or any referee or part of the record or

any proceedings taken under Article III and IV of this act shall be proved by a copy thereof certified by the department under the seal of the department or certified by the chairman of the board and attested by the secretary of the board under seal of the board as the case may be

Section 434 A final receipt given by an employe or dependent entitled to compensation under a compensation agreement or award [reciting that the disability or dependency has terminated] shall be prima facie evidence of the termination of the employer's liability to pay compensation under such agreement or award Provided however That the board or a referee designated by the board may at any time within [six hundred weeks from the date of the injury] one year from the date to which payment is made as evidenced by such final receipt set aside a final receipt upon petition filed with the board if it be conclusively proved that [at the time of the execution of the receipt the injured employe was not in fact able to return to work without loss of earning power or that the employe had a condition which resulted from the accident which condition existed at the time the compensation agreement was executed and which was not covered by such agreement or that the employe had an existing disability at the time the final receipt was taken] such receipt was procured by fraud coercion or other improper conduct of a party or is founded upon mistake of law or of fact

[Payments shall be made by the employer or insurance carrier on every agreement or award other than for a definite period until a final receipt has been filed with and approved by the department or until a petition to terminate or modify has been filed under section four hundred and thirteen]

[Section 435 Any hospital institution physician surgeon or other person who has furnished surgical medical dental or nursing services hospital treatment artificial appliances medicines or supplies for which the employer is made liable under the provisions of this act shall be deemed a party in interest and have standing with consent of the claimant before the board or any referee designated by the board and the courts of this Commonwealth to present a claim for remuneration for such services hospital treatment artificial appliances medicine and supplies and have the same heard and determined and shall be entitled to receive an award for such renumerations Any such claimant shall be entitled to enforce any such award in the same manner as claimants of compensation are entitled to enforce awards of compensation]

[Section 436 The board or a referee designated by the board or any court of this Commonwealth in granting an award of compensation to an injured employe or his dependents or in affirming or modifying and affirming such an award or in reversing the disallowance of such an award shall in addition to such compensation include in such an award or judgment experts fees if any rendered in any such proceeding payment of which may be enforced in the same manner as the payment of an award may be enforced under the provisions of this act]

[Section 437 Any claimant may appear in person or be represented by counsel learned in the law or he may be represented by a member of his duly recognized union or labor organizations Such labor representative shall be selected by said union or labor organization and duly approved by the department to practice before any referee or the board]

ARTICLE V

General Provisions

Section 501 No claim or agreement for legal services or disbursements in support of any demand made or suit brought under the provisions of article two of this act shall be an enforceable lien against the amount to be paid as damages or be valid or binding in any respect unless the same be approved in writing by the judge presiding at the trial or in case of settlement without trial by a judge of the common pleas court of the county in which the accident occurred

No claim or agreement for legal services or disbursements in support of any claim for compensation or in preparing any agreement for compensation under article three of this act shall be an enforceable lien against the amount to be paid as compensation or be valid or binding in any other respect unless the same be approved by the board Any such claim or agreement shall be filed with the department which shall as soon as may be notify the person by whom the same was filed of the board's approval or disapproved thereof as the case may be

After the approval as herein required if the employer be notified in writing of such claim or agreements for legal services and disbursements the same shall be a lien against any amount thereafter to be paid as damages or compensation Provided however That where the employe's compensation is payable by the employer in periodical instalments the board shall fix at the time of approval the proportion of each instalment to be paid on account of legal services and disbursements

[Section 502 All of the expenses of the department the board and various workmen's compensation referees incurred in connection with the administration and enforcemet of this act the act approved the eighteenth day of July one thousand nine hundred nineteen (Pamphlet Laws one thousand forty-five) entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry and conferring upon the Commissioner of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remuneratiive occupations providing for the appointment of a chief of the bureau subordinate officers and employes and furnishing suitable accommodations and making an appropriation" and until January first one thousand nine hundred thirty-eight the act re-enacted and amended by this act and paid out of the General Fund of the State Treasury shall be charged to and paid by way of reimbursement by all employers or if they are insured by their insurance carriers in such equitable amounts at such time and in such manner as the department shall by general rule or regulation prescribe Provided That the amount charged against each employer or his insurance carrier shall be equivalent to that proportion of the total amount required to administer the acts as the average number of employes of the particular employer bears to the total number of employes covered by workmen's compensation]

[The department shall give written notice to each employer or his insurance carrier as the case may be of the amount lawfully charged against him under the provisions of this section Each employer or his insurance carrier shall pay the amount of such assessment to the department within thirty days after such notice If payment is not made by such employer or his insurance carrier within such thirty-day period the department through the Department of Justice may institute an appropriate action at law for the amount lawfully assessed against such employer or insurance carrier together with any additional costs incurred by the department or the Department of Justice by virtue of such failure to pay]

[The moneys in the State Workmen's Insurance Fund are hereby specifically appropriated for the purpose of paying assessments charged to it under this section]

[All assessments and costs received collected or recovered under this section shall be paid by the department into the General Fund of the State Treasury through the Department of Revenue]

Section [503] 502 If any provision of this act shall be held by any court to be unconstitutional such judgment shall not affect any other section or provision of this act except that article two and three are hereby declared to be inseparable and as one legislative thought and if either article be declared by such court void or inoperative in an essential part so that the whole of such article must fall the other article shall fall with it and not stand alone

[Section 504 All fines and except as otherwise provided in this act all fees received collected or recovered under the provisions of this act shall be paid to the department and by it paid into the State Workmens Insurance Fund to the credit of the second injury reserve

account created in such fund by this act and such fines and fees are hereby appropriated for the same purposes for which the moneys credited to such account are appropriated by this act]

Section [505] 503 Nothing in this act shall affect or impair any right of action which shall have accrued before this act shall take effect

Section [506] 504 The following acts are hereby specifically repealed

The act approved the third day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred seventy-seven) entitled "A supplement to an act entitled 'The Workmen's Compensation Act of one thousand nine hundred and fifteen' to exempt domestic servants and agricultural workers from the provisions thereof" and its amendments

The act approved the fourteenth day of May one thousand nine hundred twenty-five (Pamphlet Laws seven hundred fourteen) entitled "A supplement to an act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder' providing for the payment of compensation to volunteer firemen or their dependents"

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

[Section 507 The provisions of this act shall become effective January first one thousand nine hundred and thirty-eight except the provisions of section five hundred two of this act which shall become effective immediately upon the final enactment of this act and shall be retroactive to June first one thousand nine hundred thirty-seven]

On the question,

Will the House agree to the section?

MOTION TO RECOMMIT

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Workmen's Compensation, for the purpose of a public hearing.

On the question,

Will he House agree to the motion?

Mr. WILSON. Mr. Speaker and members of the House, I rise in opposition to this motion for the reason that an arrangement is being made to hold public hearings in the Senate instead of having two hearings. That arrangement has been made and we have arranged that they shall be heard. Nobody asked me except two people to arrange for a hearing. I think there will be time in the Senate to be heard if these bills should pass the House, and for that reason, as the session is drawing to a close, we would like to have action today on these bills on second reading. Therefore, I ask the members of the House to take whatever action they wish upon second reading today on these bills and vote down this motion.

I want to say further that the gentleman from York had made no such request of me.

I feel in a matter of this kind that at least the courtesy should have been extended to me to give me an opportunity to work something out. This bill has been printed and has been on the calendar and in committee for some length of time, and nothing of this kind has occurred. Therefore, I ask that the motion be voted down.

Mr. HERBERT B. COHEN. Mr. Speaker, and members of the House, I for one do not feel that the membership of this House should abrogate their legislative prerogatives to the Senate. This bill is of utmost importance to every working man, woman and child in the Commonwealth of Pennsylvania, and if the majority feels that a measure of such implications should be hastily passed by this membership and turned over to the Senate for the purpose of public hearing, and for complete elucidation as to the sinister amendments that have already been put into these bills, if they wish to abrogate their legislative power that is their burden, but I, for one, cannot feel that this bill should be enacted and that no move should be made until every one of the numerous technical amendments that have been inserted in this bill are thoroughly understood by each and every member of the House that is called upon to vote for it.

The bill as it now stands goes even further than the inadequate Act of 1935. At that time both parties were pledged to a liberalization of the Workmen's Compensation Act, and when the Democrats were elected they tried to so liberalize the act.

Today we are confronted with a Workmen's Compensation Bill that is so completely defective in its social vision and its social outlook that if the majority of this House wish to assume that responsibility for political purposes, I would be only too glad to have them do it, but in addition to the political purposes there is the responsibility to the men and women of the Commonwealth of Pennsylvania who are working, and I wish to say that the only way we can understand the full measure of this bill is to have public hearings.

Mr. Speaker, I would like to interrogate the gentleman from Jefferson, Mr. Wilson.

The SPEAKER. Will the gentleman from Jefferson permit himself to be interrogated?

Mr. WILSON. I shall, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, may I inquire of the gentleman from Jefferson whether or not this bill reenacts the Superior Court's decision in the Romig Case?

Mr. WILSON. It does not, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, will the gentleman from Jefferson point out the section of the act that modifies the Superior Court's decision in the Romig Case?

Mr. WILSON. Mr. Speaker, it would really take too much time to explain the Romig case, but from the experience this House had in the Session of 1937, I am quite convinced that the gentleman from York might be able to tell what this Romig Case was, and the various effects of this bill. There was time when the people on the other side of the House had a chance to find out about the bill, but in 1937 they showed but little respect for the man who thought at that time, and so announced, that he could explain those various things. The older members of the House know what courtesies was extended to him. There was a duty placed in the hands of the gentleman from Jefferson, who happened to be Chairman of the Workmen's Compensation Committee. I want to say to this House, that not a man, Republican or Democrat, since the beginning of this Session, has come forward and offered to do a single thing to take care of this great problem. To pick out a single case, which I am quite confident the gentleman from York could easily find, if he wanted to ask me about it I should have been glad to explain it, but he did not see fit to do so. If the gentleman from York wanted to know anything about Bill No. 1030 I would

have been glad to explain it to him. There is no use now in trying to go into any particular feature of this bill, unless the question is to be debated out in full, on a motion to refer back to committee. I feel that it is not proper and right to pick out a single paragraph in this bill and ask about it. If you have any amendments, if you have any ideas, if you have any plans or suggestions, or if you have any interpretations, now is the time to bring them forward.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to further interrogate the gentleman from Jefferson, Mr. Wilson.

The SPEAKER. The gentleman will proceed.

Mr. WILSON. That is perfectly all right, we would like to hear from the gentleman from York.

Mr. HERBERT B. COHEN. I desire to inquire of the gentleman from Jefferson, if on page eight, section 301 of the bill, there is a clause to the effect that no compensation shall be paid if the employe should fail to use the proper safety appliances?

Mr. WILSON. Mr. Speaker, will the gentleman please repeat the page?

Mr. HERBERT B. COHEN. Mr. Speaker, page eight, section 301-a.

Mr. WILSON. What part of page eight, Mr. Speaker?

Mr. HERBERT B. COHEN. Right at the bottom, Mr. Speaker.

Mr. WILSON. Mr. Speaker, in that section there are found words to this effect: "or is caused by the employe's willful disobedience of orders, rules or regulations adopted by the employer for the protection of the safety of persons employed and the preservation of property or is caused by the employee's willful failure or refusal to use a safety appliance provided for him or is caused by the employee's violation of law——" I might say to the gentleman that the Supreme Court of Pennsylvania has passed upon these very things heretofore. This is not a proper time on such a motion to debate the reason for putting that back into the bill.

Mr. HERBERT B. COHEN. May I inquire of the gentleman from Jefferson whether he means to put into the bill the reduction in paragraph c, on page 9, reducing in that definition injuries——

The SPEAKER. The Chair desires to extend every possible latitude on measures of the importance of this one, but feels that the gentleman from York is getting far away from the question of recommitting the bill for the purpose of a hearing.

Mr. HERBERT B. COHEN. I will withhold further interrogation along these lines, and rise to address the House.

The SPEAKER. The Chair recognizes the gentleman from York.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, nothing that I can say will impress upon the membership of this House the necessity for a public hearing on this bill. The gentleman from Jefferson has given ample reason for the necessity of a public hearing. He has told you that he put in that amendment himself, and I say to the membership of this House that this bill is chock full of amendments inserted by the gentleman from Jefferson, put in there by himself to the detriment of the workers of Pennsylvania. If the majority of this House feel that they should rely upon the ability of one man in framing a law of such implications then they may do so, but I call to the attention of the membership of this House, if you have any consideration for the men and women working in your communities you will refer this bill back to committee for the purpose of a public hearing and complete elucidation and discussion of all the amendments inserted by the gentleman from Jefferson.

Mr. WILSON. Mr. Speaker, right at this point the gentleman from Jefferson desires to state that the bill was in its entirety, from beginning to end, written by himself, and it was written to take care of the situation that took out from under the protection of the act fully two hundred thousand employees in this state, because of the rejection of the act by their employers. Fully that many more people are not covered by the act at all because the employers are not paying any attention to it, because of the fact that the act of 1937 was so hard and so expensive that the employers of this state could not afford to take it. For that reason it has broken down entirely. No effort has been made by the gentleman from York to take care of these things. The Supreme Court has passed on it and declared it unconstitutional in at least eight particulars, and those particulars have been taken care of in this bill. The people of my party have entrusted me with this work. The people of the state ought to have somebody take care of this matter. The people on the other side, when they started out in 1935 and when they finished up in 1937, showed by their handiwork that they did not have a single man with sufficient experience upon whom they could rely to do it, and they made a mess of it. It is here for you to determine whether you want to let them do it again.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I have just been informed by a Democratic member of the Workmen's Compensation Committee that that Committee had one meeting, a twenty minute meeting, in which this bill with the amendments were submitted to the committee, and then railroaded out on the floor of the House. If the gentleman who is Chairman of that Committee can refute that statement, and on the basis of that statement cause the membership of this House to bestow upon him or abrogate to him their entire legislative prerogative on a subject like this, then we are not abrogating legislative prerogative, we are abrogating our constituents.

Mr. WILSON. Mr. Speaker, just one word. The gentleman from Jefferson would like to make the statement that the bill was not railroaded out. There was nobody to help. The entire Republican group expressed its confidence in the author of this bill, left him to do it, and that was all there was to it. The two Democratic members said no, and the one member who probably reported it to the floor leader on the other side, did not even know that the Supreme Court had passed upon it, and had declared eight parts of it unconstitutional. I am telling you they don't take this matter seriously. If they would spend twenty-three years of their lives in the administration of this act, become familiar with every portion of it, assume the responsibility of its administration and see the condition which it is in now, they would approach the proposition in an entirely different manner.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, since the gentleman has indicated his vast experience and knowledge pertaining to the Workmen's Compensation Law and has indicated that that experience has extended over a period of twenty-three years, I wish to read to the members of the House a statement by the gentleman from Jegerson relating to his ability and pronounced legal attainments on the Workmens' Compensation

Law. The gentleman in his autobiography says that he has "specialized in such practice for twenty-two years, representing several large coal companies—"

POINT OF ORDER

Mr. McKINNEY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. McKINNEY. Mr. Speaker, are we discussing the gentleman from Jefferson, Mr. Wilson, or the motion to recommit?

The SPEAKER. The Chair feels that the gentleman from Venango is correct. The gentleman from York is out of order.

Mr. HERBERT B. COHEN. Mr. Speaker, that is one of the reasons pronounced by the gentleman from Jefferson indicating his super-knowledge, and the reason why we should abrogate our legislative prerogatives and bestow complete confidence, in the action of this House, on the gentleman. It has been conceded by the gentleman that he has had twenty-three years of experience. It is for the membership to determine whether that twenty-three years of experience that the gentleman had, is such experience that warrants the membership of this House in not referring the bill back to committee for a public hearing.

The SPEAKER. The Chair feels that the gentleman from York has brought the gentleman from Jefferson into the position where he had to make that answer. The gentle- from York is out of order in debating the question from that angle. The gentleman from Jefferson was out of order in the answer that he made.

Mr. HERBERT B. COHEN. If the gentleman from Jefferson will admit to the House that his twenty-three years' experience is fair——

The SPEAKER. The gentleman from York is out of order in pursuing further statements along this line. The question before the House is on the motion to recommit the bill. It is not a question on the qualifications of the gentleman from Jefferson.

Mr. HERBERT B. COHEN. The purpose of my motion and the question before the House is for the recommitment of the bill to the Committee on Workmen's Compensation for the purpose of a public hearing. The gentleman from Jefferson has indicated in his remarks that he alone is responsible for the particular legislation that is now before the House. I do not wish to prolong this debate, but I feel sure, forgetting party affiliation, that the membership of this House must come to the conclusion that this bill is complicated, that its implications and ramifications are far-reaching, that it goes into every workingman's home in the Commonwealth of Pennsylvania, and we should not, out of fairness to our constituents, allow such a bit of legislation to pass on the responsibility of one man. I ask the membership of this House, particularly in view of the fact that the gentleman from Jefferson has not denied the course of deliberation that this bill was exposed to in the Committee, has not denied that there has been but one meeting of twenty minutes duration, has not denied that the bill as it now is before the House is his own amended bill, I say to the membership of this House, in view of that situation, this bill should be sent back to the committee for the purpose of a hearing and for the purpose of elucidation to the membership of this House as to just what they are voting on.

Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Moran.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. MORAN. Mr. Speaker, I will.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Allegheny whether or not he is a member of the Committee on Workmen's Compensation?

Mr. MORAN. I am, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, may I request the gentleman from Allegheny to explain to the House just what extended deliberation this bill was exposed to in that Committee, if any?

The SPEAKER. The Chair feels that the gentleman from York knows better than to ask that question. It is clearly out of order.

Mr. HERBERT B. COHEN. Mr. Speaker, may I inquire of the gentleman from Allegheny how many meetings were called by the Chairman of the Committee on Workmen's Compensation?

The SPEAKER. If the gentleman from Allegheny knows.

Mr. HERBERT B. COHEN. If the gentleman knows.

Mr. MORAN. Mr. Speaker, one meeting last week.

Mr. HERBERT B. COHEN. Mr. Speaker, may I inquire of the gentleman from Allegheny for what length of time that Committee met?

Mr. MORAN. In answer to the gentleman from York, Mr. Speaker, I would say that the length of time consumed by the Committee altogether was about forty-five minutes. I would further say that about thirty minutes of that time was consumed by the gentleman from Jefferson, Mr. Wilson, in telling us about his history.

The SPEAKER. The Chair feels that the gentleman from Allegheny took advantage of the situation. The gentleman from Allegheny has been here long enough to know that the deliberations of Committees cannot be revealed on the floor of the House.

Mr. MORAN. I would like to ask whether I am being interrogated by the Speaker or by the minority floor leader.

The SPEAKER. The gentleman from Allegheny, Mr. Moran, of course well knows that he is not being interrogated by the Speaker.

Mr. MORAN. I thank you, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Allegheny whether or not the amendments presently in these bills were discussed by the gentleman from Jefferson with the gentleman from Allegheny prior to their inclusion in the bill?

Mr. MORAN. Mr. Speaker, they were not.

The SPEAKER. The Chair asks the gentleman from York, Mr. Cohen, whether he intended that question to imply that the discussion took place during the meeting of the committee?

Mr. HERBERT B. COHEN. No, Mr. Speaker, prior to the meeting.

Mr. MORAN. It was not.

Mr. Speaker and members of the House, as a member of the Workmen's Compensation Committee, and as a representative of labor, I am very much interested in the Workmen's Compensation Law, and when this meeting was called I had another meeting, a meeting of the Committee on Labor in which very important bills were to be con-

sidered, but I felt that I should go to the Workmen's Compensation Committee and attend that meeting because there were to be certain bills, in fact the bill under discussion now, to be brought up. I went to that meeting a little late. I think on my arrival the Committee had a quorum and I asked Mr. Wilson, the Chairman of that Committee at that time, if he had been approached by any one for a public hearing and he said that nobody had consulted him in regard to a public hearing. He said if they wanted a public hearing and if they would ask him he would give it consideration. I believe that since that time several organizations and probably several individuals have asked Mr. Wilson for a public hearing. Now, Mr. Wilson made the statement a few minutes ago that there would be a public hearing over in the Senate and it would not be necessary to have one in the House, I would like to point out to you members of the House, are we going to stand on our own feet, or are we going to have the Senate tell us what we want to do?

Last night the Speaker ruled that we could not even discuss the Senate. I say to the members of this House that this bill was railroaded out of Committee and the members of that committee did not have any chance to give any consideration to this bill. We should have this bill re-committed for further study and a public hearing.

The SPEAKER. The Chair would inquire of the gentleman from Allegheny, Mr. Moran, if the gentleman from Allegheny is raising a point of order?

Mr. MORAN. Mr. Speaker, I would like to be informed.

The SPEAKER. The gentleman made reference to a ruling of the Chair, and in view of his statement the Chair inquires of the gentleman from Allegheny whether he is raising a point of order?

Mr. MORAN. No, I am not Mr. Speaker.

POINT OF ORDER

Mr. HOLLAND. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Allegheny will state his point of order.

Mr. HOLLAND. Mr. Speaker, under Rule No. 72, can a member of this House, who has a personal or private interest in certain legislation, take an active part on the floor of the House in the passage of that legislation?

The SPEAKER. The Chair feels that the question has been answered many times. It has no application to the present proceeding and the point of order is not well taken.

Mr. HOLLAND. Mr. Speaker, I would ask that the Speaker of the House construe Rule 72 which is in effect in this House, which reads "A member who has a personal or private interest in any measure or bill proposed"—

The SPEAKER. Does what?

Mr. HOLLAND. Mr. Speaker, "or pending before the House shall disclose the fact to the House and shall not vote thereon."

The SPEAKER. We are not voting on the measure.

Mr. HOLLAND. "Shall disclose the fact to the House"—

The SPEAKER. At the time of the voting.

Mr. HOLLAND. We are now voting on the question of a public hearing.

The SPEAKER. We are not voting on the passage of a bill. The gentleman's point of order is not well taken.

Mr. HOLLAND. We are voting on a section.

The SPEAKER. The point of order is not well taken.

Mr. FALKENSTEIN. Mr. Speaker, I desire to interrogate the gentleman from Jefferson, Mr. Wilson.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. WILSON. I shall, Mr. Speaker.

Mr. FALKENSTEIN. Mr. Speaker, I desire to have the Chairman of the Workmen's Compensation Committee state whether or not he has ever called a meeting of that Committee to organize.

Mr. WILSON. Mr. Speaker, the one meeting that we did have was the meeting where we organized and put out these bills. However, for the information of the House, and for the information of the gentlemen who seem to have so much interest in the bills now, I might state that every step that has been taken on this measure has been made known to the majority members of the House, which we feel we have a perfect right to do. The bill was amended in 1935 and in 1937, and the majority members of the Committee at that time were fully aware what this bill was, they were fully aware what the bill contained, and everything has been explained to them.

As I told the gentleman from Allegheny, there was no application made to me for a public hearing except by two persons, and I rather suspect that that request was inspired by the people on the other side. Be that as it may, that was the only request I have had for a public hearing, and I think that the proper arrangements will be made for them to be heard.

Mr. FALKENSTEIN. Mr. Speaker, I desire to ask the members of this House, in pure sportsmanship, to support the motion to recommit this bill for a public hearing, because as a member of that Committee, and as a member of several other Committees which had meetings that morning, I took it for granted that perhaps since this was the first time the Workmen's Compensation Committee was meeting, it was probably a meeting to organize, as you members of the House known in the early part of the session the committees meet and organize and then have their meetings. I was personally interested in this bill and the Committee, but I took it for granted that it would only organize. I didn't have the opportunity to get there, so I do not know anything about what took place. There was one meeting held. They organized and reported bills out. I think it is unsportsmanlike to have one meeting and report a bill of that type out. I think we should be fair and send this bill back for a public hearing.

Mr. JIROLANIO. Mr. Speaker, I would like to interrogate the gentleman from Jefferson, Mr. Wilson.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. WILSON. I shall, Mr. Speaker. We want to extend the gentleman every courtesy.

Mr. JIROLANIO. Mr. Speaker, on page 22 of House Bill 1030, on line 8, are the words, "the elbow and the" and there is a line and the word "elbow" is on the line—that was put back in the act the same as it was before—

Mr. WILSON. If the gentleman means what change does that make in the bill, he will find if he will look at the act, and refer to page—

POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Dauphin will state his point of order.

Mr. WOODSIDE. Mr. Speaker, the gentleman is not speaking on the motion. This is a motion to recommit.

The SPEAKER. The point of order is well taken. The gentleman will confine his remarks to the question on the motion.

PARLIAMENTARY INQUIRY

Mr. JIROLANIO. Mr. Speaker, I rise ta parliamentary inquiry.

The SPEAKER. The gentleman from Northampton will state his parliamentary inquiry.

Mr. JIROLANIO. Mr. Speaker, I would like to know whether or not I can ask the sponsor of this bill what effect a particular clause has in the bill in question?

The SPEAKER. The gentleman cannot under a motion to recommit.

Mr. JIROLANIO. I would like to know from the Chair if the gentleman from Jefferson will agree to put the bill on the postponed calendar for the purpose of a public hearing?

Mr. WILSON. Mr. Speaker, we feel that the dilatory tactics on second reading do not warrant the courtesy that has already been extended to the gentlemen on the other side.

Mr. MORAN. Mr. Speaker, I would like to interrogate the gentleman from Jefferson, Mr. Wilson.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. WILSON. I shall, Mr. Speaker.

Mr. MORAN. Mr. Speaker, I would like to ask the gentleman from Jefferson whether he has had any requests for a public hearing on this bill?

Mr. WILSON. Mr. Speaker, I have just stated that last night I had one request from some railroad men and I am making arrangements for those people to be heard. They will be heard either in the Senate, if the bill passes the House, or they will be heard by me. Arrangements are being made now.

Mr. MORAN. Mr. Speaker, will the gentleman tell the members of the House how we can offer an amendment to the bill, in case he would grant a public hearing and in case it was necessary to amend the bill?

Mr. WILSON. I shall inform the gentleman, Mr. Speaker, how that may be amended. If they have the power to put it back into committee on the second reading, they have the power after second reading. I call attention to the dilatory tactics which occurred last evening and which kept us here for hours, and I say to you that that condition would not have been tolerated for a minute during the Session of 1937. The only reason I am taking up the time in debate is to clear it up and to call attention to those things as to how—

Mr. MORAN. Mr. Speaker, I would like to interrogate the gentleman from Jefferson, Mr. Wilson.

The SPEAKER. Will the gentleman from Jefferson permit himself to be further interrogated?

Mr. WILSON. Mr. Speaker, in view of the fact that the members on this side of the House seem to be opposed to it, I will answer one more question of the gentleman.

Mr. MORAN. I would like to ask the gentleman from Jefferson, Mr. Wilson, due to the fact that this bill has been reported out, and a lot of organizations, especially labor organizations throughout the state have only become aware of the fact recently, and the members have not had a chance to put in a request to Mr. Wilson, whether he is opposed to having the bill recommitted, and whether he will not pass it over until these people have a chance to make their requests and get the requests in for a public hearing?

Mr. WILSON. I will be very glad to consider the matter, Mr. Speaker. Any requests that come to me will receive due consideration. The members on the other side of the House who have known me for a long time, know very well that I will give them every consideration.

Mr. MORAN. Mr. Speaker, I would like to further interrogate the gentleman from Jefferson, Mr. Wilson.

The SPEAKER. Will the gentleman from Jefferson permit himself to be further interrogated?

Mr. WILSON. Mr. Speaker, I am very sorry, in view of the fact that the majority members feel I should not answer any more questions, I cannot answer any more questions.

Mr. MORAN. Mr. Speaker and members of the House, I think it is very unfair to have this bill pass second reading without giving an opportunity for a public hearing, in order that possible amendments may be offered. I think it is very unfair and I ask the members of the House to vote in favor of this public hearing.

Mr. HERBERT B. COHEN. Mr. Speaker, I am not going to prolong the debate. Apparently this resolves itself into a party issue, but there are certain things that surmount party issues.

The gentleman from Jefferson in the course of his interrogation has seen fit to call to the attention of this House the fact that all the amendments to this bill, were discussed with the majority members, they were acquainted with what was happening to the bill, but no Committee meeting was held and no discussion was had with the minority. In view of that fact I must insist that honest legislation requires that this bill should go back for a public hearing. In all my experience in this House, I have never seen such derelicition of Committee obligation as has been testified to by the gentleman from Jefferson. I might state that it is not confined to the gentleman from Jefferson's Committee because the same situation has occurred not once but innumberable times, where the majority members of this House have been receiving information and have been hearing testimony—

POINT OF ORDER

Mr. AUKER. Mr. Speaker I rise to a point of order.

The SPEAKER. The gentleman from Blair will state his point of order.

Mr. AUKER. Mr. Speaker, the gentleman is not speaking on the motion.

The SPEAKER. The point of order is well taken. The gentleman will confine his remarks to the question before the House.

Mr. HERBERT B. COHEN. Mr. Speaker, I am citing this as an example of railroading of legislation that characterizes committees of this House. I can point not only to the example that has been testified to on this bill, but I can point to the method utilized by the Liquor Control

Committee and the Utilities Committee where information was kept by Committee members, and information being part and parcel belongs to the entire committee. If this Commonwealth, if this Legislature, is to run on a committee system the committees should be committees and any information they receive—

POINT OF ORDER

Mr. AUKER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Blair will state his point of order.

Mr. AUKER. Mr. Speaker, the gentleman is not speaking on the motion to recommit this bill to the Committee.

The SPEAKER. The Chair rules that the point of order is well taken.

The Chair feels that the widest possible latitude should be allowed in debate on a matter as important as this, but the Chair feels the question has been discussed and discussed again, and that the gentleman from York should confine himself to the motion before the House.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, my reasons for asking that this bill be recommitted to the Committee are due to the fact that the Committee has not given this bill proper study. I am only speaking on that one single proposition. I call to the attention of the membership of this House that that lack of study characterizes the course of many important Committees of the House, and I say to the gentleman from Jefferson and I say to the Republican members of the House that never in all of my legislative experience have I seen such a situation as exists in relation to this particular bill, where a Committee does not meet for approximately three and one-half months to consider one of the most important bills of this entire session, and but twenty minutes utilized to discuss the bill, and the bill reported out on the floor of the House for consideration.

The gentleman from Jefferson has said that he had not received any requests for a public hearing up until the time this bill came out. Ladies and gentlemen of the House, nobody in the entire Commonwealth of Pennsylvania could conceive that such a bill would come out of committee, and I say that if due deliberation and consideration had been given to this measure even by the majority members of the House, the bill would never have come out on the floor of the House for a vote. I say to the membership of this House that you are now at the turning point of your own legislative career. By voting to keep this bill on the floor of the House, by voting to railroad this bill through, you will all be only "one termers."

Mr. TROUT. Mr. Speaker and members of the House, it is very interesting to hear what the gentleman from York has said as to what took place in the conduct of Committees during this session. I would like to call the attention of the gentleman from York and of the members of the House who were here in 1937, as to what happened at that time in relation to Committee meetings. I have seen Dave Lawrence come into the House caucus room and order out of the Committee every Democratic member. The other members of the committee had to wait until they were all ready to come back.

QUESTION OF INFORMATION

Mr. O'KEEFE. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Allegheny will state his question of information.

Mr. O'KEEFE. Did the Speaker not rule that the proceedings of Committees were not to be discussed on the floor of the House?

The SPEAKER. The Chair did so rule and the gentleman will confine his remarks to the question before the House.

Mr. TROUT. I want to say, Mr. Speaker, that I did not discuss any action that was taken by any Committee. I am discussing and making a statement of what took place before the Committee was in session. I further want to say that those of us who were here in 1937 cannot help but remember that—

QUESTION OF INFORMATION

Mr. O'KEEFE. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Allegheny will state his question of information.

Mr. O'KEEFE. Mr. Speaker, what is the question before the House?

The SPEAKER. The Chair is all but lost as to where it is, and as to what the question is. The Chair feels that the gentleman from York might be better able to advise the gentleman from Allegheny. As the Chair recalls it, there was a motion made to recommit House Bill No. 1030, Printer's No. 534, to the Committee on Workmen's Compensation for the purpose of a public hearing.

POINT OF ORDER

Mr. O'KEEFE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Allegheny will state his point of order.

Mr. O'KEEFE. Mr. Speaker, do the proceedings of a Committee in 1937 have any reference to the question before the House?

The SPEAKER. The Chair feels that in view of the attitude taken by the gentleman from York, Mr. Cohen, that the gentleman from Lancaster, Mr. Trout, is within his rights and is properly making an answer.

Mr. TROUT. Mr. Speaker, I am thoroughly aware of the question before the House. I was going to say that those of use who were here in 1937 have not forgotten the star chamber meeting of committees that were held in the conference room. Time and time again the Chairman of the Democratic party came in and dictated to the men on the various Committees, and you know it. There were meetings of Committees called that no one knew what the bill was until it was laid on the table and told that the administration wants this out, and out it came. Now why in the Sam Hill—

The SPEAKER. The gentleman is out of order.

Mr. TROUT. Mr. Speaker, there isn't any occasion to discuss the things that have been discussed on the floor of this House. I know, and the members of the House know, that there were sub-committees working on various bills. I have had several meetings of my committee, the Committee on Motor Vehicles, of which I think the gentleman from York is a member, and as I recall the gentleman from York did not attend one meeting. The gentleman from York is now complaining that bills have been railroaded out of Committee, when as a matter of fact he has failed to attend any meeting of the Committee, or be present at any meeting of the Committee.

Mr. ACHTERMAN. Mr. Speaker and members of the House, in replying to the gentleman from Lancaster, Mr. Trout, in relation to the conduct of Committee meetings in 1937, may I just make this brief statement: That the Democratic party in 1937 and in 1935 never made any real effort to throttle the members of the House. You members on the other side may laugh this off, but it was possible in 1937 for three members to resolve the House into a committee of the whole. Immediately, when the Republicans came into power, they destroyed that rule and it requires a majority of the members—

The SPEAKER. The Chair feels that the gentleman from Monroe is extending the latitude very, very far.

Mr. ACHTERMAN. Mr. Speaker, I cannot help but realize that we are barred from the question as submitted to the House, but I assumed, Mr. Speaker, that when latitude was extended to the gentleman from Lancaster, Mr. Trout, to discuss the method of the conducting of this House in 1937, that I would be permitted the same latitude in pointing out to the members of this House that debate was possible, that bills could be considered in their entirety and that we no longer made no effort to throttle, where as now we have a perfect example of throttling.

I can understand why the other side of the House is concerned and do not like this point raised, but I say that the people of Pennsylvania who are asking for this hearing, and not the minority group, are entitled to such a hearing. You are not throttling us, Mr. Speaker, you are throttling the people of Pennsylvania and to them you will be given an opportunity to answer.

Mr. SCHROCK. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. Schrock, Stockham, Yeakel, Eckels, VanAllsburg, Boose, Woodside, Habbyshaw, Ackermann, Stewart, Norman Wood, Curran, Cadwalader, Terry, Trout, Royer, Gillette, Muir, Serrill and others.

On the question,

Shall the main question be now put?

The yeas and nays were required by Mr. Moran and Mr. Skale.

The verification of the roll was requested by Messrs. Williams, Baker and Boies.

The roll was verified and was as follows:

YEAS—109

Ackermann,	Fisher,	Lyons,	Sollenberger,
Atkins,	Fiss,	Marr,	Stambaugh,
Auker,	Fleming,	Matthews,	Stewart,
Balliet,	Foor,	McClester,	Stockham,
Bardes,	Freed,	McKinney	Sweeney,
Bennett,	Gillan,	McNally,	Tahl,
Boorse,	Gillette,	McVay	Taylor
Boorse,	Habbyshaw,	Montgomery,	Terry,
Bower,	Haines,	Moser, F. S.,	Thistle,
Bretherick,	Hall	Moser, J. L.	Thompson, G. R.
Bronson,	Hamilton,	Muir,	Tiemann,
Brown, S. W.,	Harbeson,	O'Dare,	Trout,
Brunner,	Henry,	Peale,	VanAllsburg,
Cadwalader,	Hewitt,	Reagan,	Van Belle,
Carpenter,	Hoffman, J. N.,	Reese, D. P.,	Voorhees,
Christler,	Hoyt,	Rhodes,	Wagner,
Clearwater,	Huntley,	Riley	Watkins,
Cook,	James,	Robertson,	Webster,
Cooper,	Johnston,	Rose,	Wilson,
Cordier,	Jones,	Roseberry,	Winner,
Cortese,	Kline,	Royer,	Wood, H. M.,
Curran,	Knoble,	Sarge,	Wood, L. H.,
Dick,	Kowalski,	Schrock,	Wood, N.,
Dix	Krise,	Seif,	Woodside,
Donahue,	Lee,	Serrill,	Yeakel,
Eckels,	Leisey,	Shearer,	Turner,
Ely,	Leydic,	Simons,	Speaker.
Ewing,	Lichtenwalter,		

NAYS—73

Achterman,	Downey,	Malloy,	Rosenfeld,
Allen,	Falkenstein,	Malone,	Rothenberger,
Allmond,	Fauset	McLane,	Sarraf,
Baker,	Finnerty,	Melchiorre	Scanlon,
Balthaser,	Flanagan,	Mihm,	Schrope,
Bohn,	Furman,	Mooney,	Schwab,
Boies,	Harkins,	Moran,	Shaw,
Boney,	Hess,	Munley,	Skale,
Brancato,	Hindman,	O'Connor,	Stank,
Broad,	Hoffman, S. K.,	O'Keefe,	Tarr,
Burns,	Holland,	Ominsky,	Thompson, E. F.,
Burris,	Jirolanio,	O'Neill,	Tronzo,
Check,	Keenan,	Powers,	Walsh,
Chervenak	Kenehan	Preston,	Weiss,
Cohen, H. B.,	Kilroy,	Readinger	Welsh, E. B.,
Cohen, R. E.,	Levy,	Reese, R. E	Welsh, M. J.,
Corrigan,	Long,	Rider,	Westrick,
DeNote,	Lovett,	Rooney,	Williams,

So the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Will the House agree to the motion to recommit?

The yeas and nays were required by Mr. Herbert B. Cohen and Mr. Weiss and were as follows:

YEAS—79

Achterman,	DeNote,	Malloy,	Reynolds,
Allen,	Downey,	Malone,	Rider,
Allmond,	Falkenstein,	McLane,	Rooney,
Andrews,	Fauset,	Melchiorre,	Rosenfeld,
Baker,	Flanagan,	Mihm,	Rothenberger,
Balthaser,	Furman,	Mooney,	Sarraf,
Bohn,	Gates,	Moran,	Scanlon,
Boies,	Gorski,	Munley,	Schrope,
Boney,	Harkins,	O'Brien,	Shaw,
Brancato,	Hess,	O'Connor,	Skale,
Broad,	Hindman,	O'Keefe,	Stank,
Brown, H. S.,	Hoffman, S. K.,	Ominsky,	Tarr,
Burns,	Holland,	O'Neill,	Thompson, E. F.,
Burris,	Jirolanio,	Peacock,	Tronzo,
Check,	Keenan,	Powers,	Walsh,
Chervenak	Kenehan,	Preston,	Weiss,
Cohen, H. B.,	Kilroy,	Readinger,	Welsh, E. B.,
Cohen, R. E.	Levy,	Reese, R. E.	Welsh, M. J.,
Corrigan	Long,	Regan,	Williams,
Dalrymple,	Lovett,		

NAYS—124

Ackermann,	Fisher,	Leisey,	Simons,
Alspach,	Fiss,	Leydic,	Sloan,
Atkins,	Fleming,	Lichtenwalter,	Snyder,
Auker,	Foor,	Lyons,	Sollenberger,
Balliet,	Freed,	Madden,	Stambaugh,
Bardes,	Fullerton,	Marr,	Stewart,
Bennett,	Gillan,	Matthews,	Stockham,
Boorse,	Gillette,	McClester,	Sweeney,
Boose,	Goll,	McGarrity,	Tahl,
Bower,	Habbyshaw,	McKinney,	Taylor,
Boyd,	Haines,	McNally,	Terry,
Bretherick,	Hall,	McVay,	Thistle,
Bronson,	Hamilton,	Montgomery,	Thompson, G. R.,
Brown, S. W.,	Harbeson,	Moser, F. S.,	Tiemann,
Brunner,	Haudenshield,	Moser, J. L.,	Trout,
Cadwalader,	Henry,	Muir,	VanAllsburg,
Calvin,	Hewitt,	O'Dare,	Van Belle,
Carpenter,	Hocke,	Peale,	Voorhees,
Christler,	Hoffman, J. N.,	Reagan,	Wagner,
Clearwater,	Hoyt,	Reese, D. P.,	Watkins,
Cook,	Huntley,	Rhodes,	Webster,
Cooper,	Imbrie,	Riley	Wilkinson,
Cortese,	James,	Robertson,	Wilson,
Curran,	Johnston,	Rose,	Winner,
Denman,	Jones,	Roseberry,	Wood, H. M.,
Dick,	Kane,	Royer,	Wood, L. H.,
Dix,	Kline,	Sarge,	Wood, N.,
Donahue,	Knoble,	Schrock,	Woodside,
Eckels,	Kowalski,	Seif,	Yeakel,
Ely,	Krise,	Serrill,	Turner,
Ewing,	Lee,	Shearer,	Speaker.

So the question was determined in the negative and the motion was not agreed to.

On the question recurring.

Will the House agree to the section?

PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from York will state his parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, my parliamentary inquiry is that my motion to recommit the bill for the purpose of a public hearing was made prior to the reading of section one of the bill. It was made immediately after the bill was called up.

The SPEAKER. The gentleman from York ought to know that before the Chair can entertain any motion, he must have the clerk read section one. The Chair remembers very distinctly that section one was read while the gentleman was endeavoring to be recognized by the Chair.

Mr. HERBERT B. COHEN. I don't wish to disagree with the Chair, but immediately upon the question as to whether the bill was called up, I received recognition and moved that the bill be recommitted for the purpose of a public hearing, section one not having been read.

The SPEAKER. The Chair desires to advise the gentleman from York again that the record shows that the first section was read before the gentleman from York made his motion. The section had not been agreed to. The question then was, Will the House agree to the section? The Chair then again recognized the gentleman from York, Mr. Cohen.

Mr. HERBERT B. COHEN. Mr. Speaker, I wish to interrogate the gentleman from Jefferson, Mr. Wilson.

The SPEAKER. Will the gentleman from Jefferson permit himself to be interrogated?

Mr. WILSON. Mr. Speaker, in view of the fact that there seems to be a concerted effort by the other side to delay and to hold up the work of the people who are trying to prepare this bill, I will answer one or two questions for the gentleman to see whether it is good faith or not, and from then on we will leave it open for debate.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Jefferson the reason for the deletion in section one, page three, line sixteen, beginning with the word "whenever" and including thereafter lines seventeen, eighteen, nineteen, and twenty?

Mr. WILSON. Mr. Speaker, the provision is in these words:

> "Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term 'employer' as applied to partnerships or joint-stock companies or corporations shall mean the partners or the executive officers or local managers thereof."

The words speak for themselves. It was a provision that some of us thought should be taken from the bill. I think that provision was entirely uncalled for and it seems to me it should have been taken out of the bill, and I think practice has so proven.

Mr. HERBERT B. COHEN. Mr. Speaker, may I inquire of the gentleman, does the bill further on in section one remove the criminal responsibility for violation of the act?

Mr. WILSON. Mr. Speaker, in what clause?

Mr. HERBERT B. COHEN. Mr. Speaker, I would ask the gentleman if the bill removes the responsibility for violation of the act?

Mr. WILSON. Mr. Speaker, does the gentleman mean on the part of the employer or on the part of the employe?

Mr. HERBERT B. COHEN. Mr. Speaker, on the part of the employes.

Mr. WILSON. No. Mr. Speaker, I believe not. It is very difficult in a bill of this size to refer to any particular part thereof. There are some particular places in the bill, and without counting it over I do not know just where that provision is, that they are supposed to comply.

Mr. HERBERT B. COHEN. Mr. Speaker, may I inquire of the gentleman from Jefferson whether those words are particularly obnoxious to him and what benefit will accrue to the people of Pennsylvania, whether they be employes or employers, by the deletion of lines sixteen to twenty inclusive on page three?

Mr. WILSON. Mr. Speaker, this is repetition. This provision, it seems to me, is an unjust provision, it may be my own idea, that it should be taken out. The people who run corporations of that sort should not be made personally responsible for something that might happen in that particular. It takes a long time to go over this bill, and if this House wishes to take up the time, I will do so. Far be it from me to say that you should not have the opportunity to ask these questions, but due to the desire of those on this side of the House that this interrogation should not go on, I feel that I am carrying out the wishes of my party in refusing to be further interrogated.

Mr. HERBERT B. COHEN. Mr. Speaker, is there anybody in the House who would acquiesce to an interrogation on this bill? Apparently not, Mr. Speaker.

Mr. Speaker and members of the House, I am wholly unprepared to discuss the demerits of this bill. I think they are so apparent that even a superficial reading, and even relying upon my superficial knowledge of the Workmen's Compensation Law, nevertheless brings me to certain conclusions relative to this bill.

The SPEAKER. The Chair would ask the gentleman from York, does he desire to discuss the bill in its entirety?

If so, the Chair feels that the gentleman should ask to be permitted to discuss the bill in its entirety.

PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from York will state his parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, are we on Section 1 of the bill?

The SPEAKER. Section 1 of the bill has been read.

Mr. HERBERT B. COHEN. Mr. Speaker, is that the section which is about to be agreed to, or not agreed to?

The SPEAKER. That is correct.

Mr. HERBERT B. COHEN. Mr. Speaker, I am discussing section 1 of the bill.

The SPEAKER. The gentleman will proceed.

Mr. HERBERT B. COHEN. Thank you, Mr. Speaker. If you will turn to page three of the bill, you will see that section one hundred four of the bill previously read as follows:

> "The term 'employe' as used in this act is declared to be synonmous with servant and includes
> "(a) All natural persons including minors—"

Now they have taken out of this act the word "minors". I don't know just why they would take the minors out of this section under discussion, but apparently twenty-three years of experience leads one to the conclusion that if a minor is injured you ought to pay compensation. Apparently the Pennsylvania self-insurers do not like to compensate a minor so they take the minors out of the bill which will allow a reduced cost for workmen's compensation.

Then you read a little further and on the same page they take our persons who perform agricultural and domestic service in a private home. Now, the act obviously included minors as well as the possibility of including agricultural service and domestic service in a private home.

The gentleman is whispering. Is that under the rules of cricket?

The SPEAKER. The gentleman will proceed.

Mr. HERBERT B. COHEN. Here we come to a very interesting amendment that has been inserted, where the term 'employe" is defined. This is at the bottom of page three. You say that the term "employe" is amended so that it will not include an individual who is performing service in private homes. The amendment says, "and exclusive of persons to whom articles or materials are given out to be made up cleaned washed altered ornamented finished or repaired or adapted for sale in the worker's own home or on other premises not under the control or management of the employer." Now, that means that an individual who is sending out materials to be worked upon in the home, an employer sending out work for home operation, even though that is somewhat limited after the passage of the 1937 industrial home act which I am surprised has not been the subject of arson similar to the conflagration that this bill is now being exposed to but none the less even in the restricted business of industrial home work, they still wish to deprive the employe who is doing work in the home of compensation for any accident occasioned by being in the service of the employer.

I can easily see that that is going to cut down the workmen's compensation costs, because where an indivdual is in a home performing work on the employer's materials, if that individual happens to get hurt in the performance of that duty, there would be a responsibility for the payment of compensation. However, this takes that out of the act and says to the people who are performing industrial home work "Men and women of Pennsylvania, when you are doing work for your employer in your home, you will not receive compensation for any injuries sustained by you in the course of such employement."

Now, let's see what else I can find. Now we come to page four of the bill, beginning with line five, they take out one whole paragraph, they take out the paragraph which says that volunteer firemen are not included under House Bill No. 1930. Now, why? Because the gallery over there tells me that that is included in another bill, but why the separate bill? I don't know why you take out perfectly good legislation, legislation that even the Supreme Court of the state of Pennsylvania says is alright, why you would take that out of the bill and put it in another bill. Is it possible that having taken it out of this bill, the great authority on workmen's compensation will then say, "We won't pass the other bill?" Now, that is a possibility, but Mr. Wilson shakes his head and says, "No, that wont happen," but if anybody—

The SPEAKER. The Chair being charged with the responsibility of preserving decorum in the House is also charged with the responsibility of the safety of the members. The Chair would ask the gentleman from York not to point that cigar at anybody.

Mr. HERBERT B. COHEN. Mr. Speaker, for the information of the membership of the House, I wish to inform the members that this is not a twelve ball roman candle.

Mr. Speaker, I can't conceive why we should waste the time of the House in discussing legislation that takes provisions out of one bill and puts them in another. I remember when I was chairman of the Joint Legislative Committee, we decided we were going to reduce costs, and we were going to reduce costs by reducing printing costs, but look what you men are doing to the state of Pennsylvania by taking out of a bill a perfectly constitutional section and then having Bill No. 1302 printed, the cost of which may be five hundred dollars, six hundred dollars, seven hundred dollars, eight hundred dollars or one thousand dollars. I can only say if you are doing that, you are doing it possibly because you are not going to pass Bill No. 1302, with the result that the volunteer firemen will not receive workmen's compensation when they are answering their call to duty, hurrying to a fire to put out the conflagration. I think it would be a good idea to leave in this bill the volunteer firemen, because they are the first ones that should be called to put out this bonfire of legislation that is now burning the protection of the people of the Commonwealth, but it will save Pennsylvania self-insurers some dough, it will save possibly some municipalities some money; it will allow insurance companies writing workmen's compensation insurance on municipalites to restrict their liability and thereby possibly get a larger percentage of profit on the underwriting, so they say, "We will take them out of this bill and we will put them in another bill."

Apparently on the defintions they are quite satisfied until they come to the section on page 5 which states:

> "Minors shall have the same power to contract file claims for compensation and receive compensation as adult employees, subject however to the power of the board and its discretion at any time to require the appointment of a guardian to contract or to receive moneys thereunder or under an award for the benefit of any such minor. Any minor employed by his parent or parents shall have the right to file a claim for compensation under this act against such parent or parents in his own name and in his own right and to enforce the payment of such compensation."

Now, they have taken out that section and by so doing they say that there is a possibility that at the first inception of a compensation claim, a minor will not have the right, will not have the contractural responsibility to enter suit or to proceed in an effort to collect compensation awards which the minor is entitled to. Why they do that can easily be that it must be the result of the fact that if a minor were restricted in the prosecution of his claim, it would mean that there would be less possibility of his obtaining a compensation award, with the attending decrease in the cost to the Pennsylvania self insurers and to the insurance companies that write Workmen's Compensation.

That applies to the definition. We see in the application of the definition that only on a few articles have they taken out the possibility of domestic and agricultural employees being compensated. They have relieved the employer from criminal responsibility for failing to do his duty under the act; they have excluded the people in industrial home work; they have excluded volunteer firemen and they have excluded the right of minors to prosecute their claims when injured, in their own right.

Now, we come, after that short discussion into the definition of the act, to the problem—well, first, we have the section "Damages by action at law" and apparently there is not much excitement in that respect. They take out an entire page, page 6. They take out the .1 section of section 201, which reads as follows:

"In any action brought to recover damages for personal injury to an employee in the course of his employment or for death resulting from such injury the following legal presumption of the rules for admitting certain evidence and the amount of damages which can be recovered shall apply.

"(a) When injury results to an employe in the course of his employment it shall be presumed that the employer's negligence caused said injury which presumption may be rebutted by the employer and both the injured employe and the employer will be permitted to introduce testimony showing the cause of said injury. The final determination in all cases shall be a question of fact for the jury.

"When an employe sustains an injury in the course of his employment declarations remarks and utterances made by the injured employe within twelve hours after the injury was sustained shall be admissible as competent evidence.

"If the jury finds that the employe's injury was caused or contributed to by the employer's violation or failure to observe any safety law or regulation in effect at the time of the injury the injured employe or his dependents shall be entitled to double damages."

Now, look at this new part of the bill dealing with the definition. The gentleman who gave birth to this malformation says that if an employe does not abide by the safety rules that employe cannot secure compensation, and then they say that if the employer fails to maintain the proper safety appliances, there is no additional responsibility placed upon the employer. Now, if there ever was a section of a bill that definitely shows to the membership of this House the background that went into the development of these particular amendments, you can gather from just a cursory study of the bill on that question. I won't prolong my debate on it. I want you to study it. I want you to take it back to the citizens and tell them what a great guy you are. If an employe violates the safety rules, he won't get compensation, and if an employer violates the safety rules he will not have to pay the normal amount.

I am going to check upon each and every one of you in the November election of 1940 and find out if you told your constituents what great legislators you are, how you protected the interests of the working men and women in your community. That was paragraph c. I am taking this in the reverse order, because we will start bad and we will get a little worse.

Now, we will take section (b).

"When an employe sustains an injury in the course of his employment declarations remarks and utterances made by the injured employe within twelve hours after the injury was sustained shall be admissible as competent evidence."

The originator of this peculiar malformed, disformed, and uninformed brain child is now saying that an employe should not be given the benefit of those particular evidence rules in the prosecution of his claim.

(a) I don't know much about, but nevertheless I will attempt to discuss it and it read as follows:

"(a) When injury results to an employe in the course of his employment it shall be presumed that the employer's negligence caused said injury which presumption may be rebutted by the employer and both the injured employe and the employer will be permitted to introduce testimony showing the cause of said injury. The final determination in all cases shall be a question of fact for the jury."

Oh yes! Yes, let us take this: this Compensation Law has said up to the present time, the mere fact that you have an injury there is a presumption that the injury was occasioned by the negligence of the employer. In fact the question of negligence never arises in Workmen's Compensation, but be that as it may, it is put in here.

Now, we will pass a lot and we are now at page 7 of 81 pages. Nothing was done to Section 202 of the original act, and that must have been alright.

Section 203 reads:

"An employer who permits a sub-contractor or employe to engage another in whole or in part in services furthering the employer's regular business entrusted to such employe or sub-contractor shall be liable to the employe so engaged in the same manner and to the same extent as to his own employe whether said injury occurred from premises occupied or controlled by the employer or not provided only that the injury occurred in the course of employment."

Now, the gentleman knows that prior to 1937, a sub-contractor was not responsible to the employer. This bill now says that an employer must see that his sub-contractor carries Workmen's Compensation insurance, but that the employer will be responsible to the sub-contractor for the injury sustained by an employee working for the sub-contractor even though the employe was not working at the time on the employer's premises. Now, that must go out and in its place they say

"An employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor for the performance upon such premises of a part of the employer's regular business entrusted to such employe or contractor shall be liable to such laborer or assistant in the same manner and to the same extent as to his own employe."

Let me just cite you an example. I want to build a house and I need a contractor, so I employ a contractor and now, the general contractor needs a plumber—are there any plumbers in the House? Mr. Bretherick decides he is going to be a plumber. Now, the sub-contractor doing the plumbing, employs an employe and his employe gets mashed up going to the job, somehow driving his automobile, gets some injury. Now, the general contractor should have Workmen's Compensation insurance, and under the act as previously drawn, when Mr. Bretherick's employe was injured, if he did not have Workmen's Compensation insurnace, why then he, Bretherick's employe could look to Furman, as the general contractor. Under the act as previously drawn, the only time a sub-contractor's employe could look for compensation is where the injury occurred on the premises of the general contractor. Is that right, Mr. Wilson?

Mr. WILSON. That's right, and that was unconstitutional.

Mr. HERBERT B. COHEN. Mr. Wilson said I was right, and he said that what was in before was unconstitutional. Who said it was unconstitutional?

Mr. WILSON. The Supreme Court.

Mr. HERBERT B. COHEN. Only the Supreme Court of the state of Pennsylvania.

Now, we come to page 8. They didn't do anything to Section 204, but they did to Section 301. We now come to the problem of "Elective Compensation," and let us see what has been done to that.

> "Section 301 (a) When employer and employe shall by agreement either express or implied as hereinafter provided accept the provisions of article three of this act compensation for personal injury to or for the death of any such employe by an accident in the course of his employment shall be paid in all cases by the employer without regard to negligence according to the schedule contained in sections three hundred and six and three hundred and seven of this article provided that no compensation shall be paid when the injury or death is intentionally self inflicted."

Now, that hasn't been changed. Here comes the amendment:

> "Or is caused by the employe's wilful disobedience of orders, rules or regulations adopted by the employer for the protection of the safety of persons employed and the preservation of property or is caused by the employe's wilful failure or refusal to use a reasonable safety appliance provided for him or is caused by the employe's violation of law."

Now, members of the House, that part that I read with emphasis says to the employe, "Mr. Employe here are goggles that you should wear when you are welding, here are goggles that you should wear when you are cutting stone, and here is a safety belt that you should wear when you are climbing up a pole, and here are a million and one things. Now, wear them, because if you are injured without having those goggles, without having that safety belt on, without having any of the safety appliances"—that sometimes makes it impossible for an employe to perform his work "If you are injured without any of those appliances on, you are not entitled to Compensation."

Mr. WILSON. That was just decided by the Supreme Court also.

Mr. HERBERT B. COHEN. The employe cannot under those circumstances receive compensation. Now, you men, know the difficulties with which individuals are confronted in the utilization of all these safety appliances. This act says to the employe, "Either you have them on or you don't get compensation." Is that right, Mr. Wilson? Mr. Wilson nods his head.

Now, paragraph b of section 301 reads: "The right to receive compensation under this act shall not be affected by the fact that a minor (is employed by his parent or parents)—they took that out—a minor employed by his parents under this act as now drawn cannot receive compensation; is that right, Mr. Wilson?

Mr. WILSON. No.

Mr. HERBERT B. COHEN. I just want to show you how that works. For example, I am an insurance company and I am insuring Mr. Wilson, carrying his workmen's compensation. I will go over Mr. Wilson's books and determine how much money he is paying out in salaries. The next step is to ascertain how much Mr. Wilson's rate should be for the particular type of wo he is doing, and the rating board sits down and they fi out that it should be three per cent of the wages. T insurance company goes down and they will check up the salaries paid by Mr. Wilson and they will say, "Yo workmen's compensation premium is now three per ce of all the salaries you are paying," but if perchange is employing his son who is a minor, although the insu ance company would asses Mr. Wilson's son's wages part of the compensation, they will not pay him insu ance in case the minor is injured. Mr. Wilson shakes h head, and I will have the stenographer note on the reco that Mr. Wilson shakes his head, no. I still think I a right.

Now, it goes on further, but be that as it may, a min working for his parents under this act now could not r cover workmen's compensation. Is that right?

Mr. WILSON. That's correct.

Mr. HERBERT B. COHEN. Mr. Wilson shakes his hea yes. Paragraph b of Section 301 goes on further and state

> "or that any minor or other employe on account of whose injury or death the benefits are claimed was violating any law or rule or regulation of the business or industry or a positive order of the employer at the time of the injury except that no minor or employe shall be entitled to receive compensation under this act who at the time of injury was engaged in the commission of a felony."

Mr. STOCKHAM. Mr. Speaker, to save the tonsils the gentleman from York, I move the previous questio

Mr. HERBERT B. COHEN. Mr. Speaker, I did not yie the floor. I still have the floor and the only reason f the surrender of the floor would be the raising of a poi of order, which could not be done by the gentleman fro Bucks.

The SPEAKER. The Chair will read for the informa tion of the gentleman from York, and for the informatio of the House, Rule 64:

> "No member when speaking shall be interrupted, except by a call to order by the Speaker, or by a member to explain, or by a motion for the previous question; nor shall any member be referred to by name in debate, unless for transgression of the rules of the House and then by the Speaker only."

The motion was seconded by Messrs. Schrock, Van All burg, Boose, Yeakel, Eckels, Ackermann, Stewart, Norma Wood, Curran, Cadwalader, McKinney, Watkins, Henr Kane, Hall, Alspach, Rose, Atkins, James, Denma Bretherick, Peale and others.

On the question,

Will the main question be now put?

PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to parliamentary inquiry.

The SPEAKER. The gentleman from York will sta his parliamentary inquiry.

CONSTITUTIONAL INQUIRY

Mr. HERBERT B. COHEN. I withdraw my parli mentary inquiry, Mr. Speaker, and raise a constitution inquiry.

The SPEAKER. The gentleman will state his const tutional inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, the bill n

having been read at length, is this House in a position to vote upon the main question?

The SPEAKER. The Journal shows that the first section was read, and the main question is on the agreement to Section 1.

Mr. HERBERT B. COHEN. Mr. Speaker, I raise a further constitutional inquiry.

The SPEAKER. The gentleman will state his constitutional inquiry.

Mr. HERBERT B. COHEEN. I quote from Rule forty-two:

"Every bill and every joint resolution shall be read at length on three different days. All amendments made thereto shall be printed for the use of the members before the final vote is taken thereon and no bill shall become a law and no such resolution be adopted unless, on its final passage, the vote is taken by yeas and nays. The names of the persons voting for and against the same shall be entered on the Journal, and a majority of the members elected be recorded thereon as voting in its favor, as required by the Constitution, Article III, Section 4."

Now, Mr. Speaker, I submit to the members of the House that even though the Journal might indicate that the bill was read at length, I submit that this bill has not been read—

The SPEAKER. The gentleman from York will yield. The gentleman is out of order.

Does the gentleman desire to state a parliamentary inquiry? There is nothing before the House but the question on whether the main question shall now be put.

PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, where the record of the Journal of the House incorrectly indicates that the bill has been read at length, even though the bill has not been so read, can the bill constitutionally be passed?

The SPEAKER. The Journal does not so indicate.

Mr. HERBERT B. COHEN. Mr. Speaker, my inquiry is directed to the fact that where the Journal does indicate that the bill has been read but in reality the bill has not been read at length in the House, can the bill constitutionally be passed?

The SPEAKER. The Journal does not so indicate.

Mr. HERBERT B. COHEN. Will the Speaker have the Journal Clerk read the action on the bill up to this point?

The SPEAKER. The Chair feels that the question of the gentleman is out of order. There is nothing before the House but the question on whether the main question shall now be put. The Chair has allowed considerable latitude for the gentleman's questions of parliamentary inquiry, but there is nothing in order but the question on the motion of the gentleman from Bucks, shall the main question be now put.

MOTION TO LAY ON THE TABLE

Mr. HERBERT B. COHEN. Mr. Speaker, I move you that the motion of the gentleman from Bucks, Mr. Stockham, be laid upon the table.

The SPEAKER. The motion is out of order. His motion cannot be entertained. There is nothing before the House except the question on the motion of the gentleman from Bucks who moved the previous question. That motion cannot be laid upon the table.

On the question recurring,

Shall the main question be now put?

The yeas and nays were required by Mr. Herbert B. Cohen and Mr. Ominsky and were as follows:

YEAS—113

Ackermann,	Fiss,	Krise,	Serrill,
Alspach,	Fleming,	Lee,	Shearer,
Atkins,	Foor,	Leisey,	Simons,
Auker,	Freed,	Leydic,	Sloan,
Balliet,	Fullerton,	Lichtenwalter,	Sollenberger
Bardes,	Gillan,	Lyons,	Stewart,
Boorse,	Gillette,	Marr,	Stockham,
Boose,	Goll,	Matthews,	Sweeney,
Bretherick,	Habbyshaw,	McClester,	Taylor,
Bronson,	Haines,	McKinney,	Terry,
Brown, S. W.,	Hall,	McVay,	Thistle,
Brunner,	Hamilton,	Montgomery,	Thompson, G. R.,
Cadwalader,	Harbeson,	Moser, F. S.,	Tiemann,
Carpenter,	Haudenshield,	Moser, J. L.,	Trout,
Christler,	Henry,	Muir,	VanAllsburg,
Clearwater,	Hewitt,	O'Dare,	Voorhees,
Cook,	Hocke,	Peale,	Wagner,
Cooper,	Hoffman, J. N.,	Reagan,	Watkins,
Cordier,	Hoyt,	Reese, D. P.,	Webster,
Cortese,	Huntley,	Rhodes,	Wilkinson,
Curran,	Imbrie,	Riley,	Wilson,
Denman,	James,	Robertson,	Winner,
Dick,	Johnston,	Rose,	Wood, H. M.,
Dix,	Jones,	Roseberry,	Wood, L. H.,
Donahue,	Kane,	Royer,	Wood, N.,
Eckels,	Kline,	Sarge,	Woodside,
Ely,	Knoble,	Schrock,	Yeakel,
Ewing,	Kowalski,	Self,	Turner,
Fisher,			Speaker.

NAYS—54

Achterman,	Downey,	McLane,	Regan,
Allen,	Fauset,	Melchiorre,	Reynolds,
Allmond,	Finnerty,	Mihm,	Rider,
Baker,	Furman,	Mooney,	Rosenfeld,
Balthaser,	Gorski,	Moran,	Rothenberger,
Bohn,	Hess,	Munley,	Scanlon,
Boles,	Hindman,	O'Connor,	Schrope,
Boney,	Hoffman, S. K.,	O'Keefe,	Skale,
Brancato,	Holland,	Ominsky,	Walsh,
Broad,	Keenan,	O'Neill,	Weiss,
Burns,	Kenehan,	Powers,	Welsh, E. B.,
Check,	Kilroy,	Preston,	Welsh, M. J.,
Chervenak,	Levy,	Reese, R. E.,	Williams,
Cohen, H. B.,	Malloy,		

So the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Will the House agree to the section?

PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, will the Chair ask the Journal Clerk to read to the House the Journal indicating whether or not the bill is now in position for agreement on the first section thereof?

The SPEAKER. The Chair will ask the Journal Clerk to read the Journal.

(The Journal was read by the Clerk.)

CONSTITUTIONAL INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a constitutional inquiry.

The SPEAKER. The gentleman from York will state his constitutional inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, the Journal shows that the bill has been read, but does not show that Section 1 was read at length as provided by Article III, Section 4 of the Constitution. Can the bill be properly acted upon by the membership of this House in conformity with said article of the Constitution?

The SPEAKER. The Journal does not show that the bill was read. The Journal shows that Section 1 was read.

Mr. HERBERT B. COHEN. Mr. Speaker, Article III, Section 4 of the Constitution provides that the bill must be read at length on three different days. The Journal shows that Section 1 was read but does not show that the Section was read at length. I inquire whether failure to read Section 1 at length enables the House to vote on the section in conformity with the Constitution?

The SPEAKER. The Chair rules that the Journal shows that the section was read. That can mean nothing else than that the section was read at length. The record having been made, the House cannot go behind the record. There is nothing in order now but agreement on the main question, which was agreement as to Section 1. The Chair will not further recognize the gentleman from York, Mr. Cohen, and the Clerk will call the roll.

APPEAL FROM RULING OF CHAIR

Mr. HERBERT B. COHEN. Mr. Speaker, I appeal from the ruling of the Chair.

The SPEAKER. The Chair is of opinion that the only thing before the House is the main question, and that is agreement to Section 1.

PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I raise a further parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, the Chair having entertained the question of parliamentary inquiry and the question of constitutionality having been raised from the floor, even after acquiescence by the House on the motion for the previous question, an appeal having been taken from the ruling of the Chair, is that appeal not in order, the Chair having entertained the question of constitutionality?

The SPEAKER. The question raised by the gentleman from York, Mr. Cohen, was a parliamentary inquiry made to the Speaker, from which there is no appeal. The Chair desires to read from Jefferson's Manual:

> "The right of appeal insures the House against the arbitrary control of the Speaker and cannot be taken away from the House; but appeals may not be entertained from responses to parliamentary inquiry."

The gentleman, therefore, is out of order.

POINTS OF ORDER

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The Chair has extended every courtesy to which he feels the gentleman from York and those who have put these questions are entitled.

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to point of order.

The SPEAKER. The Chair has repeatedly said t there is nothing before the House but the calling of roll.

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to point of order, which is always in order.

The SPEAKER. The Clerk will call the roll.

The yeas and nays were required by Mr. Herbert Cohen and Mr. Reuben E. Cohen.

A verification of the roll was requested by Mess Herbert B. Cohen, Ominsky and Hess.

The roll was verified and was as follows:

YEAS—130

Ackermann,	Fisher,	Levy,	Serrill,
Alspach,	Fiss,	Leydic,	Shearer,
Atkins,	Fleming,	Lichtenwalter,	Simons,
Auker,	Foor,	Lyons,	Sloan,
Balliet,	Freed,	Madden,	Snyder,
Bardes,	Fullerton,	Marr,	Sollenberger,
Bennett,	Gates,	Matthews,	Stambaugh,
Boorse,	Gillan,	McClester,	Stewart,
Boose,	Gillette,	McGarrity,	Stockham,
Bower,	Goll,	McKinney,	Sweeney,
Boyd,	Habbyshaw,	McNally,	Tahl,
Bretherick,	Haines,	McVay,	Taylor,
Bronson,	Hall,	Montgomery,	Terry,
Brown, S. W.,	Hamilton,	Moser, F. S.,	Thistle,
Brunner,	Harbeson,	Moser, J. L.,	Thompson, G.
Cadwalader,	Haudenshield,	Muir,	Tiemann,
Calvin,	Henry,	O'Dare,	Trout,
Carpenter,	Hewitt,	O'Keefe,	VanAllsburg,
Christler,	Hocke,	Peacock,	Van Belle,
Clearwater,	Hoffman, J. N.,	Peale,	Voorhees,
Cook,	Hoyt,	Reagan,	Wagner,
Cooper,	Huntley,	Reese, D. P.,	Watkins,
Cordier,	Imbrie,	Reynolds,	Webster,
Cortese,	James,	Rhodes,	Wilkinson,
Curran,	Johnston,	Riley,	Wilson,
Dalrymple,	Jones,	Robertson,	Winner,
Denman,	Kane,	Rose,	Wood, H. M.,
Dick,	Kline,	Roseberry,	Wood, L. H.,
Dix,	Knoble,	Royer,	Wood, N.,
Donahue,	Kowalski,	Sarge,	Woodside,
Eckels,	Krise,	Schrock,	Yeakel,
Ely,	Lee,	Seif,	Turner,
Ewing,	Leisey,		Speaker.

NAYS—48

Achterman,	Chervenak,	Kenehan,	Schrope,
Allen,	Cohen, H. B.,	Lovett	Skale,
Allmond,	Downey,	Malloy,	Stank,
Andrews,	Fauset	McLane,	Tarr,
Baker,	Finnerty,	Mooney,	Thompson, E.
Bohn,	Furman,	O'Connor,	Tronzo,
Boies,	Harkins,	Ominsky,	Walsh,
Boney,	Hess,	Powers,	Weiss,
Brancato,	Hindman,	Readinger,	Welsh, E. B.,
Broad,	Holland,	Reese, R. E.	Welsh, M. J.,
Burns,	Jirolanio,	Rider,	Westrick,
Check,	Keenan,	Rooney,	Williams,

So the question was determined in the affirmative a Section 1 was agreed to.

MOTION TO RECESS

Mr. WOODSIDE. Mr. Speaker, I move that this Hou do now recess until 8 o'clock E. S. T.

On the question,

Will the House agree to the motion?

MOTION TO AMEND

Mr. HERBERT B. COHEN. Mr. Speaker, I move th the motion of the gentleman from Dauphin be amend by striking out the word, "recess", and inserting in li

ereof the word "adjournment", and by striking out the me and inserting "May 3, 1939, at 1 p. m. Eastern Standd Time".

The SPEAKER. The Chair requests that the motion the gentleman from York be in writing.

MOTION TO ADJOURN

Mr. HERBERT B. COHEN. Mr. Speaker, I ask the indulgence of the Chair. I withdraw my amendment.

I move that the House do now adjourn until Wednesday, May 3, 1939, at 1 o'clock p. m. Eastern Standard Time.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. Herbert B. Cohen and Mr. Hess and were as follows:

YEAS—75

Achterman,	Falkenstein,	McLane,	Rooney,
Allmond,	Fauset	Melchiorre,	Rosenfeld,
Baltbaser,	Finnerty,	Mihm,	Rothenberger.
Bohn,	Flanagan,	Mooney,	Sarraf,
Boles,	Furman,	Moran,	Scanlon,
Boney,	Gorski,	Munley,	Schrope,
Brancato,	Harkins,	O'Brien,	Schwab,
Broad,	Hess,	O'Connor,	Shaw,
Brown, H. S.,	Hindman,	O'Keefe,	Skale,
Burns,	Hoffman, S K.,	Ominsky,	Stank,
Burris,	Holland,	O'Neill,	Tarr,
Check,	Keenan,	Powers,	Thompson, E. F.,
Chervenak,	Kenehan,	Preston,	Tronzo,
Cohen, H. B.,	Kilroy,	Readinger,	Walsh,
Cohen, R. E.,	Levy,	Reese, R. E.,	Weiss,
Corrigan,	Long,	Regan,	Welsh, E. B.,
DeNote,	Lovett,	Reynolds,	Welsh, M. J.,
Donohoe,	Malloy,	Rider,	Westrick,
Downey,	Malone,		Williams,

NAYS—126

Ackermann,	Ewing,	Lee,	Simons,
Allspach,	Fisher,	Leisey,	Sloan,
Atkins,	Fiss,	Leydic,	Snyder,
Auker,	Fleming,	Lichtenwalter,	Sollenberger,
Balliet,	Foor,	Madden,	Stambaugh,
Bardes,	Freed,	Marr,	Stewart,
Bennett,	Fullerton,	Matthews,	Stockham,
Boorse,	Gillan,	McClester,	Sweeney,
Boose,	Gillette,	McGarrity,	Tahl,
Bower,	Goll,	McKinney,	Taylor,
Boyd,	Habbyshaw,	McNally,	Terry,
Bretherick,	Haines,	McVay,	Thistle,
Bronson,	Hall,	Montgomery,	Thompson, G. R.,
Brown, S. W.,	Hamilton,	Moser, F. S.,	Tiemann,
Brunner,	Harbeson,	Moser, J. L.,	Trout,
Cadwalader,	Haudenshield,	Muir,	VanAllsburg,
Calvin,	Henry,	O'Dare,	Van Belle,
Carpenter,	Hewitt,	Peacock,	Voorhees,
Christler,	Hocke,	Peale,	Wagner,
Clearwater,	Hoffman, J, N.,	Reagan,	Watkins,
Cook,	Hoyt,	Reese, D. P.,	Webster,
Cooper,	Huntley,	Rhodes,	Wilkinson,
Cordier,	Imbrie,	Riley,	Wilson,
Cortese,	James,	Robertson,	Winner,
Curran,	Jirolanio,	Rose,	Wood, H. M.,
Dalrymple,	Johnston,	Roseberry,	Wood, L. H.,
Denman,	Jones,	Royer,	Wood, N.,
Dick,	Kane,	Sarge,	Woodside,
Dix,	Kline,	Schrock,	Yeakel,
Donahue,	Knoble,	Seif,	Turner,
Eckels,	Kowalski,	Serrill,	Speaker.
Ely,	Krise,	Shearer,	

So the question was determined in the negative and the motion was not agreed to.

RECESS

Mr. WOODSIDE. Mr. Speaker, I renew my motion that this House do now take a recess until 8 p. m. Eastern Standard Time.

The motion was agreed to.

AFTER RECESS

The House reconvened at 8 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

The SPEAKER. By reason of the absence of the Democratic leadership, if there be no objection, the Chair will pass over Bill 1030. The Chair hears none.

SENATE MESSAGES

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 576.

An Act to further amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" as amended extending the time during which application may be filed for veterans' compensation

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 483.

An Act providing for the appointing of deputy controllers in cities of the second class A and prescribing their powers and duties

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 567.

An Act to amend section one of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 275) entitled "An act fixing the salary of sheriffs in counties of the eighth class providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county and prescribing penalties" increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties

HOUSE BILL No. 386.

An Act to amend section four hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended providing that boards of school directors may become members of the State School Directors Association and bear a proportionate part of the expenses of such association

HOUSE BILL No. 632.

An Act to amend section ten of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 1011), entitled "A supplement to an act entitled 'An act for the government of cities of the second class,' approved the seventh day of March, Anno Domini one thousand nine hundred and one, creating a department of city planning; providing for its organization and powers; regulating the platting of ground; prohibiting the recording of plans and sales of lots therein before their approval, under penalties; making it a misdemeanor for the recorder of deeds to record an unapproved plan; restricting accepting, laying out, opening and improving private streets; prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat; transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land, the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same, the preparation and compilation of an official street map; providing penalties for the violation of this act; and repealing certain statutes," further defining the powers of the planning commission in cities of the second class.

HOUSE BILL No. 373.

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon the profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation

HOUSE BILL No. 378.

An Act to amend paragraph (d) of section twenty-eight of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' courts in all matters relating to fiduciaries concerned with the estates of decedents" authorizing surviving acting or remaining testamentary trustees to act in respect to real estate left to them to be sold or which they are authorized or directed to sell.

HOUSE BILL No. 358.

An Act to amend section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 388), entitled "An act relating to the jurisdiction, powers, and procedure of the orphans' court and the court of common pleas as to sales, mortgages, conveyances on ground-rent, leases, extinguishment of ground-rents, partition, exchange, squaring and adjusting of lines between adjoining owners, consolidation and combination of mining lands and the leasing thereof, the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands, and the subdivision of premises so as to command the highest price or greatest rents, and, for such purpose, the laying out or dedication of roads, streets, and alleys, or the vacation of such as have not been accepted by the public authorities, where the court shall be of opinion that such decree will be to the interest and advantage of all those interested; and where the legal title is held by minors, lunatics habitual drunkards, or weak-minded persons. a married person whose spouse is a lunatic, or has abandoned him or her for one year or has been absent and unheard of for seven years; by corporations having no capacity to convey or by any unincorporated association, by any religious, beneficial, or charitable society or association, incorporated or unincorporated, and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law; by a corporation, or individual or individuals; and is subject to a trust of any description whatever; by any person as to whom a presumption of death may have arisen, or any interest wherein is held by any person under legal disability to dispose thereof; where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record, contingent remainders, executory devises, or remainders to a class, some or all of whom may not be in being or ascertained; where estates shall have been devised or granted for special or limited purposes, where there is a power of sale but the time may not have arrived for its exercise, any preliminary act may not have been done to bring it into exercise, the time limited for its exercise may have expired, or any one or more persons required to consent or join in its exercise may be non compos mentis, have removed out of the State, have died, refuse to act, unreasonably withhold consent, or be absent and unheard of; where there has been or shall be a defective appointment in any deed or will, and the necessary power is not given to the executor, devisee, or appointee to make sale and conveyance; where a trust has been created, and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm; and to the effects of such decrees," by conferring on the orphans' court concurrent jurisdiction with the court of common pleas in certain cases.

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 483.

An Act providing for the appointing of deputy controllers in cities of the second class A and prescribing their powers and duties

HOUSE BILL No. 576.

An Act to further amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" as amended extending the time during which application may be filed for veterans' compensation

HOUSE BILL No. 358.

An Act to amend section one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 388) entitled "An act relating to the jurisdiction powers and procedure of the orphans' court and the court of common pleas as to sales mortgages conveyances on ground-rent leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by an unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest where is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devises or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may not have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non compos mentis have removed out of the State have died refuse to act unreasonably withhold consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" by conferring on the orphans' court concurrent jurisdiction with the court of common pleas in certain cases.

HOUSE BILL No. 373.

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income; and repealing inconsistent legislation.

HOUSE BILL No. 378.

An Act to amend paragraph (d) of section twenty-eight of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereup by or against fiduciaries investments by fiduciaries the organization or corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" authorizing surviving acting or remaining testamentary trustees to act in respect to real estate left to them to be sold or which they are authorized or directed to sell.

HOUSE BILL No. 386.

An Act to amend section four hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended providing that boards of school directors may become members of the State School Directors Association and bear a proportionate part of the expenses of such association.

HOUSE BILL No. 567.

An Act to amend section one of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 275) entitled "An act fixing the salary of sheriffs in counties of the eighth class providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county and prescribing penalties" increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties.

HOUSE BILL No. 632.

An Act to amend section ten of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 1011) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March Anno Domini one thousand nine hundred and one creating a depart-

ment of city planning providing for its organization and powers regulating the platting of ground prohibiting the recording of plans and sales of lots therein before their approval under penalties making it a misdemeanor for the recorder of deeds to record an unapproved plan restricting accepting laying out opening and improving private streets prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same the preparation and compilation of an official street map providing penalties for the violation of this act and repealing certain statutes" further defining the powers of the planning commission in cities of the second class

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 268.

An Act to add section six hundred and two and one-tenth to article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" further regulating the sale of unused and unnecessary land and buildings by boards of school director.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 5, line 1, by striking out the words "for general school purposes and not exclusively"; also same page, line 3, by inserting after the word "indebtedness" the words "or for the purpose of capital outlay."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Eckels,	Leydic,	Royer,
Ackermann,	Ely,	Lichtenwalter,	Sarge,
Allen,	Ewing,	Long,	Sarraf,
Allmond,	Falkenstein,	Lovett,	Scanlon,
Alspach,	Fauset,	Lyons,	Schrock,
Andrews,	Finnerty,	Madden,	Schrope,
Atkins,	Fisher,	Malloy,	Seif,
Auker,	Fiss,	Malone,	Serrill,
Baker,	Flanagan,	Marr,	Shaw,
Balliet,	Fleming,	Matthews,	Shearer,
Balthaser,	Foor,	McClester,	Simon,
Bardes,	Freed,	McGarrity,	Skale,
Bennett,	Fullerton,	McKinney,	Sloan,
Bohn,	Furman,	McLane,	Snyder,
Boles,	Gates,	McNally,	Sollenberger,
Boney,	Gillan,	McVay,	Stambaugh,
Boorse,	Gillette,	Melchiorre,	Stank,
Boose,	Goll,	Mihm,	Stewart,
Bower,	Gorski,	Montgomery,	Stockham,
Boyd,	Habbyshaw,	Mooney,	Sweeney,
Brancato,	Haines,	Moran,	Tahl,
Bretherick,	Hall,	Moser, F. S.,	Tarr,
Broad,	Hamilton,	Moser, J. L.,	Taylor,
Bronson,	Harbeson,	Muir,	Terry,
Brown, H. S.,	Haudenshield,	Munley,	Thistle,
Brown, S. W.,	Henry,	O'Brien,	Thompson, E. F.,
Brunner,	Hess,	O'Connor,	Thompson, G. R.,
Burns,	Hewitt	O'Dare,	Tiemann,
Burris,	Hindman,	O'Keefe,	Trout,
Cadwalader,	Hocke,	Ominsky,	Van Allsburg,
Calvin,	Hoffman, J. N.,	O'Neill,	Van Belle,
Carpenter,	Hoffman, S. K.,	Peacock,	Voorhees,
Check	Holland,	Peale,	Wagner,
Chervenak,	Hoyt,	Powers,	Walsh,
Christler,	Huntley,	Preston,	Watkins,
Clearwater,	Imbrie,	Readinger,	Webster,
Cohen, H. B.,	James,	Reagan,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, D. P.,	Welsh, E. B.,
Cook,	Johnston,	Reese, R. E.	Welsh, M. J.,
Cooper,	Jones,	Regan,	Westrick,
Cordier,	Kane,	Reynolds,	Wilkinson,
Corrigan,	Keenan,	Rhodes,	Williams,
Cortese,	Kenehan	Rider,	Wilson,
Curran,	Kilroy,	Riley,	Winner,
Dalrymple,	Kline,	Robertson,	Wood, H. M.,
Denman,	Knoble,	Rooney,	Wood, L. H.,
DeNote,	Kowalski,	Rose,	Wood, N.,
Dick,	Krise,	Roseberry,	Woodside,
Dix,	Lee,	Rosenfeld	Yeakel,
Donahue,	Leisey,	Rothenberger,	Turner,
Downey,	Levy,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

MESSAGE AND BILL TAKEN FROM TABLE

Mr. WOODSIDE. Mr. Speaker, I move that House Bill No. 575, and the message from the Senate Message, which was laid on the table, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 575.

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-nine evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 3, line 13, by inserting after the word "bear" the words "either the signatures of the Governor the Auditor General and the State Treasurer or;" also same page, line 14, by striking out after the word "Treasurer" the word "and" and inserting in lieu thereof the words "in which latter event such notes shall be countersigned by two officers of the Philadelphia National Bank (Loan and Transfer Agent of the Commonwealth) All such notes shall bear;" also same page, by inserting after line 15 the following new paragraph:

"(c) All notes issued under the authority of this act shall have the qualities and incidents of negotiable instruments under the Negotiable Instruments Law of the Commonwealth;"

Also same page, at the beginnning of line 16, by striking out the letter "(c)" and inserting in lieu thereof the letter "(d)."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Eckels,	Levy,	Royer,
Ackermann,	Ely,	Leydic,	Sarge,
Allen,	Ewing,	Lichtenwalter,	Sarraf,
Allmond,	Falkenstein,	Long,	Scanlon,
Alspach,	Fauset,	Lovett,	Schrock,
Andrews,	Finnerty,	Lyons,	Schrope,
Atkins,	Fisher,	Madden,	Seif,
Auker,	Fiss,	Malloy,	Serrill,
Baker,	Flanagan,	Malone,	Shaw,
Balliet,	Fleming,	Marr,	Shearer,
Balthaser,	Foor,	Matthews,	Simons,
Bardes,	Freed,	McClester,	Sloan,
Bennett,	Fullerton,	McGarrity,	Snyder,
Bohn,	Furman,	McKinney,	Sollenberger,
Boles,	Gates,	McLane,	Stambaugh,
Boney,	Gillan,	McNally,	Stank,
Boorse,	Gillette,	McVay,	Stewart,
Boose,	Goll,	Melchiorre,	Stockham,
Bower,	Gorski,	Mihm,	Sweeney,
Boyd,	Habbyshaw,	Montgomery,	Tahl,
Brancato,	Haines	Mooney,	Tarr,
Bretherick,	Hall,	Moran,	Taylor,
Broad,	Hamilton,	Moser, F. S.,	Terry,
Bronson,	Harbeson,	Moser, J. L.,	Thistle,
Brown, H. S.,	Harkins,	Muir,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	Munley,	Thompson, G. R.,
Brunner,	Henry,	O'Brien,	Tiemann,
Burns,	Hess,	O'Connor,	Trout,
Burris,	Hewitt,	O'Dare,	Van Allsburg,
Cadwalader,	Hindman,	O'Keefe,	Van Belle,
Calvin,	Hocke,	Ominsky,	Voorhees,
Carpenter,	Hoffman, J. N.,	O'Neill,	Wagner,
Check,	Hoffman, S. K.,	Peacock,	Walsh,
Chervenak,	Holland,	Peale,	Watkins,
Christler,	Hoyt,	Powers,	Webster,
Clearwater,	Huntley,	Preston,	Weiss,
Cohen, H. B.,	Imbrie,	Readinger,	Welsh, E. B.,
Cohen, R. E.,	James,	Reagan,	Welsh, M. J.,
Cook,	Jirolanio,	Reese, D. P.,	Westrick,
Cooper,	Johnston,	Reese, R. E.,	Wilkinson,
Cordier,	Jones,	Regan,	Williams,
Corrigan,	Kane,	Reynolds,	Wilson,
Cortese,	Keenan,	Rhodes,	Winner,
Curran,	Kenehan,	Rider,	Wood, H. M.,
Dalrymple,	Kilroy,	Riley,	Wood, L. H.,
Denman,	Kline,	Robertson,	Wood, N.,
DeNote,	Knoble,	Rooney,	Woodside,
Dick,	Kowalski,	Rose,	Yeakel,
Dix,	Krise,	Roseberry,	Turner,
Donahue,	Lee,	Rosenfeld,	Speaker.
Downey,	Leisey,	Rothenberger,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 268.

An Act to add section six hundred and two and one-tenth to article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" further regulating the sale of unused and unnecessary land and buildings by boards of school directors

HOUSE BILL No. 575.

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-nine evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. ACHTERMAN from the Committee on Judiciary General reported as amended, House Bill No. 1225, entitled:

An Act to further amend clause (f) of section twelve of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge, and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and pro-

cedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by extending provisions to all estates under five hundred dollars whether or not letters have been issued or a will probated.

Mr. TAHL from the Committee on Public Health and Sanitation reported as amended, House Bill No. 500, entitled:

An Act to amend sections two three, four and six of the act, approved the fifth day of June, one thousand nine hundred and thirteen (Pamphlet Laws 443), entitled "An act for the prevention of blindness, by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians, midwives and others, and requiring the reporting of results of treatment of such case of said disease, and fixing a penalty for violation thereof," by imposing duties on public health nurses, social workers, county medical directors and physicians and increasing penalties for violation of said act.

Mr. DENMAN from the Committee on Public Health and Sanitation reported as committed, House Bill No. 1431, (Senate Bill No. 661), entitled:

An Act for the prevention of congenital syphilis providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child and imposing penalties

Mr. MARR from the Committee on Public Health and Sanitation reported as committed, House Bill No. 1432 (Senate Bill No. 62), entitled:

An act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 28

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 28, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 28, Printer's No. 36, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. SARRAF. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. HERBERT B. COHEN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Sarraf vote on the final passage of this bill?

Mr. SARRAF. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from York, Mr. Cohen vote on the final passage of this bill?

Mr. HERBERT B. COHEN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. SARRAF. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. SARRAF. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 1 of the title, by inserting after the word "sale" and before the word "of" the following: "and possession"

Amend section 2, page 2, line 22 by striking out after the word "section" and before the word "hereof" the word: "[two]" and inserting in lieu thereof the word: "one"

Amend section 3, page 2, line 25 by striking out at the end of the line the following: "[and for that purpose the Secretary of]"

Amend section 3, page 2, by striking out lines 26 to 28, inclusive.

Amend section 3, page 3, by striking out lines 1 and 2.

Amend section 4, page 3, line 10, by inserting after "($100.00)" and before the word "for" the following: "nor more than five hundred dollars ($500.00)"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS ON SECOND READING

(Consideration of House Bill 1030 resumed)

The SPEAKER. At the time of recess the House had agreed to section 1. The Clerk will now read section 2.

The second section was read as follows:

Section 2 The provisions of this act shall become effective ten days after its final enactment

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Jefferson, Mr. Wilson.

The SPEAKER. Will the gentleman from Jefferson permit himself to be interrogated?

Mr. WILSON. Very briefly, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Jefferson whether ten days will be sufficient time from the passage of this bill until its effective date for the insurance carriers throughout the Commonwealth of Pennsylvania to adjust their rates so as to give the employers who purchase workmen's compensation insurance the benefit of the reductions that this act is going to effect.

Mr. WILSON. Mr. Speaker, I believe that will be ample time because I think these people are already qualified if there is no change in the bill. The amendments in this bill are such that the insurance people could very quickly compute what their rates are to be.

Mr. HERBERT B. COHEN. Mr. Speaker, may I inquire just how much a reduction in the compensation rates will result as a result of the abolishment of unlimited medical benefits or the abolishment of medical benefits from three months to sixty days?

Mr. WILSON. This whole proposition requires scientific handling and you can't pick out just one proposition; it must be taken as a whole. To do that you must do it with training and experience, because every one of these propositions is based upon hazards and every employe is a hazard. If there are insurance carriers in this state carrying hazards, they know what those hazards are, they can apply those hazards to this new bill in a very few days. To pick out just one section of the bill and ask me about it, I am not a rating bureau, but as a whole I can tell the gentleman the effect of the bill, but it is unnecessary now to go into detail. Here is a blll that is well understood by people who understand workmen's compensation. Evidently the gentleman does not wish to get to the bottom of this bill or ask about it. We have used our best judgment, and I will say that that is ample time. There are two hundred thousand employes in this state not under any bill and by reason of rejection, there are perhaps an equal number that are not under the bill, because employers are not paying any attention to the act. The Supreme Court has made a decision recently declaring the present law unconstitutional in eight important particulars, which seriously affects the constitutionality of the whole bill and it is for that purpose that we are trying to put this bill through and save workmen's compensation. Evidently from the conversations that the gentleman from York had this afternaan and from the questions that he asked he does not know in what particulars the Supreme Court had decided that the present act is, I will say, unconstitutional. With this, Mr. Speaker, feeling that the purpose of all this conversation and all these questions is to work embarrassment, if possible, and to delay by filibuster, because I have been requested by the majority party not to enter into any—

The SPEAKER. The Chair feels that the statement of the gentleman is not responsive to the question. The gentleman has already given his answer.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Jefferson, since he cannot specify just how much reduction in premiums will result, for any specific reduction, just how the reduction in premiums will result as the result of the passage of the bill as it is now before us.

Mr. WILSON. Mr. Speaker, as the gentleman well knows, so far as premiums are concerned, that is a matter for the rating board and for the insurance companies, but from actual experience, if the gentleman wants to know the actual cost from experience as relating to the bituminous coal fields, I can give him an idea about what it totals and how it would compare with the present bill, and how it compares with the old bill.

Mr. HERBERT B. COHEN.. Mr. Speaker, I am asking the gentleman just what reduction will result from the passage of this bill?

Mr. WILSON. Mr. Speaker, I will say to the gentleman that we are starting on the basis of the old bill prior to 1937, believing that the 1937 Act was so badly torn up by the ruling of the Supreme Court that it will be uncertain for months following. These reductions were so great from the very beginning of the act that there could not be much increase over the act prior to 1937, and with that in view I would say that from ten to twenty percent over the act prior to 1937 would be about what this increase would be over the old act, and it cuts the 1937 act accordingly, which of course, is unconstitutional. It would take hours to explain this to the gentleman from York, and for that reason, on questions of this kind, because it is growing late and there are many things to do, I am carrying out the plan of not answering any more questions.

Mr. HERBERT B. COHEN. Mr. Speaker, may I ask the gentleman from Jefferson just one more question?

The SPEAKER. Will the gentleman permit himself to be further interrogated?

Mr. WILSON. Yes, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, has the Secretary of Labor of the Commonwealth of Pennsylvania approved the bill in its present form?

Mr. WILSON. Mr. Speaker, I don't know because I haven't even conferred with the Secretary of Labor about this particular bill. I did the work with the assistance of the Committee and the Republican members and here is the bill which speaks for itself. I have no knowledge whether the Department of Labor and Industry approves the bill or the Secretary approves the bill.

Mr. HERBERT B. COHEN. Mr. Speaker, I wish particularly to object to the enactment clause of this bill, because the enactment clause provides that the bill shall become effective ten days after its enactment. Irrespective of what the gentleman from Jefferson might say there is a tremendous problem involved in the actuarial work by the rating bureau necessary to compute the difference in premiums that should be paid as the result of the passage of this act. Ten days is insufficient time in order to get an accurate accounting, to determine just what reduction in premiums should be made in order to compensate the employer for the reduction in liability to which the employer is exposed. Of course this means a reduction in the benefits to the employee, and any employer readily knows that with a reduction in benefits and a reduction of his liability and a reduction in payments to the employee there should be an attending reduction in the premium. I say that ten days is entirely too short a time to allow the rating bureau to compute the figures that are necessary to determine the amount of reduction that should be forthcoming to those who are the purchasers of Workmen's Compensation Insurance

The bill makes considerable reduction; it reduced the limit of compensation for death from five hundred weeks to three hundred weeks after the accident. That problem has to be actuarily determined. It provides that the employe must be actively engaged in the business of the employer. The previous law, including the act of 1915, never went to that extreme. The act of 1915 only stated that the employe must be in the course of the employer's business. This says, "actually engaged." That must be determined to see what difference in premium should be chargeable to the employer, because the employee is to receive an attending reduction in benefit. The act also

abolishes the requirement of the posting of notices of compensation. That particular problem also requires acturial study. Compensation for total disability is changed by the act. It raises the percentage from sixty-five, gives it a little sugar, to sixty-six and two thirds percent, and then starts to go down by lowering the weekly benefits from twelve dollars to nine dollars. It imposes a maximum limit of but seventy-five hundred dollars. Under the present act, and under the act of 1915, that limitation was not there. Now, how is the rating board going to determine in ten short days what particular rates should be charged as the result of the passage of this act? It abolishes the provision making compensation retroactive after disability has continued for four weeks. It provides that when partial disability is followed by total disability, the five hundred week period for which benefits would be payable shall be reduced by the number of weeks for which partial benefits were paid. The present act requires that when an employe goes on partial disability, he receives an extended compensation period of five hundred weeks. This act says, "No; the total amount of your payment shall be, five hundred weeks, and if you have been permanently disabled for a period of two hundred and fifty weeks and then you go on partial disability for a longer period of time, that time cannot extend beyond two hundred and fifty weeks," and so throughout the entire act there has been a limitation on the benefits that are to be received by the employe, with the result that there must be attending reductions in the premiums. How those reductions in the premiums can be figured out in ten days, I cannot see, and to show the difficulty that is involved, when the 1937 act was passed, that act was not made effective for a period of six and one half months after the passage of the act. The act was passed in the 1937 session and did not become effective until January 1, 1939. My superficial acquaintance with the problems led me to know that during that entire period of time that rating bureau and the actuaries were concerned with the rate to be charged, and during that entire period of time they were trying to determine the proper premium to be charged as the result of the passage of the 1937 act. By this effective date, ten days after the final passage of the act, you are asking the Rating Bureau, you are asking the employer of labor, you are asking the employee to put themselves in a position where in a mere ten days, those problems have to be decided. Members of the House, I say that it is impossible of performance. There is no rating bureau so equipped, irrespective of what information they have at their call, whereby they can determine in ten days, the honest, legitimate premium to be charged for workmen's compensation, and you can rest assured that until that premium is determined, the employers of this state will be paying an excessive rate, giving to the insurance companies excessive profits.

Under those circumstances I cannot see how this House can legitimately approve Section 2 of this act, which is the enactment clause, and I ask the membership of this House not to agree to it.

Mr. WILSON. Mr. Speaker, I will ask the gentleman from York and the members of this House to stop and think a minute. He speaks very eloquently upon the idea that when the bill was passed in 1937, it took seven months or more to adjust the rates by the rating department. The gentleman from York, and the members of this House could be informed by asking the people who composed the rating bureau.

Mr. Speaker, the provisions of the bill of 1937 were so generally recognized by every compensation man, whether an insurance man or a man who was essentially a self insurer, as having so many uncertain provisions in it that it would take six moths, it might even take a year or more, and even to this day, I am sure that the rating bureau by reason of the uncertain provisions of the act have been unable to tell accurately what the rates should be, but here we have insurance already placed, the insurance is being carried now, and the insurance rate will be reduced. There is no necessity for the rating bureau or any insurance company to change its compensation rates within ten days. They are carrying these rates and they can figure the difference out at their own free will and give credit accordingly. Each one of these employers have paid a certain amount ahead, they have taken out their insurance, and it was based on certain rates. Now then when they cut down their rates they are not going to be so high; any insurance carrier can figure them out, they have plenty of time to figure them out.

The reason we have ten days as the effective date of the act is because we want the people to be under this act as quickly as possible, to save the act. Sixty-five per cent of the anthracite coal operators of this state have rejected this act and are not under it at all now, and don't care whether they have any rates submitted by the bureau or not, and a goodly proportion of the bituminous coal operators have done the same thing and those with whom I have been connected have done the same. It is immaterial as far as we are concerned whether this act passes or not, I am merely telling you that the cost of insurance will be reduced, the insurance carriers can take their own time to give us that reduction, and if they want to get these two hundred thousand people who are not now under the act within a reasonable time, which they should be, they will have to cut the cost down somewhere near that provided by this bill. Therefore I say there isn't a word of this argument that has been advanced that applies to this case, because it is perfectly simple for them to take all the time they want to, and give credit in due time. They are not seeking new business, they are not seeking new contracts or anything of the sort, unless they want to approach these people to come back, and when they are ready, they may be able to get them back if they can quote the right price.

It is evident, Mr. Speaker, that the gentleman from York is not qualified to speak on this bill, and it is also evident that he has been out and has gotten some information from somebody and that somebody perhaps does not know what he is talking about. The only thing that he is objecting to comes from somebody that would not be told in 1937. The Supreme Court has told them now, and the gentleman does not seem to know about it. The rating board has told them, and the gentleman does not seem to know about that, the Dent report, which we could not pry loose in 1938, has told them.

I don't want to debate the merits of the bill, but I do say that ten days time is ample, because these rates do not have to be decided right away.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The Chair believes that the gentleman from York understands that the desk is entitled to more than a single copy of the amendment, but in order that we have no difficulty and can dispose of the matter promptly, the Chair will ask the Clerk to read it.

The amendment was read by hte Clerk as follows:

Amend Section 2, Page 80, by striking out the entire lines 19 to 20 inclusive.

On the question,

Will the House agree to the amendment?

Mr. WILSON. Mr. Speaker and members of the House, it does not seem to me that striking out Section 2 would accomplish anything along the line that the gentleman has indicated. He asks us to strike out Section 2 and we are wondering at the moment when the provisions of the act would become effective. I object to striking out Section 2 which reads: "The provisions of this act shall become effective ten days after its final enactment."

If he offered to put in some provision as to when the act should go into effect it might be acceptable. It is true that the act of 1937 went into effect some months later, beginning with the year 1938, but here is a bill of which we want to get the benefit a ssoon as we possibly can, and this is a reasonable time, ten days after the enactment of the bill. That is the reason Section 2 should not be stricken out, particularly in view of the fact that nothing is offered in lieu thereof.

Mr. HERBERT B. COHEN. I very humbly come before the House as a mere novice and admit to the membership that I am not as thoroughly experienced in the problems of workmen's compensation as the gentleman from Jefferson. However, I do feel that I have certain attainments and also certain qualifications, and the objection to the amendment that has just been raised by the gentleman from Jefferson would not have been made by him were he gifted with the same qualifications and attainments that I am. He would realize that in 1937, in the very House where he sat, there was a statute passed which was known as the Interpretation of Statutes Act. That provides that where there is no effective date provided in the act, it becomes effective, I believe, September 15. As a result, by striking out the effective date in Section 2 of this act, we would then find recourse to the Interpretation of Statutes Act, and the effective date would be September 15 of this year.

I say to the gentleman from Jefferson and to the other members of this House, that if this bill should ever become enacted, God forbid, that September 15th would provide the time necessary to indulge in the computation in order to determine the amount of premium to be charged. I might call attention to the fact that the minimum premium cannot be rebated, and that the rating bureau may decide that with the advent of this act there would be a lower minimum premium, with the result that those employers who have the minimum premium would then on September 15th receive the benefit of that reduction. I would say in view of those representations that September 15th should be the effective date of this act and not any sooner.

Mr. WILSON. Mr. Speaker, from the gentleman's argument, in helping to get a better rate for some of the employers in which he seems suddenly to have become interested, he suggests that they wait until September 15th to get a better rate. Well, there might be some of these people ready to give a rate before September 15, and if they are ready on July 15 or August 15th, why shouldn't they be permitted to do the business if they are so much interested in getting a lower rate for the employers.

He says that the gentleman from Jefferson is not aware about these things, when bills that do not have any effective date will go into effect. There are lots of people who read these bills, who are not legislators or lawyers, and they will wonder when it does go into effect. It is a great deal better practice, regardless of when an act goes into effect, to place in that act the effective date, particularly when you want the benefits of the act in a very short time, and that is the reason we wrote that section in the act. We wanted it to be effective in a short time. For that reason, I ask the House to vote down this amendment.

Mr. WOODSIDE. Mr. Speaker, I desire to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to inquire of the gentleman from York when this act will become effective if his amendment is adopted?

Mr. HERBERT B. COHEN. If the amendment is adopted, Mr. Speaker, the act will become effective according to the terms of the act passed in the 1937 session.

Mr. WOODSIDE. Mr. Speaker, I asked the gentleman when it would become effective.

Mr. HERBERT B. COHEN. Mr. Speaker, it will become effective September 1st, September 15th or October 1st, somewhere around that particular time. I said September 15th just to play safe down the middle of the alley.

Mr. WOODSIDE. Mr. Speaker, I was just wondering. The gentleman has made so many claims about his great knowledge concerning this act, we ought to be a little bit accurate. It happens to be September 1st, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I apologize to the House for having failed to remember the effective date set forth in the act. I feel sure if the membership of this House only made that proportion of mistakes in the things they did, they would have a much better record than they have right now.

Mr. WOODSIDE. Mr. Speaker, the rest of us are willing to admit that we don't know everything, but the gentleman from York has told this House that he knows all the answers, so I just wanted to call to his attention the fact that there are occasionally a few answers he doesn't know.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Dauphin.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated.

Mr. WOODSIDE. I shall, Mr. Speaker, with the full knowledge that I do not know all the answers.

Mr. HERBERT B. COHEN. Mr. Speaker, I just wanted to ask the gentleman from Dauphin whether he knows any reason why the effective date of this act should not be September 1st rather than ten days immediately following its enactment?

Mr. WOODSIDE. Mr. Speaker, I know of no reason other than the reasons that have already been given, which seem to me to be sound.

Mr. HERBERT B. COHEN. Mr. Speaker, the gentleman from Dauphin is correct. He doesn't know everything.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. Herbert B. Cohen and Mr. Jirolanio and were as follows:

YEAS—58

Achterman,	Hess,	Moran,	Rothenberger,

Allen,	Hindman,	Munley,	Sarraf,
Allmond,	Hoffman, S. K.,	O'Brien,	Scanlon,
Baker,	Holland,	O'Connor,	Schrope,
Balthaser,	Jirolanio,	O'Keefe,	Shaw,
Boney,	Keenan,	Ominsky,	Skale,
Brancato,	Kenehan	O'Neill,	Stank,
Broad,	Levy,	Powers,	Thompson, E. F.,
Brown, H. S.,	Long,	Preston,	Walsh,
Check,	Lovett,	Readinger,	Weiss,
Chervenak,	Malloy,	Regan,	Welsh, E. B.,
Corrigan,	McLane,	Reynolds,	Welsh, M. J.,
Fauset,	Melchiorre,	Rider,	Westrick,
Finnerty,	Mihm,	Rooney,	Williams,
Furman,	Mooney,		

NAYS—123

Ackermann,	Fiss,	Leydic,	Simons,
Alspach,	Fleming,	Lichtenwalter,	Sloan,
Balliet,	Foor,	Lyons,	Snyder,
Bardes,	Freed,	Madden,	Sollenberger
Bennett,	Fullerton,	Marr,	Stambaugh,
Boorse,	Gates,	Matthews,	Stewart,
Boose,	Gillan,	McClester,	Stockham,
Bower,	Gillette,	McGarrity,	Sweeney,
Boyd,	Goll,	McKinney,	Tahl,
Bretherick,	Habbyshaw,	McNally,	Taylor,
Bronson,	Haines,	McVay,	Terry,
Brown, S. W.,	Hall,	Montgomery,	Thistle,
Brunner,	Hamilton,	Moser, F. S.,	Thompson, G. R.
Cadwalader,	Harbeson,	Moser, J. L.	Tiemann,
Calvin,	Haudenshield,	Muir,	Trout,
Carpenter,	Henry,	O'Dare,	VanAllsburg,
Christler,	Hewitt,	Peacock,	Van Belle,
Clearwater,	Hocke,	Peale,	Voorhees,
Cook,	Hoffman, J. N.,	Reagan,	Wagner,
Cooper,	Hoyt,	Reese, D. P.,	Watkins,
Cordier,	Huntley,	Rhodes,	Webster,
Cortese,	Imbrie,	Riley,	Wilkinson,
Curran,	James,	Robertson,	Wilson,
Dalrymple,	Johnston,	Rose,	Winner,
Denman,	Jones,	Roseberry,	Wood, H. M.,
Dick,	Kline,	Royer,	Wood, L. H.,
Dix,	Knoble,	Sarge,	Wood, N.,
Donahue,	Kowalski,	Schrock,	Woodside,
Ely,	Krise,	Seif,	Yeakel,
Ewing,	Lee,	Serrill,	Turner,
Fisher,	Leisey,	Shearer,	Speaker.

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

MOTION TO RECONSIDER VOTE

Mr. REYNOLDS. Mr. Speaker, I move that the vote by which Section 1 of House Bill 1030 was agreed to be reconsidered.

The SPEAKER. The motion is out of order. We are now on Section 2 of the bill.

On the question recurring,

Will the House agree to the section.

It was agreed to.

The title was read and agreed to as follows:

An Act to further reenact and amend the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" changing maximum and minimum rates periods total amounts and aggregate of compensation changing the system of computation of wages for compensation purposes changing practice and rules of evidence defining earning power after accident authorizing the board to terminate compensation in certain cases changing the classes of dependents entitled to compensation in case of death increasing powers and duties of the board and imposing additional penalties and generally amending clarifying and changing the provisions of said act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

MOTION TO RECONSIDER VOTE

Mr. HERBERT B. COHEN. Mr. Speaker, I realize the parliamentary difficulty that the gentleman from Philadelphia is in, and in order to expedite the matter, I move you, Mr. Speaker, that the vote by which the House agreed to transcribe the bill for third reading be reconsidered.

The SPEAKER. Under the Rules the motion is not in order until other business has been transacted.

QUESTION OF PERSONAL PRIVILEGE

Mr. FURMAN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Greene will state his question of personal privilege.

Mr. FURMAN. Mr. Speaker and members of the House, this afternoon in the debate, the gentleman from Jefferson, Mr. Wilson, made a statement that shocked and amazed me.

That statement was to this effect that last night in consideration of the Van Allsburg bill, the Speaker of the House at the present time had leaned over backwards in giving privilege to the Democratic members in debating the various amendments that were submitted. I agree with the gentleman from Jefferson that the Speaker of the House was very fair in his consideration of the members on this side of the House, and I want to say to you, members of this House, that the Democratic members appreciate the consideration given.

The gentleman from Jefferson went further than that. He stated that in past sessions in which he has served the leadership at that time was unfair, and did not give to the minority at that time the consideration they should receive. I resent that, because I had the honor of presiding over this House not only in one session, but in the two special sessions of 1936, also in the regular session of 1937, and the special session of 1938. It was my policy at that time, and I think the present Speaker who was then the minority floor leader will agree with me, to give every consideration to every member of this House without consideration to political party or affiliation. I cannot allow that statement to go unchallenged. I do not like the record to stand that way. I do not believe that there is any member of this House who can say at any time that the Chair was unfair in giving recognition to any member of this House on any subject or any question.

The SPEAKER. The remarks of the gentleman from Greene under his question of personal privilege will be spread upon the Journal.

The Chair feels called upon, in response to the remarks of the gentleman from Greene, to confirm in every way the statement made by the gentleman from Greene as to his conduct in the Chair.

The present Speaker of this House, as the minority leader then, realizes that many times he was a trying subject to the Speaker, but he received every courtesy and every consideration from the Speaker, even in those moments when he was a trying subject on the floor.

The Chair did not understand the remarks of the gentleman from Jefferson today to be in any way a reflection upon the former Speaker in his conduct of the affairs of this House, during the 1937 session and the special ses-

sions over which he presided. The Chair, as he recalls the remarks of the gentleman from Jefferson, feels that the gentleman was referring to the Committees, as the gentleman from York had referred to the treatment of the Democratic members in this session of the Legislature by the Committees of the House. The Chair, from his knowledge of the situation, feels that the gentleman from Jefferson had some justification for his remarks, as undoubtedly the gentleman from York had for his remarks in reference to things that have occurred during this session.

After all we are trying at times to be non-partisan, but many times partisanship creeps in; many times we are anxious to expedite things; many times we understand what we are trying to do, while the other fellow does not and that does not always make for consideration for the other fellow whether he be of the minority or the majority. It is the belief of the Chair, however, that the spirit of the evening seems, with the lighting of the candles, to have changed the atmosphere. It seems that the tension has lightened, perhaps a little light has been let into the brains and the spirits of the members of the House and we are proceeding in a better way.

Mr. WILSON. Thank you, Mr. Speaker, and if I am permitted, I would like to make a statement.

The SPEAKER. The gentleman from Jefferson may proceed.

Mr. WILSON. Mr. Speaker and members of the House, I am sorry that the gentleman from Greene felt that anything I said applied to him. I want to say this, that no man ever presided more fairly, in my judgment, over the House than the gentleman from Greene. I never felt for a single moment during the session of 1937 that he did anything toward me or any other member, except that which was perfectly fair in every respect, although these were many trying circumstances.

My complaint was not directed at the Speaker of the House. It is a well known fact to every Democratic member who has returned and every Republican member who has returned that there was an element in the Democratic party that was determined I should not debate upon Workmen's Compensation, upon the bills that pertained to the mines, or flood control. They moved the previous question upon me and said disrespectful things about me in my hearing. All those things made it uncomfortable for me, and the Democrats who are here today, perhaps not the prior Speaker, but others who are here know that that is true. They accused me of representing the State Chamber of Commerce, the coal operators and the "economic royalists" in my hearing, and I felt it was perfectly fair and right for me to remind them about it and to recall those things to them.

I do, however, want to say that so far as the gentleman from Greene, who at that time was the Speaker, is concerned, nobody could have been fairer. I don't think there is anybody who served under him who would say anything different, and I would not want him to leave the hall of this House thinking that any words that I may have said pointing to those people who were so unkind, referred to him. Everybody knows that Roy Furman is all right.

Mr. FURMAN. Mr. Speaker, I want to publicly thank the gentleman from Jefferson for his remarks, and say that I am sorry that I misunderstood the statement he made this afternoon. I publicly apologize to him.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1031, entitled:

An Act to repeal the act approved the second day of July one thousand nine hundred thirty-seven (Pamphlet Laws 2714) entitled "A supplement to the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing a system and schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as amended and re-enacted providing for the inclusion of occupational diseases within the scope thereof and providing definitions provisions and procedure related to such diseases and making an appropriation"

The first and second sections were read and agreed to.

The General Assembly of the Commonwealth of Pennsylvania herby enacts as follows

Section 1 The act approved the second day of July one thousand nine hundred thirty-seven (Pamphlet Laws 2714) entitled "A supplement to the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing a system and schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as amended and re-enacted providing for the inclusion of occupational diseases within the scope thereof and providing definitions provisions and procedure related to such diseases and making an appropriation" is hereby repealed

Section 2 This act shall become effective immediately upon final enactment

The title was read as follows:

An Act to repeal the act approved the second day of July one thousand nine hundred thirty-seven (Pamphlet Laws 2714) entitled "A supplement to the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing a system and schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as amended and re-enacted providing for the inclusion of occupational diseases within the scope thereof and providing definitions provisions and procedure related to such diseases and making an appropriation"

On the question,

Will the House agree to the title?

MOTION TO LAY BILL ON TABLE

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I don't wish to be very vehement in my denunciations, but House Bill 1031 is very deceptive. The title does not adequately represent the contents of the bill. If you read the title, it would seem that the Pamphlet Laws of 1937 are being amended, and reenacted providing for the inclusion of occupational diseases within the scope thereof, and providing definitions, provisions and procedure related to such diseases and making appropriation. That is not what this bill does. This bill is a repealer, it repeals the

act of 1937 and in that respect the title is not only incorrect but, according to the Constitution, is unconstitutional.

Therefore, Mr. Speaker, pending the production of an amendment that will make the title of the bill conform to the contents of it, I move Mr. Speaker, that this bill be laid upon the table.

The SPEAKER. The Chair would suggest to the gentleman from York that he make a motion to place the bill on the postponed calendar rather than a motion to lay the bill upon the table.

MOTION TO POSTPONE

Mr. HERBERT B. COHEN. Mr. Speaker, I withdraw my motion to lay the bill upon the table and move that this bill be placed upon the postponed calendar.

Oon the question,

Will the House agree to the motion?

LEGISLATIVE INQUIRY

Mr. WILSON. Mr. Speaker, I rise to a legislative inquiry.

The SPEAKER. The gentleman will state his legislative inquiry.

Mr. WILSON. Mr. Speaker, this bill is intended to be a repealer of what is known as the Occupational Disease Act. The act in its original form is not before me at the moment. I suggest that an explanation be made as to why this act is not proper. It seems to me that the title of it says:

> "To repeal the act approved the second day of July, 1937 (P. L. 271) entitled, 'A supplement to the act approved the second day of June, 1915, (P. L. 736) entitled as amended, 'An Act defining the liability of an employer to pay damages for injuries received by an employee received in the course of employment establishing a system and schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties as amended and reenacted providing for the conclusion of occupational diseases within the scope thereof and providing definitions provisions and procedure related to such diseases and making an appropriation."

All of which is in quotation marks. It seems to me that is a perfectly proper wording of a repealer bill. If it is not, of course, the gentleman from Jefferson would have to say that the Legislative Reference Bureau did not understand how to draw a repeal bill. I will leave it up to you, Mr. Speaker, to say whether it is drawn properly.

The SPEAKER. The Chair refuses to accept the challenge of the gentleman from Jefferson.

On the question recurring,

Will the House agree to the title?

It was agreed to.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1301, entitled:

A Supplement to the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to those persons included within the definition of the word "employe" as defined in section one hundred and four of the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as last reenacted and amended at the regular legislative session of one thousand nine hundred and thirty-nine there shall be included all members of volunteer fire companies of the various cities boroughs incorporated towns and townships who shall be and are hereby declared to be "employes" of such cities boroughs incorporated towns townships for all the purposes of said act and shall be entitled to receive compensation in case of injuries received while actually engaged as firemen or while going to or returning from any fire which the fire companies of which they are members shall have attended

On the question,

Will the House agree to the section?

Mr. SCHROPE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, line 12, by inserting after the word "received" the following: "or illness contracted"

On the question,

Will the House agree to the amendments?

Mr. WILSON. Mr. Speaker, to rightfully understand this amendment, it will be better to explain what House Bill No. 1301 is.

House Bill No. 1301 is a supplement to the act approved the second day of June, 1915, Pamphlet Laws 736—entitled as amended "An Act defining," and so forth. By the act of 1937, the volunteer firemen were put in the main body of the Workmen's Compensation Law, and in preparing a new bill such as we have had to do here, we felt that it would be better to take that provision out of the act entirely and put it by itself in a separate bill, the same as it was when that provision was first enacted. The volunteer firemen were first put under the act by a separate bill, but the act of 1937 put them into the main body of the act. The reason for our taking it out of the main body of the act is that there is a constitutional question as to volunteer firemen, and therefore it should be made a supplement to the original act and should be by itself, instead of being in the main body of the act.

Now that we understand why it was taken out of the main body of the act, we next must understand that it hasn't been changed at all. We just left them where they were in the main body of the act of 1937.

We now come to the amendment that was offered by the gentleman who preceded me. He says, "Amend Section 1, page two, line twelve, by inserting after the words 'received,' the following 'or illness.'"

The purpose of this amendment is to follow out the

meaning of a certain bill that was introduced recently to cover illness that might have been contracted by a volunteer fireman in the course of his volunteer work as a fireman and to provide compensation for disease. The act as it stands, or did stand, in the main body of the 1937 act, and even the act that was passed prior thereto, had very serious objections to it from a constitutional standpoint. There is no use of discussing that now, but that was the reason for taking it out of the main body of the act. If you would include any illness or sickness in this act, it would make it still more objectionable. It does not seem that the volunteer firemen, much as we like to help them and do for them, should have these words put in acts that might lead to litigation, and if litigation comes on a volunteer firemen's act and is taken to the higher courts, it is just too bad. Particularly for that reason, and for the reason that they volunteer their work, are not employes and not under the control of the municipalities for which they work, they are therefore not under any act. It is better to leave a good thing alone and for that reason, for the benefit of the firemen themselves, I ask this House to vote down this amendment.

Mr. SCHROPE. Mr. Speaker and members of the House, the amendment I offered consists of only three words and they can't do a whole lot of harm. Mr. Wilson stated that my amendment is comprised in a bill introduced recently. He is correct, except for the word "recently," because that bill was introduced January 16, the very first day we were permitted to introduce bills. However, that has no bearing on the amendment.

I am very sincere in presenting this amendment, because it was given to me by the Six Counties Firemen's Convention and likewise approved by the Western Pennsylvania Firemen's Association. This amendment aims to give compensation to volunteer firemen in case it is proven that they contracted an illness during the performance of their duties as firemen. It happens that there have been numerous cases of volunteer firemen in the state, where they were called upon to perform their duty during unfavorable weather conditions and contracted an illness and from that illness were confined possibly to their homes or hospitals without any compensation. At the same time we ask these volunteer firemen to go out any time of the day or night and serve the community in which they live.

Mr. Speaker and members of the House, I feel that the least we can do for the firemen, the volunteer firemen, is to give them the same protection that we ourselves would expect were we performing the duties they are performing. I feel that the firemen of the state are entitled to this protection, and I ask the members of this House in all fairness to support the amendment that I have introduced.

The yeas and nays were required by Messrs. Schrope, Downey and Weiss and were as follows:

YEAS—67.

Achterman,	Finnerty,	Malone,	Rooney,
Allmond,	Flanagan,	Melchiorre,	Rothenberger,
Andrews,	Furman,	Mooney,	Sarraf,
Baker,	Gates,	Moran,	Scanlon,
Bohn,	Gorski,	Munley,	Schrope,
Boney,	Harkins,	O'Brien,	Shaw,
Brancato,	Hess,	O'Connor,	Skale,
Broad,	Hindman,	O'Keefe,	Stank,
Brown, H. S.,	Hoffman, S. K.,	Ominsky,	Tarr,
Burns,	Jirolanio,	O'Neill,	Thompson, E. F.,
Check,	Keenan,	Powers,	Tronzo,
Chervenak,	Kenehan,	Preston,	Weiss,
Cohen, H. B.,	Kilroy,	Readinger,	Welsh, E. B.,
DeNote,	Levy,	Reese, R. E.,	Welsh, M. J.,
Downey,	Long,	Regan,	Westrick,
Falkenstein,	Lovett,	Reynolds,	Williams,
Fauset,	Malloy,	Rider,	

NAYS—107.

Ackermann,	Donahue,	Knoble,	Snyder,
Alspach,	Ely,	Kowalski,	Sollenberger,
Atkins,	Ewing,	Krise,	Stambaugh,
Auker,	Fisher,	Lee,	Stewart,
Balliet,	Fiss,	Leisey,	Stockham,
Bennett,	Fleming,	Marr,	Tahl,
Boorse,	Foor,	Matthews,	Taylor,
Boose,	Freed,	McClester,	Terry,
Bower,	Fullerton,	McKinney,	Thistle,
Bretherick,	Gillette,	McNally,	Thompson, G. R.,
Bronson,	Habbyshaw,	McVay,	Tiemann,
Brown, S. W.,	Haines,	Moser, F. S.,	Trout,
Brunner,	Hall,	Moser, J. L.,	Van Allsburg
Cadwalader,	Hamilton,	Muir,	Van Belle,
Calvin,	Harbeson,	O'Dare,	Voorhees,
Carpenter,	Haudenshield,	Peale,	Watkins,
Christler,	Henry,	Reagan,	Webster,
Clearwater,	Hewitt,	Reese, D. P.,	Wilkinson,
Cook,	Hocke,	Rhodes,	Wilson,
Cooper,	Hoffman, J. N.,	Robertson,	Winner,
Cordier,	Hoyt,	Rose,	Wood, H. M.,
Cortese,	Huntley,	Rosebery,	Wood, L. H.,
Curran,	Imbrie,	Schrock,	Wood, N.,
Dalrymple,	James,	Seif,	Woodside,
Denman,	Johnston,	Serrill,	Yeakel,
Dick,	Jones,	Simons,	Turner,
Dix,	Kline,	Sloan,	Speaker.

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective ten days after final enactment

A Supplement to the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1302, entitled:

A Supplement to the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as reenacted and amended to exempt domestic servants and agricultural workers from the provisions thereof except in certain cases

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Nothing contained in any article or any section

of the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as last reenacted and amended at the regular legislative session of one thousand nine hundred and thirty-nine shall apply to or in any way affect any person who at the time of injury is engaged in domestic service or agriculture Provided however That in cases where the employer of any such person shall have prior to such injury by application to the Workmen's Compensation Board approved by the board elected to come within the provisions of the Workmen's Compensation Act of one thousand nine hundred and fifteen and the supplements and amedments thereto the provisions of this supplementary act shall not apply

On the question,

Will the House agree to the section?

Mr. REYNOLDS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, lines 1 and 2, by striking out the following: "Nothing contained in any article or any section of the" and inserting in lieu thereof: "The"

Amend Sec. 1, page 2, line 7, by striking out the words: "or in any way affect"

Amend Sec. 1, page 2, lines 9 to 16, by striking out the following: "Provided however That in cases where" in line 9, and all of lines 10 to 16, both inclusive

On the question,

Will the House agree to the amendments?

Mr. REYNOLDS. Mr. Speaker and members of the House, in this bill 1030 as originally drawn domestic servants and those working in agriculture were included under that bill. Mr. Wilson very wisely, I suppose, in drawing this bill, knew that they were a group of workers who deserved some consideration and had them included. For some reason, when the bill was drawn, it excluded the firemen. In bill 1302 he has made a stab at doing something, he made some kind of a gesture toward domestic workers and those who work in agriculture. However, I am of the opinion that as he has the bill drawn it would mean nothing to the domestic workers in the state of Pennsylvania. He simply states in here that if the employer wishes and has prior to the accident or occurrence accepted compensation, that they would be included. That would mean that they would never be included, because the employer certainly would not see fit with that provision in the bill to cover them. They have been in this state in every bill that has been put before the Legislature heretofore.

Last night I was very much concerned to see how the Republicans and Democrats were anxious to do something for the poor people of the state of Pennsylvania, the blind, the helpless, the homeless, and we stayed here until 4 o'clock in the morning trying to do something for them. Here is a bill that can help the domestic workers in the state of Pennsylvania, those people who certainly need the protection of this Legislature, who work in private families and work long hours; they do work sometimes that is jeopardizing their health, they have accidents, and to my own knowing quite often unscrupulous employers as soon as one of the domestic workers get hurt, they immediately fire them and they have no recourse. Something should be done for these people who are not organized as they ar in the coal industry, not organized as they are in the minin industry and in other industries in the state of Pennsyl vania. They do not work in large numbers where the could have the protection of each other; they do not kno the value of compensation because they have never had i I am hopeful that the Republican majority in fair pla as Mr. Wilson started to do in his original bill 1030 t give them the benefit of this act, I hope that all of us wi join here and show to the underprivileged workers o the state of Pennsylvania that while we are looking out fo the union workers, while we are looking out for thes workers who justly deserve compensation, we are als giving consideration to those who have no one to spea for them, because they have no union heads to bring pres sure upon the Legislature to enact laws for their benefit.

In the City of Philadelphia we have an organizatio known as the Domestic Workers of America. I have ha over five hundred pieces of mail sent to me since last Mon day when the newspapers of Philadelphia said that M Wilson had introduced legislation that would include th domestic workers. Last night one of their representative was here and after reading the bill he simply laughed a it and said, "Something should be done to keep us fro being made a laughing stock in the City of Philadelphia I submit that the bill as now before us, a separate ac which will later probably be kicked out altogether, shoul be amended to include domestic workers and those wh work in agriculture in order that the most deserving, th most helpless group of people in the state of Pennsylvani who work for a less salary and work longer hours to pro tect our homes, our children, who protect our wives an our babies while we are away from home, I appeal to yo that they deserve the consideration of this House, and I as whether we be Democrats or Republicans that we join hand in doing a humanitarian act here tonight and include thos people in the provisions of this act.

Mr. WILSON. Mr. Speaker and members of the Hous the sentiments of the gentleman who preceded me are ver nice. The first statement I want to make is that originally from the very beginning of the act by a separate bill th people who are engaged in agriculture, working on domesti work were exempt from the act, they were not included i the Workmen's Compensation Act. They were by a separat bill taken out of it. I was here as a member when th bill was passed in 1915 and the reason they were taken ou of the act, or left out of the act, was because of the doub as to the constitutionality of such a provision. Therefor there was a special act by itself, made a supplement to th original act of 1915, which exempted from that origina act those people who were engaged in agriculture an domestic service. After some twenty years or more, th Act of 1937 came along and reenacted the whole base o workmen's compensation, and this matter was placed i the main body of the act, the same as an exemption fro the act, the same as the volunteer firemen were put in th main body of the act, and for the same reason I have pre pared a supplement which will take it out of the main bod of the act and place it where it was in the beginning. Thi supplement does not in any sense of the word change th law, it is just as it was under the 1937 act, that act whic we hear so much about as being so great and so wonderfu for the employes of this state. By this section the law woul not be changed at all. Now you may say that the reaso for it is to make it stand by itself as a supplement t

the original bill. The idea of having agriculture and domestic servants exempted from the bill did not originate with me. It began at the beginning of the Workmen's Compensation Law in 1915. You may say that there hasn't been a thing changed, not one thing has been done to change the law as it was in 1937. The gentleman is in error when he states that we tried to put in our main body of the act which is 1030 the provision for exempting or covering these domestic people. There was no such effort made. The original law was printed and there were brackets put around it merely to show that they were taken out. There was no effort made to put them in whatsoever. There has been no demand for that, there was no talk about it and I didn't want to go into that part of it, therefore I ask that these intended amendments, whatever they are, or any amendments to this bill which would change the law of 1937 by taking it out and putting it into a special bill like this as a supplement instead of the main body of the bill, I say that any amendments that may be offered, this one included, should be voted down.

Mr. REYNOLDS. Mr. Speaker, I desire to interrogate the gentleman from Jefferson, Mr. Wilson.

The SPEAKER. Will the gentleman from Jefferson permit himself to be interrogated?

Mr. WILSON. I will, Mr. Speaker.

Mr. REYNOLDS. Mr. Wilson, you stated that nothing has been changed regarding domestic workers since 1915; is that correct?

Mr. WILSON. Well, there was a provision in the act of 1937 whereby it provided that in cases where an employer of any such person shall have prior to act, made application to the Workmen's Compensation Board, approved by the Board, elected to come within the provisions of the Workmen's Compensation Act of 1915 and the supplements and amendments thereto, that the provisions of this supplementary act shall not apply, and therefore we have taken out that whole provision and brought it over into this supplemental act leaving it as it was changed by the act of 1937. There isn't anything wrong about that. We took it as it is. If they want to come under the act or agree to come under it, that is alright. That is the provision that the minority party, when they were the majority put in there. We accepted that and didn't change it at all.

Mr. REYNOLDS. Mr. Wilson, have you any objection to the amendment as drafted which would include the domestic workers?

Mr. WILSON. I most certainly have, because I would not want it to be charged to me, or the majority party that in respect to the relations between the employees and the employers of this state, we arbitrarily tried to undo the principle that we adopted when we first started to pass workmen's compensation laws in this state and have developed ever since up until the present time. There hasn't been any attempt by the majority, so far as I know, to try to enact any legislation that would cover employees arbitrarily who do work known as domestic work or agricultural work and I would be opposed to doing that, because it is very generally understood that it would be a mistake at this time to undertake it.

Mr. REYNOLDS. Mr. Wilson, if I were to tell you that the Republican party in this House in 1935 voted solidly for this amendment, would that make any difference as to the responsibility of the Republican party now, in your opinion?

Mr. WILSON. I do not know that it would make any difference to the party because I haven't heard them say anything. We have the responsibility of it and it would be entirely up to the Republicans to speak for themselves. Speaking for myself, I have not had a request from anybody to try to put domestic workers or agricultural workers under this bill, but there is nothing to prevent them from being under the bill if the employers and employees agree, and I think it should not be disturbed. I am not changing it at all, just leaving it as it was under the act as passed by the now minority party.

Mr. REYNOLDS. I would like to ask just one more question. I would like to ask Mr. Wilson if he feels that it is fair play to domestic workers to leave it to the discretion of the employers whether or not they should be protected?

Mr. WILSON. Mr. Speaker, I am convinced of course that the gentleman who is asking me the questions is very sincere and wants to help this particular class of people, and I am frank in saying if such a thing could be done without disturbing such a long period of time as we have had this law and without calling in the agricultural people and the rest of the folks, that personally I would not have so much objection to it, but under present conditions, under the plan that we have in mind trying to save the Workmen's Compensation Act and with the idea that we want to preserve the act as a whole as it has been in the past, we want to by these supplemental bills take them out of the main body of the act and not disturb them. I feel at this time it would not be wise to do so. If somebody else would want to undertake that, it would be up to them but I wouldn't want to be responsible.

Mr. REYNOLDS. Mr .Speaker and members of the House, I appreciate Mr. Wilson's stating that I seem to be sincere and I am. I was of the opinion when I read in the paper in Philadelphia on Monday morning, that Mr. Wilson was fair and I was of that opinion up until now, and I hope he will not allow me to go away and change my mind. This is a separate act. Nothing is included in this act except the domestic workers and the agricultural workers. It would not disturb the body of the act at all. He has seen fit to take them out of the body of the Compensation Act, I presume, because he knew. However, I think it would be a step in the right direction if we were to say here and now that this group of people who have no one to lobby for them, who can't afford to pay people to come here, shall be protected. Lots of persons around here represent districts that are largely inhabited by domestic workers and it is our duty not to wait until lobbyists come here and tells us what do. After we are elected I submit we should pass legislation for our constitutents. We should engender an enactment here tonight to right a wrong that has been going on in the state for years, and just because there hasn't been anything done before is no reason why we should not do it now. Just because in 1915 it wasn't necessary, is no reason why in 1939 it isn't necessary, and I say that we ought to pass these amendments in order that we may help the helpless.

Mr. GILLAN. Mr. Speaker and members of the House, in reply to the gentleman from Philadelphia, Mr. Reynolds, I happen to be in the agriculture section and we have been carrying workmen's compensation for a number of years. We have had a number of cases where the men and women have had accidents and they have profited by compensation. To say to the agricultural industry that they shall have workmen's compensation forced upon them at a rate which I think would be three and seven tenths per

cent of their pay roll—I am giving the figure now which I wish were not on the record—our workmen's compensation bill has been between five and six hundred dollars a year for some years back. I believe in it, but to say that the farmers or the fruit growers that they shall be compelled to carry it, I won't say that now. We want to carry it, we hope to carry it, and I agree with Mr. Reynolds that these people should be protected. I would like to see them being protected, but I don't believe I am in any way guilty now of saying that they shall do it.

On the question recurring.

Will the House agree to the amendment?

The yeas and nays were required by Mr. Reynolds and Mr. Edwin F. Thompson and were as follows:

YEAS—61.

Achterman,	Downey,	Lovett,	Reynolds,
Allen,	Fauset,	Malloy,	Rider,
Allmond,	Finnerty,	Melchiorre,	Rooney,
Andrews,	Flanagan,	Mooney,	Rothenberger,
Baker,	Furman,	Moran,	Sarraf,
Bohn,	Gorski,	Munley,	Schrope,
Boles,	Hess,	O'Brien,	Stank,
Boney,	Hindman,	O'Connor,	Tarr,
Brancato,	Hoffman, S. K.,	O'Keefe,	Thompson, E. F.,
Broad,	Holland,	Ominsky,	Tronzo,
Brown, H. S.,	Keenan,	Powers,	Walsh,
Check,	Kenehan,	Preston,	Weiss,
Chervenak,	Kilroy,	Readinger,	Welsh, E. B.,
Cohen, H. B.,	Levy,	Reese, R. E.,	Welsh, M. J.,
Corrigan,	Long,	Regan,	Williams,
DeNote,			

NAYS—120.

Ackermann,	Ely,	Lee,	Simon,
Alspach,	Ewing,	Leisey,	Sloan,
Atkins,	Fisher,	Leydic,	Snyder,
Auker,	Fiss,	Lichtenwalter,	Sollenberger,
Balliet,	Fleming,	Marr,	Stambaugh,
Bennett,	Foor,	Matthews,	Stewart,
Boorse,	Freed,	McClester,	Stockham,
Boose,	Fullerton,	McGarrity,	Sweeney,
Bower,	Gates,	McKinney,	Taylor,
Boyd,	Gillan,	McNally,	Terry,
Bretherick,	Gillette,	McVay,	Thistle,
Bronson,	Goll,	Montgomery,	Thompson, G. R.,
Brown, S. W.,	Hatbyshaw,	Moser, F. S.,	Tiemann,
Brunner,	Haines	Moser, J. L.,	Trout,
Cadwalader,	Hall,	Muir,	VanAllsburg,
Calvin,	Hamilton,	O'Dare,	Van Belle,
Carpenter,	Harbeson,	Peale,	Voorhees
Christley,	Hewitt,	Reagan,	Wagner,
Clearwater,	Hocke,	Reese, D. P.,	Watkins,
Cook,	Hoffman, J. N.,	Rhodes,	Webster,
Cooper,	Hoyt,	Riley	Westrick,
Cordier,	Huntley,	Robertson,	Wilkinson,
Cortese,	Imbrie,	Rose,	Wilson,
Curran,	James,	Roseberry,	Winner,
Dalrymple,	Johnston,	Royer,	Wood, H. M.,
Denman,	Jones,	Sarge,	Wood, L. H.,
Dick,	Kline,	Schaffhock,	Wood, N.,
Dix,	Knoble,	Seif,	Woodside,
Donahue,	Kowalski,	Serrill,	Yeakel,
Eckels,	Krise,	Shearer,	Turner,
			Speaker.

So the question was determined in the negative and the amendment was not agreed to.

On the question,

Will the House agree to the section?

It was agreed to.

The second section was read and agreed to as follows:

Section 2 The provisions of this act shall become effective ten days after its final enactment

The title was read as follows:

A Supplement to the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishin an elective schedule of compensation providing procedu for the determination of liability and compensation there under and prescribing penalties" as reenacted a amended to exempt domestic servants and agricultur workers from the provisions thereof except in certa cases

On the question,

Will the House agree to the section?

Mr. REYNOLDS. Mr. Speaker, I desire to offer th following amendments.

The SPEAKER. The amendments will be read by th clerk.

The amendments were read by the clerk as follows:

Amend title, page 1, line 9 of title, by striking out th words: "to exempt" and inserting in lieu thereof: "in cluding"

Amend title, page 1, line 10 of title, by striking out th word "from" and inserting in lieu thereof: "within"

Amend title, page 1, lines 10 and 11 of title, by strikin out the words "except in certain cases"

On the question,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the title?

It was agreed to.

And said bill having been read at length the second tim and agreed to.

Ordered, To be transcribed for a third reading.

REASON FOR VOTE

Mr. RHODES offered the following reason for his vote

Reasons for negative vote on Reynolds amendment t House Bill 1302.

To force employers of domestic workers to obtai workmen's compensation insurance would cause thousand of domestic workers to lose their jobs.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consid eration of House Bill No. 1401, as follows:

An Act defining the liability of an employer to pay dam ages for occupational disease contracted by an employ arising out of and in the course of employment estab lishing an elective schedule of compensation providin procedure for the determination of liability and com pensation thereunder imposing duties on the Depart ment of Labor and Industry the Workmen's Compen sation Board Workmen's Compensation Referees an deans of medical schools creating medical boards to de termine controverted medical issues establishing a Occupational Disease Fund in custody of the Stat Workmen's Insurance Board imposing upon the Com monwealth a part of the compensation payable fo certain occupational diseases making an appropriatio and prescribing penalties

The General Assembly of the Commonwealth of Penn sylvania hereby enacts as follows

ARTICLE I

Interpretation and Definitions

Section 101 This act shall be called and may be cite as The Pennsylvania Occupational Disease Act It sha apply to disabilities and deaths caused by occupational dis ease as defined in this act resulting from employmen within this Commonwealth irrespective of the place wher the contract of hiring was made renewed or extended an

shall not apply to any such disabilities and deaths resulting from employment outside of the Commonwealth

Section 102 Wherever in this act the singular is used the plural shall be included and where the masculine gender is used the feminine and neuter shall be included

Section 103 The term "employer" as used in this act is declared to be synonymous with master and to include natural persons partnerships joint-stock companies corporations for profit corporations not for profit municipal corporations the Commonwealth and all governmental agencies created by it

Section 104 The term "employe" as used in this act is declared to be synonymous with servant and includes all natural persons who perform services except agriculture services or domestic services performed in a private home for another for a valuable consideration exclusive of persons whose employment is casual in character and not in the regular course of the business of the employer and exclusive of persons to whom articles or materials are given out to be made up cleaned washed altered ornamented finished or repaired or adapted for sale in the worker's own home or on other premises not under the control or management of the employer

Section 105 The term "contractor" as used in article two section two hundred and three and article three section three hundred and two (b) shall not include a contractor engaged in an independent business other than that of supplying laborers or assistants in which he serves persons other than the employer in whose service the disability occurs but shall include a sub-contractor to whom a principal contractor has sub-let any part of the work which such principal contractor has undertaken

Section 106 The exercise and performance of the powers and duties of a local or other public authority shall for the purposes of this act be treated as the trade or business of the authority

Section 107 The term "Department" when used in this act shall mean the Department of Labor and Industry of this Commonwealth

The term "Board" when used in this act shall mean The Workmen's Compensation Board of this Commonwealth

The term "Referee" when used in this act shall mean Workmen's Compensation Referee

Section 108 The term "occupational disease" as used in this act shall mean only the following diseases

(a) Poisoning by arsenic lead mercury or manganese their preparations or compounds in any occupation involving direct contact with handling thereof or exposure thereto

(b) Poisoning by phosphorus its preparations or compounds in any occupation involving direct contact with handling thereof or exposure thereto

(c) Poisoning by methanol carbon bisulphide hydro carbon distillates (naphathas and others) or halogenated hydro carbons or any preparations containing these chemicals or any of them in any occupation involving direct contact with handling thereof or exposure thereto

(d) Poisoning by benzol or by nitro amido or amino derivatives of benzol (dinitro-benzol anilin and others) or their preparations or compounds in any occupation involving direct contract with handling thereof or exposure thereto

(e) Caisson disease (compressed air illness) resulting from engaging in any occupation carried on in compressed air

(f) Radium poisoning or disability due to radioactive properties of substances or to roentgen-ray (X-rays) in any occupation involving direct contact with handling thereof or exposure thereto

(g) Poisoning by or ulceration from chromic acid or bichromate of ammonium potassium or sodium or their preparations in any occupation involving direct contact with handling thereof or exposure thereto

(h) Epitheliomatous cancer or ulceration due to tar pitch bitumen mineral oil or paraffin or any compound product or residue of any of those substances in any occupation involving direct contact with handling thereof or exposure thereto

(i) Infection or inflamation of the skin due to oils cutting compounds lubricants dust liquids fumes gases or vapor in any occupation involving direct contact with handling thereof or exposure thereto

(j) Anthrax occurring in any occupation involving the handling of or exposure to wool hair bristles hides or skins or bodies of animals either alive or dead

(k) Silicosis or anthroco-silicosis in any occupation involving direct contact with handling of or exposure to dust of silicon dioxide (SiO_2)

(l) Asbestosis in any occupation involving direct contact with handling of or exposure to the dust of asbestos

ARTICLE II

Damages by Action at Law

Section 201 In any action brought to recover damages for disability or death of an employe caused by occupational disease arising out of or in the course of his employment it shall not be a defense that the occupational disease was caused in whole or in part by the negligence of a fellow employe

Section 202 The employer shall be liable for the negligence of employes other than the plaintiff while acting within the scope of their employment including engineers chauffeurs miners mine-foremen fire-bosses mine superintendents plumbers officers of vessels and all other employes licensed by the Commonwealth or other governmental authority if the employer be allowed by law the right of free selection of such employes from the class of persons thus licensed and such employes shall be the agents and representatives of their employers and their employes shall be responsible for the acts and neglects of such employes as in the case of other agents and employes of their employers and notwithstanding the employment of such employes the property in and about which they are employed and the use and operation thereof shall at all times be under the supervision management and control of their employers

Section 203 An employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor who has rejected article three of this act for the performance upon such premises of a part of the employer's regular business entrusted to such employe or contractor shall be liable to such laborer or assistant in the same manner and to the same extent as to his own employe

Section 204 No agreement composition or release of damages made before the date of any disability or death resulting from occupational disease except the agreement defined in article three of this act shall be valid or shall bar a claim for damages for such disability or death and any such agreement other than that defined in article three herein is declared to be against the public policy of this Commonwealth The receipt of benefits from any association society or fund shall not bar the recovery of damages by action at law nor the recovery of compensation under article three thereof and any release executed in consideration of such benefits shall be void

ARTICLE III

Elective Compensation

Section 301 (a) When employer and employe shall by agreement either express or implied as hereinafter provided accept the provisions of article three of this act compensation for disability or death of such employe caused by occupational disease arising out of and in the course of his employment shall be paid by the employer without regard to negligence according to the schedule contained in sections three hundred and six and three hundred and seven of this article but

1 No compensation shall be paid when the disability or death is caused by the employe's wilful disobedience of orders rules or regulations adopted by the employer for the protection of the safety of persons employed and the preservation of property or is caused by the employe's wilful failure or refusal to use a reasonable safety appliance provided for him or is caused by the employe's violation of law but the burden of proof of such fact shall be upon the employer

2 The maximum compensation payable under this article for disability or death resulting from silicosis anthraco-sili-

cosis or asbestosis shall not exceed the sum of thirty-six hundred dollars ($3,600)

(b) The right to receive compensation under this act shall not be affected by the fact that a minor is employed or is permitted to be employed in violation of the laws of this Commonwealth relating to the employment of minors or that he obtained his employment by misrepresenting his age

(c) The term "occupational disease" as used in this act shall be construed to mean only occupational disease which is peculiar to the occupation or industry in which the employe was engaged and not common to the general population and occurring within one year after the date of his last employment in such occupation or industry Wherever death is mentioned as a cause for compensation under this act it shall mean only death resulting from occupational disease and occurring within three years after the date of his last employment in such occupation or industry

(d) Compensation for silicosis or anthraco-silicosis and asbestosis shall be paid only when it is shown that the employe has had an aggregate employment of at least four years in the Commonwealth of Pennsylvania during a period of eight years next preceding the date of disability in an occupation having a silica or asbestos hazard

(e) Compensation shall not be payable for partial disability due to silicosis anthraco-silicosis or asbestosis Compensation shall be payable as otherwise provided in this act for total dsability or death caused solely (as definitely distinguished from a contributory or accelerating cause) by silicosis anthraco-silicosis or asbestosis or by silicosis anthraco-slicosis or asbestosis when accompanied by active pulmonary tuberculosis

(f) If it be shown that the employe at or immediately before the date of disability was employed in any occupation or industry in which the occupational disease is a hazard it shall be presumed that the employe's occupational disease arose out of and in the course of his employment but this presumption shall not be conclusive

(g) The employer liable for the compensation provided by this article shall be the employer in whose employment the employe was last exposed to the hazard of the occupational disease claimed regardless of the length of time of such last exposure Provided That when a claimant alleges that disability or death was due to silicosis anthraco-silicosis asbestosis or any other occupational disease which developed to the point of disablement only after an exposure of five or more years the only employer liable shall be the last employer in whose employment the employe was last exposed to the hazard of such occupational disease during a period of six months or more after the effective date of this act and in such cases an exposure during a period of less than six months after the effective date of this act shall not be deemed an exposure The notice of disability or death and claim shall be made to the employer who is liable under this sub-section and his insurance carrier if any

(h) Except as hereinafter provided all compensation payable under this article shall be payable in periodic instalments as the wages of the employe were payable before the accident

Section 302 (a) In every contract of hiring made after October first one thousand nine hundred and thirty-nine and in every contract of hiring renewed or extended by mutual consent expressed or implied after said date it shall be conclusively presumed that the parties have accepted the provisions of article three of this act and have agreed to be bound thereby unless the employer shall post at his plant office or place of business a notice of his intention not to pay such compensation or unless there be at the time of the making renewal or extension of such contract an express statement in writing from either party to the other that the provisions of article three of this act are not intended to apply and unless a true copy of such posted notice or such written statement accompanied by proof of posting or proof of service thereof upon the other party setting forth under oath or affirmation the time place and manner of such posting or service be filed with the department within twenty days after such posting or service Every contract of hiring oral written or implied from circumstances now in operation or made or implied on or before October first one thousand nine hundred and thirty-nine shall be conclusively presumed to continue subject to the provisions of article three hereof unless the employer shall on or before said date either post at his plant office or place of business a notice of his intention not to pay such compensation or unless either party shall on or before said date in writing have notified the other party to such contract that the provisions of article three hereof are not intended to apply and unless there shall be filed with the department a true copy of such notice together with proof of posting or service within the time and in the manner hereinabove prescribed Provided however That the provisions of this section shall not be so construed as to impair the obligation of any contract now in force Such posted notice shall constitute sufficient notice to all employes and to the parents and guardians of all minor employes and a certified copy of proof of posting or proof of service shall be prima facie evidence of notice It shall not be lawful for any officer or agent of this Commonwealth or for any county city borough town or township therein or for any officer or agent thereof or for any other governmental authority created by the laws of this Commonwealth to give such notice of rejection of the provisions of this article to any employe of the Commonwealth or of such governmental agency

(b) After October first one thousand nine hundred and thirty-nine an employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor for the performance upon such premises of a part of the employer's regular business entrusted to that employe or contractor shall be conclusively presumed to have agreed to pay to such laborer or assistant compensation in accordance with the provisions of article three unless the employer shall post at his plant office or place of business a notice of his intention not to pay such compensation and unless there be filed with the department within twenty days thereafter a true copy of such notice together with proof of the posting of the same setting forth upon oath or affirmation the time place and manner of such posting and after October first one thousand nine hundred and thirty-nine any such laborer or assistant who shall enter upon premises occupied by or under control of such employer for the purpose of doing such work shall be conclusively presumed to have agreed to accept the compensation provided in article three in lieu of his right of action under article two unless he shall have given notice in writing to the employer at the time of entering upon such employer's premises for the purpose of doing his work of his intention not to accept such compensation and unless within twenty days thereafter there shall have been filed with the department a true copy of such notice accompanied by proof of service thereof upon such employer setting forth under oath or affirmation the time place and manner of such service And in such cases where article three binds such employer and such laborer or assistant it shall not be in effect between the intermediate employer or contractor and such laborer or assistant unless otherwise expressly agreed

(c) Any notice given hereunder by an employer to his employes need not be addressed to each employe individually but may be addressed to all employes Proof of service of any number of statements or notices may be made in one affidavit but such affidavit shall state the time and place of each service

Section 303 Such agreement shall constitute an acceptance of all provisions of article three of this act and shall operate as a surrender by the parties thereto of their rights to any form or amount of compensation or damages for any disability or death resulting from occupational disease contracted in the course of the employment or to any method of determination thereof other than as provided in article three of this act Such agreement shall bind the employer and his personal representatives and the employe his or her wife or husband widow or widower next of kin and other dependents

Section 304 Any agreement between employer and employe for the operation or non-operation of the provisions of article three of this act may be terminated by the posting of notice by the employer or by either party upon thirty days' notice to the other in writing if a

copy of such notice with proof of posting or proof of service be filed in the department as provided in section three hundred and two of this article

Section 305 Every employer liable under this act to pay compensation shall insure the payment of compensation in the State Workmen's Insurance Fund or in any insurance company or mutual association or company authorized to insure such liability in this Commonwealth unless such employer shall be exempted by the department from such insurance An employer desiring to be exempt from insuring the whole or any part of his liability for compensation shall make application to the department showing his financial ability to pay such compensation whereupon the department if the applicant establishes his financial ability shall issue to the applicant a permit authorizing such exemption From a refusal of the department to issue such permit an appeal shall lie to the Court of Common Pleas of Dauphin County In any such appeal the only question shall be whether the department abused its discretion in refusing such permit The department shall establish a period of twelve calendar months to begin and end at such times as the department shall prescribe which shall be known as the annual exemption period Unless previously revoked all permits issued under this section shall expire and terminate on the last day of the annual exemption period for which they were issued Permits issued under this act shall be renewed upon the filing of an application The department may from time to time require further statements of the financial ability of such employer and if at any time such employer appear no longer able to pay compensation shall revoke its permit granting exemption in which case the employer shall immediately subscribe to the State Workmen's Insurance Fund or insure his liability in any insurance company or mutual association or company as aforesaid

If any employer fails to comply with the provisions of this section such employer shall be guilty of a misdemeanor and upon conviction thereof for every such failure shall be sentenced to pay a fine of not less than one hundred dollars or more than five hundred dollars and costs of prosecution or imprisonment for a period of not more than six months or both at the discretion of the court Every day's violation shall constitute a separate offense It shall be the duty of the department to enforce the provisions of this section and it shall investigate all violations that are brought to iits notice and shall institute prosecutions for violations thereof All fines recovered under the provisions of this section shall be paid by the clerk of the court to the department and by it paid into the State Treasury

Section 306 The following schedule of compensation is hereby established for total disability resulting from occupational disease

(a) For the first five hundred weeks after the seventh day of total disability sixty-six and two-thirds per centum of the wages of the disabled employe as defined in section three hundred and nine but the compensation shall not be more than eighteen dollars per week nor less than nine dollars per week and shall not exceed in the aggregate the sum of seventy-five hundred dollars Provided That if at the date when disability begins the employe receives wages of less than nine dollars per week then he shall receive the full amount of such wages per week as compensation Nothing in this clause shall require payment of compensation after disability shall cease Should partial disability be followed by total disability the period of five hundred weeks mentioned in this clause of this section shall be reduced by the number of weeks during which compensation was paid for such partial disability

(b) For disability partial in character (except the particular cases mentioned in clause (c)) sixty-six and two-thirds per centum of the difference between the wages of the disabled employe as defined in section three hundred and nine and the earning power of the employe thereafter but such compensation shall not be more than fifteen dollars per week This compensation shall be paid during the period of such partial disability not however beyond three hundred weeks after the seventh day of disability Should total disability be followed by partial disability the period of three hundred weeks mentioned in this clause shall be reduced by the number of weeks during which compensation was paid for total disability The term "earning power" as used in this section shall be construed to mean the weekly amount customarily paid in the vicinity for the character of work which the employe is physically able to perform without regard to the availability of such work but in no case shall earning power be less than the weekly amount which the employe receives after disability begins

(c) For all disability resulting from loss or loss of the use of members resulting from occupational disease the compensation shall be exclusively as follows

For the loss of a hand sixty-six and two-thirds per centum of wages during one hundred and seventy-five weeks

For the loss of an arm sixty-six and two-thirds per centum of wages during two hundred and fifteen weeks

For the loss of a foot sixty-six and two thrids per centum of wages during one hundred and fifty weeks

For the loss of a leg sixty-six and two-thirds per centum of wages during two hundred and fifteen weeks

For the loss of an eye sixty-six and two-thirds per centum of wages during one hundred and twenty-five weeks

For the complete loss of hearing in both ears sixty-six and two-thirds per centum of wages during one hundred and fifty weeks

For the loss of a thumb sixty-six and two-thirds per centum of wages during sixty weeks

For the loss of a first finger commonly called index finger sixty-six and two-thirds per centum of wages during thirty-five weeks

For the loss of a second finger sixty-six and two-thirds per centum of wages during thirty weeks

For the loss of a third finger sixty-six and two-thirds per centum of wages during twenty weeks

For the loss of a fourth finger commonly called little finger sixty-six and two-thirds per centum of wages during fifteen weeks

The loss of the first phalange of the thumb or of any finger shall be considered equivalent to the loss of one-half of such thumb or finger and shall be compensated at the same rate as for the loss of a thumb or finger but for one-half of the period provided for the loss of a thumb or finger

The loss of more than one phalange of a thumb or finger shall be considered equivalent to the loss of the entire thumb or finger

For the loss of or permanent loss of the use of any two or more such members not constituting total disability sixty-six and two-thirds per centum of wages during the aggregate of the periods specified for each

Unless the board shall otherwise determine the loss of both hands or both arms or both feet or both legs or both eyes shall constitute total disability to be compensated according to the provisions of clause (a)

Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand and amputation between the knee and the ankle shall be considered as the equivalent of the loss of a foot Amputation at or above the elbow shall be considered as the loss of an arm and amputation at or above the knee shall be considered as the loss of a leg Permanent loss of the use of a hand arm foot leg eye finger or thumb shall be considered as the equivalent of the loss of such hand arm foot leg eye finger or thumb

This compsation shall not be more than eighteen dollars per week not less than nine dollars per week Provided That if at the time of disability the employe receives wages of less than nine dollars per week then he shall receive the full amount of such wages per week as compensation

(d) The period of five hundred weeks mentioned in clause (a) three hundred weeks mentioned in clause (b) and the specific periods (or aggregate specific periods as the case may be) mentioned in clause (c) shall begin to run seven days after disability begins and shall run concurrently

(e) No compensation shall be allowed for the first seven days after disability begins except as hereinafter provided in clause (f) of this section

(f) During the first sixty days after disability begins

the employer shall furnish reasonable surgical and medical services medicines and supplies as and when needed unless the employe refuses to allow them to be furnished by the employer The cost of such services medicines and supplies shall not exceed one hundred and fifty dollars If the employer shall upon application made to him refuse to furnish such services medicines and supplies and employe may procure same and shall receive from the employer the reasonable cost thereof within the above limitations In addition to the above service medicines and supplies hospital treatment services and supplies shall be furnished by the employer for the said period of sixty days The cost for such hospital treatment service and supplies shall not in any case exceed the prevailing charge in the hospital for like services to other individuals If the employe shall refuse reasonable surgical medical and hospital services medicines and supplies tendered to him by his employer he shall forfeit all rights to compensation for any increase in his disability shown to have resulted from such refusal

(g) Should the employe die as a result of the occupational disease the period during which compensation shall be payable to his dependents under section three hundred and seven of this article shall be reduced by the period during which compensation was paid to him in his lifetime under this section of this article No reduction shall be made for the amount which may have been paid or contracted to be paid for medical and hospital services and medicines nor for the expenses of the last sickness and burial Should the employe die from some other cause than the occupational disease the liability for compensation shall cease

Section 307 In case of death resulting from occupational disease compensation shall be computed on the following basis and distributed to the following persons

1 If there be no widow nor widower entitled to compensation compensation shall be paid to the guardian of the child or children or if there be no guardian to such other persons as may be designated by the board as hereinafter provided as follows

(a) If there be one child twenty-five per centum of wages of deceased but not in excess of six dollars per week

(b) If there be two children thirty-five per centum of wages of deceased but not in excess of nine dollars per week

(c) If there be three children forty-five per centum of wages of deceased but not in excess of eleven and a half dollars pr week

(d) If there be four children fifty-five per centum of wages of deceased but not in excess of fourteen dollars per week

(e) If there be five children sixty-two and one-half per centum of wages of deceased but not in excess of sixteen and a half dollars per week

(f) If there be six or more children sixty-six and two-thirds per centum of wages of deceased but not in excess of eighteen dollars per week

2 To the widow or widower if there be no children forty-four per centum of wages but not in excess of eleven dollars per week

3 To the widow or widower if there be one child fifty-three per centum of wages but not in excess of thirteen and a half dollars per week

4 To the widow or widower if there be two children sixty-two and one-half per centum of wages but not in excess of sixteen dollars per week

5 To the widow or widower if there be three or more children sixty-two and two-thirds per centum of wages but not in excess of eighteen dollars per week

6 If there be neither widow widower nor children entitled to compensation then to the father or mother if dependent to any extent upon the employe at the time of the accident twenty-five per centm of wages but not in excess of five dollars per week Provided however That in the case of a minor child who has been contributing to his parents the dependency of said parents shall be presumed And provided further That if the father or mother was totally dependent upon the deceased employe at the time of the accident the compensation payable to such father or mother shall be forty-five per centum of wages but not in excess of ten dollars per week

7 If there be neither widow widower children nor dependent parent entitled to compensation then to the brothers and sisters if actually dependent upon the decedent for support at the time of his death fifteen per centum of wages for one brother or sister and five per centum additional for each additional brother or sister with a maximum of twenty-five per centum such compensation to be paid to their guardian or if there be no guardian to such other person as may be designated by the board as hereinafter provided

8 Whether or not there be dependents as aforesaid the reasonable expense of burial not exceeding two hundred dollars which shall be paid by the employer or insurer directly to the undertaker (without deduction of any amounts paid for compensation or for medical expenses)

Compensation shall be payable under this section to or on account of any child brother or sister only if and while such child brother or sister is under the age of sixteen No compensation shall be payable under this section to a widow unless she was living with her deceased husband at the time of his death or was then actually dependent upon him and receiving from him a substantial portion of her support No compensation shall be payable under this section to a widower unless he be incapable of self-support at the time of his wife's death and be at such time dependent upon her for support If members of decedent's household at the time of his death the terms "child" and "children" shall include step-children adopted children and children to whom he stood in loco parentis and shall include posthumous children Should any dependent of a deceased employe die or remarry or should the widower become capable of self-support the right of such dependent or widower to compensation under this section shall cease Provided however That upon remarriage of any widow the compensation of such widow shall continue as hereinbefore provided for one-third of the period during which compensation then remains payable to her Provided further That if upon investigation and hearing it shall be ascertained that the widow or widower is living with a man or woman as the case may be in meretricious relationship and not married or the widow living a life of prostitution the board may order the termination of compensation payable to such widow or widower If the compensation payable under this section to any person shall for any cause cease the compensation to the remaining persons entitled thereunder shall thereafter be the same as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased

The wages upon which death compensation shall be based shall not in any case be taken to exceed twenty-seven dollars per week nor be less than fifteen dollars per week

This compensation shall be paid during three hundred weeks and in the case of children entitled to compensation under this section the compensation of each child shall continue after said period of three hundred weeks until such child reaches the age of sixteen at the rate of seventeen and one-half per centum of wages but not in excess of four dollars per week if there is one child twenty-seven and one-half per centum of wages but not in excess of six and a half dollars per week if there are two children thirty-eight and one-half per centum of wages but not in excess of nine dollars per week if there are three children fifty per centum of wages but not in excess of eleven and a half dollars per week if there are four children fifty-five per centum of wages but not in excess of twelve dollars and seventy-five cents per week if there be five children and sixty per centum of wages but not in excess of fourteen dollars per week if there be six children or more

The board may if the best interest of a child or children shall so require at any time order and direct the compensation payable to a child or children or to a widow or a widower on account of any child or children to be paid to the guardian of such child or children or if there be no guardian to such other person as the board as hereinafter provided may direct If there be no guardian or committee of any minor dependent or insane employe or dependent on whose account compensation is payable the amount payable on account of such minor dependent or insane employe or dependent may be paid to any

surviving parent or to such other person as the board may order and direct and the board may require any person other than a guardian or committee to whom it has directed compensation for a minor dependent or insane employe or dependent to be paid to render as and when it shall so order accounts of the receipts and disbursements of such person and to file with it a satisfactory bond in a sum sufficient to secure the proper application of the moneys received by such person

Section 308 (a) When compensation is awarded because of disability or death caused by silicosis anthraco-silicosis asbestosis or any other occupational disease which developed to the point of disablement only after an exposure of five or more years the compensation for disability or death due to such disease shall be paid jointly by the employer and the Commonwealth out of moneys to the credit of the Occupational Disease Fund hereinafter created in the State Workmen's Insurance Fund in accordance with the following provisions If disability begins between October 1 1939 and September 30 1941 both dates inclusive the employer shall be liable for and pay fifty per centum of the compensation due and the Occupational Disease Fund fifty per centum thereof Thereafter depending upon the date when disability begins the proportions of compensation for which the employer and the Occupational Disease Fund shall respectively become liable shall be If disability begins between October 1 1941 and September 30 1943 the employer sixty per centum and the Occupational Disease Fund forty per centum if between October 1 1943 and September 30 1945 the employer seventy per centum and the Occupational Disease Fund thirty per centum if between October 1 1945 and September 30 1947 the employer eighty per centum and the Occupational Disease Fund twenty per centum if between October 1 1947 and September 30 1949 the employer ninety per centum and the Occupational Disease Fund ten per centum The employer shall pay the full amount of compensation provided in this act for disability or death in all cases where disability begins on or after October 1 1949

(b) An Occupational Disease Fund is hereby created in the State Workmen's Insurance Fund The sum of One hundred thousand dollars ($100,000) is hereby appropriated to the State Workmen's Insurance Board for payment into the State Workmen's Insurance Fund to the credit of the Occupational Disease Fund and to be used for the purposes specified in sub-section (a) of this section

(c) In all claims for compensation partially payable by the Commonwealth under sub-section (a) of this section the "State Workmen's Insurance Board Custodian of the Occupational Disease Fund" shall be designated as a co-defendant

(d) In all agreements for the payment of compensation and all awards the amount payable by the employer and the amount payable by the Commonwealth shall be separately stated An award against the employer shall be for only the percentage of the total compensation which the employer is obligated to pay under sub-section (a) of this section not to exceed the stated percentage of the maximum payable by the employer under section 301 (a) 2 of this act or if section 301 (a) 2 be inapplicable then under sections 306 and 307 of this act A separate award shall be made against the Commonwealth for the balance of the compensation payable under said sections but such award shall be payable only out of the Occupational Disease Fund

Section 309 Wherever in this article the term "wages" is used it shall be construed to mean the average weekly wages of the employe ascertained as follows

(a) If at the time of the disability the wages are fixed by the week the amount so fixed shall be the average weekly wage

(c) If at the time of the disability the wages are fixed by the month the average weekly wage shall be the monthly wage so fixed multiplied by twelve and divided by fifty-two

(c) If at the time of the disability the wages are fixed by the year the average weekly wage shall be the yearly wage so fixed divided by fifty-two

(d) If at the time of the disability the wages are fixed by the day hour or by the output of the employe the average weekly wage shall be whichever is most favorable to the employe as computed under the following four methods

(1) Total wages earned in the employ of the employer during the fifty-two calendar weeks (or twelve calendar months if the employe receives wages monthly or semi-monthly) immediately preceding the disability divided by fifty-two

(2) Total wages earned in the employ of the employer during the thirty-nine calendar weeks (or nine calendar months if the employe receives wages monthly or semi-monthly) immediately preceding the disability divided by thirty-nine

(3) Total wages earned in the employ of the employer during the twenty-six calendar weeks (or six calendar months if the employe receives wages monthly or semi-monthly) immediately preceding the disability divided by twenty-six

(4) Total wages earned in the employ of the employer during the thirteen calendar weeks (or three calendar months if the employe receives wages monthly or semi-monthly) immediately preceding the disability divided by thirteen

If the employe has been in the employ of employer less than thirteen calendar weeks (or three calendar months if th employe receives wages monthly or semi-monthly) immediately preceding the disability his average weekly wage shall be computed under the foregoing paragraph (4) taking "total wages" for such purpose to be the amount he would have earned had he been so employed by employer the full thirteen calendar weeks (or three calendar months) immediately preceding the disability and had worked when work was available to other employes in a similar occupation unless it be conclusively shown that by reason of exceptional causes such method of computation does not ascertain fairly the "total wages" of the employe so employed less than thirteen calendar weeks (or three calendar months)

(e) In occupations which are exclusively seasonal and therefore cannot be carried on throughout the year the average weekly wage shall be taken to be one-fiftieth of the total wages which the employe has earned from all occupations during the twelve calendar months immediately preceding the disability unless it be shown that during such year by reason of exceptional causes such method of computation does not ascertain fairly the earnings of the employe in which case the period for calculation shall be extended so far as to give a basis for the fair ascertainment of his average weekly earnings

The term "average weekly wage" and "total wages" as used in this section, shall include board and lodging received from the employer and when so received the board shall be rated at fifty cents per day and board together with lodging shall be rated at one dollar per day but such terms shall not include gratuities received from the employer or others nor shall such terms include amounts deducted by the employer under the contract of hiring for labor furnished or paid for by the employer and necessary for the performance of such contract by the employe nor shall such terms include deductions from wages due the employer for rent and supplies necessary for the employe's use in the performance of his labor

Where the employe is working under concurrent contracts with two or more employers and the defendant employer has knowledge of such employment prior to the disability his wages from all such employers shall be considered as if earned from the employer liable for compensation

Section 310 Alien widows children widowers parents brothers and sisters not resident of the United States shall not be entitled to any compensation

Section 311 Unless the employe or someone in his behalf or some of the dependents or someone in their behalf shall give notice of disability to the employer liable for compensation under this article within fourteen days after the disability begins no compensation shall be due until such notice be given and unless such notice be given within ninety days after the begining of disability no compensation shall be allowed

Section 312 The notice referred to in section three hun-

dred and eleven hereof shall be substantially in the following form

To (name of employer)

You are hereby notified that (name of employe disabled) who was in your employment at (place) while engaged as (kind of employment) became disabled as the result of (name of occupational disease) on or about the (.....) day of (.....) Anno Domini (.....) and that compensation will be claimed therefor

Date ..... Signed (.....)

But no variation from this form shall be material if the notice be sufficient to inform the employer that a certain employe by name became disabled as the result of occupational disease the character of which is described in ordinary language in the course of his employment on or about a time specified

Section 313 The notices referred to in section three hundred and two and section three hundred and eleven hereof may be served personally upon the employer or upon the manager or superintendent in charge of the works or business in which the employe was working or by sending them through the registered mail to the employer at his or its last known residence or place of business or if the employer be a corporation either foreign or domestic then upon the president vice-president secretary or treasurer thereof Notice served upon any of said agents shall be notice to the employer

Section 314 At any time after disability begins the employe if so requested by his employer must submit himself for examination at some reasonable time and place to a physician or physicians legally authorized to practice under the laws of such place who shall be selected and paid by the employer If the employe shall refuse upon the request of the employer to submit to the examination by the physician or physicians selected by the employer the board may upon petition of the employer order the employe to submit to an examination at a time and place set by it and by the physician or physicians selected and paid by the employer or by a physician or physicians designated by it and paid by the employer and if the employe shall without resonable cause or excuse disobey or disregard such order he shall be deprived of his right to compensation under this article The board may at any time after such first examination upon petition of the employer order the employe to submit himself to such further examinations as it shall deem reasonable and necessary at such times and places and by such physicians as it may designate and in such case the employer shall pay the fees and expenses of the examining physician or physicians and the reasonable travelling expenses and loss of wages incurred by the employe in order to submit himself to such examination The refusal or neglect without reasonable cause or excuse of the employe to submit to such examination ordered by the board either before or after an agreement or award shall deprive him of the right to compensation under this article during the continuance of such refusal or neglect and the period of such neglect or refusal shall be deducted from the period during which compensation would otherwise be payable

The employe shall be entitled to have a physician or physicians of his own selection to be paid by him participate in any examination requested by his employer or ordered by the board

Section 315 In cases of disability all claims for compensation shall be forever barred unless within one year after the disability begins the parties shall have agreed upon the compensation payable under this article or unless within one year after the disability begins one of the parties shall have filed a petition as provided in article four hereof In cases of death all claims for compensation shall be forever barred unless within one year after the death the parties shall have agreed upon the compensation payable under this article or unless within one year after the death one of the parties shall have filed a petition as provided in article four hereof Where however payments of compensation have been made in any case said limitations shall not take effect until the expiration of one year from the time of the making of the most recent payment made prior to the date of filing such petition

Section 316 The compensation contemplated by this article may at any time be commuted by the board at its then value when discounted at five per centum interest with annual rests upon application of either party with due notice to the other if it appear that such commutation will be for the best interest of the employe or the dependents of the deceased employe and that it will avoid undue expense or undue hardship to either party or that such employe or dependent has removed or is about to remove from the United States or that the employer has sold or otherwise disposed of the whole or the greater part of his business or assets Provided however That unless the employer agrees to make such commutation the board shall require the employe or the dependents of the deceased employe to furnish proper indemnity safeguarding the employer's rights

Section 317 At any time after the approval of an agreement or after the entry of the award a sum equal to all future instalments of compensation may (where death or the nature of the disability renders the amount of future payments certain) with the approval of the board be paid by the employer to any savings bank trust company or life insurance company in good standing and authorized to do business in this Commonwealth and such sum together with all interest thereon shall thereafter be held in trust for the employe or the dependents of the employe who shall have no further recourse against the employer The payment of such sum by the employer evidenced by the receipt of the trustee noted upon the prothonotary's docket shall operate as a satisfaction of said award as to the employer Payments from said fund shall be made by the trustee in the same amounts and at the same periods as are herein required of the employer until said fund and interest shall be exhausted In the appointment of the trustee preference shall be given in the discretion of the board to the choice of the employe or the dependents of the deased employe Should however there remain any unexpended balance of any fund after the payment of all sums due under this act such balance shall be repaid to the employer who made the original payment or to his legal representatives

Section 318 The right of compensation granted by this article shall have the same preference (without limit of amount) against the assets of an employer liable for such compensation as is now or may hereafter be allowed by law for a claim for unpaid wages for labor Provided however That no claim for compensation shall have priority over any judgment mortgage or conveyance of land recorded prior to the filing of the petition award or agreement as to compensation in the office of the prothonotary of the county in which the land is situated Claims for payments due under this article of this act shall not be assignable and (except as provided in section five hundred and one of article five hereof) shall be exempt from all claims of creditors and from levy execution or attachment which exemption may not be waived

Section 319 Where a third person is liable to the employe or the dependents for the disability or death the employer shall be subrogated to the right of the employe or the dependent apainst such third person less reasonable attorney's fees and other proper disbursements but only to the extent of the compensation payable under this article by the employer Any recovery against such third person in excess of the compensation theretofore paid by the employer shall be paid forthwith to the employe or to the dependents and shall be treated as an advance payment by the employer on account of any future instalments of compensation

Section 320 (a) If the employe at the time of the accident is a minor under the age of eighteen years employed or permitted to work in violation of any provision of the laws of this Commonwealth relating to minors of such age compensation either in the case of disability or death of such employe shall be one hundred and ten per centum of the amount that would be payable to such minor if legally employed The amount by which such compensation shall exceed that provided for in case of legal employment may be referred to as "additional compensation"

(b) The employer and not the insurance carrier shall be liable for the additional compensation Any provision in an insurance policy undertaking to relieve an employer from such liability shall be void

(c) Where death or the nature of the disability renders the amount of future payments certain the total amount of the additional compensation subject to discount as in the case of commutation shall be immediately due and payable It shall be deposited subject to the approval of the board in any savings bank trust company or life insurance company in good standing and authorized to do business in this Commonwealth

Where the amount of the future payments of compensation is uncertain the board shall upon the approval of the agreement or the entry of any award determine as nearly as may be the total amount of payment to be made and the additional compensation so calculated shall immediately upon such determination become due and payable by the employer The amount may be redetermined by the board and any increase shall then become due and payable and any excess which shall be shown to have been paid shall be returned to the person paying the same Upon determination of the amount due it shall be deposited as above provided Payments of compensation out of deposits shall be made to the employe or dependents as payments of other compensation are made Provided however That the board may in its discretion and upon inquiry as in cases of commutation accelerate such payments

(d) The provisions of the foregoing paragraph (c) shall not apply to employers who are exempted by the department from the necessity of carrying insurance

(e) Possession of an employment certificate duly issued and transmitted to the employer in accordance with the provisions of the child labor law and receipt thereof duly acknowledged by him shall be conclusive evidence to such employer of his legal right to employ the minor for whose employment such certificate has been issued

(f) The possession of an age certificate duly issued and transmitted to the employer by the school authorities of the school district in which a minor resides shall be conclusive evidence to the employer of the minor's age as certified therein

ARTICLE IV

Procedure

Section 401 The term "Employer" when used in this article shall mean the employer as defined in article one of this act or his duly authorized agent or his insurer if such insurer has assumed the employer's liability or the State Workmen's Insurance Fund of this Commonwealth if the employer be insured therein and the State Workmen's Insurance Board Custodian of the Occupational Disease Fund if compensation is payable in part out of that fund

The term "Medical Board" shall mean a Medical Board constituted as provided in section four hundred and two

Section 402 (a) Immediately after this act becomes effective the Governor shall request the deans of all legally recognized medical schools in Pennsylvania to serve as a committee whose duty it shall be to nominate twenty-five physicians especially qualified by training and experience for membership on Medical Boards Of the twenty-five nominees eight shall be roentologists and eight shall be pathologists The committee of deans shall certify its nominations to the Secretary of Labor and Industry

(b) From the names certified to him as aforesaid the Secretary of Labor and Industry with the approval of the Governor shall select as many Medical Boards of three members each as he may deem necessary for the efficient administration of this act and shall assign each board to hear and determine controverted medical issues in cases arising under this act in such workmen's compensation districts as he may specify Members of such boards shall serve without term and shall receive for their services in each case submitted to them such compensation not to exceed one hundred dollars ($100) per day as they may request and the Secretary of Labor and Industry may approve Their compensation shall be paid in the first instance out of the appropriation to the department for the administration of this act The department shall promptly report all such payments to the board which shall tax them as costs in the proceedings

(c) From time to time the Governor may request the deans of all legally constituted medical schools in Pennsylvania to certify additional lists of names to the Secretary of Labor and Industry Such lists shall contain twelve names of whom four shall be roentologists and four pathologists

(d) With the approval of the Governor the Secretary of Labor and Industry may from time to time fill vacancies in membership of Medical Boards from the names certified to him by said deans of medical schools and may create additional Medical Boards and assign existing Medical Boards to different workmen's compensation districts

(e) Medical Boards shall have the power and their duty shall be to hear and determnie controverted medical issues in cases arising under this act

Section 403 (a) All proceedings before the board or any referee and all appeals to the board shall be instituted by petition addressed to the board All petitions shall be in writing and in the form prescribed by the board

(b) All petition all copies of agreements for compensation and all papers requiring action by the board shall be mailed or delivered to the department at its principal office

Section 404 The department shall immediately upon their receipt properly file and docket all petitions agreements for compensation findings of fact by the board or any referee findings and conclusions of a Medical Board awards or disallowances of compensation or modifications thereof and all other reports or papers filed with it under the provisions of this act or the rules or regulations of the board

Section 405 Immediately upon receiving from the board or any referee any award or disallowance of compensation or any modification thereof or any other decision the department shall serve a copy thereof on all parties in interest

Section 406 All notices and copies to which any party shall be entitled under the provisions of this article shall be served by mail or in such manner as the board shall direct For the purposes of this article any notice or copy shall be deemed served on the date when mailed properly stamped and addressed and shall be presumed to have reached the party to be served but any party may show by competent evidence that any notice or copy was not received or that there was an unusual or unreasonable delay in its transmission through the mails In any such case proper allowance shall be made for the party's failure within the prescribed time to assert any right given him by this act

The department the secretary of the board and every referee shall keep a careful record of the date of mailing every notice and copy required by this act to be served on the parties in interest

Section 407 On or after the seventh day after disability shall have begun or death shall have occurred the employer and employe or his dependents may agree upon the compensation payable to the employe or his dependents under this act but any agreement made prior to the seventh day after the disability shall have begun or the death shall have occurred or permitting a commutation of payments contrary to the provisions of this act or varying the amount to be paid or the period during which compensation shall be payable as provided in this act shall be wholly null and void It shall be unlawful for any employer to accept a receipt showing the payment of compensation when in fact no such payment has been made

All agreements made in accordance with the provisions of this section shall be in writing and signed by all parties in interest

All agreements for compensation and all supplemental agreements for the modification suspension reinstatement or termination thereof and all receipts executed by any employe of whatever age or by any dependent to whom compensation is payable under section three hundred and seven and who has attained the age of sixteen years shall be valid and binding unless modified or set aside as hereinafter provided

Section 408 All agreements for compensation may be modified suspended reinstated or terminated at any time by a supplemental agreement approved by the department if the disability of an employe has increased decreased recurred or temporarily or finally terminated or if the status of any dependent has changed

Section 409 Whenever an agreement or supplemental agreement shall be executed between an employer and employe or his dependents as provided by this act such agreement shall be executed in triplicate Two copies thereof signed by all parties in interest shall be mailed or delivered to the department within thirty days after execution It shall be the duty of the department to examine the agreement to determine whether it conforms to the provisions of section four hundred and seven to notify the parties thereto of its validity or invalidity under the aforesaid section within thirty days after the copies of the agreement have been mailed or delivered to it and if the agreement be approved to send to the employe or dependents together with such notification of its approval a copy of the agreement Provided however That any payment made in accordance with any agreement prior to the receipt of notice of invalidity shall discharge pro tanto the liability under article three of this act of the employer making such payments

Section 410 If after any disability or death the employer and the employe or his dependents shall fail to agree upon the facts thereof and the compensation due under this act the employe or his dependents may present a claim for compensation to the board

Whenever any claim for compensation is presented to the board and is finally adjudicated in favor of the claimant the amounts of compensation actually due at the time the first payment is made after such adjudication shall bear interest at the rate of six per centum per annum from the day such claim is presented and such interest shall be payable to the same persons to whom the compensation is payable

In case any claimant shall die before the final adjudication of his claim the amount of compensation due such claimant to the date of death shall be paid to the dependents entitled to compensation or if there be no dependents then to the estate of the decedent

Section 411 Whenever the employer and the employe or his dependent shall on or after the seventh day after any disability begins or death occurs agree on the facts on which a claim for compensation depends but shall fail to agree on the compensation payable thereunder they may petition the board to determine the compensation payable Such petition shall contain the agreed facts and shall be signed by all parties in interest The board shall fix a time and place for hearing the petition and shall notify all parties in interest As soon as may be after such hearing the board shall award or disallow compensation in accordance with the provisions of this act

Section 412 If any party shall desire the commutation of future instalments of compensation he shall present a petition therefore to the board

Section 413 The board or a referee designated by the board may at any time review and modify or set aside an original or supplemental agreement upon petition filed by either party with the board or in the course of the proceedings under any petition pending before such board or referee if it be proved that such agreement was procured by the fraud coercion or other improper conduct of a party or was founded upon a mistake of law or of fact Provided That an agreement can only be reviewed modified or set aside if a petition is filed with the board within one year after the date of the most recent payment of compensation made prior to the date of filing such petition

The board or referee designated by the board may at any time modify reinstate suspend or terminate an original or supplemental agreement or an award upon petition filed by either party with such board upon proof that the disability of an injured employe has increased decreased recurred or has temporarily or finally ceased or that the status of any dependent has changed Such modification reinstatement suspension or termination shall be made as of date upon which it is shown that the disability of the employe has increased decreased recurred or has temporarily or finally ceased or upon which it is shown that the status of any dependent has changed Provided That an agreement or an award can only be reviewed modified or reinstated during the time such agreement or award has to run if for a definite period and no agreement or award shall be reviewed or modified or reinstated unless a petition is filed with the board within one year after the date of the most recent payment of compensation made prior to the date of filing such petition

The board or referee to whom any such petition has been assigned may subpoena witnesses hear evidence submit controverted medical issues to the Medical Board make findings of fact and award or disallow compensation in the same manner and with the same effect and subject to the same right of appeal as if such petition were an original claim petition

The filing of a petition to terminate or modify a compensation agreement or award as provided in this section shall operate as a supersedeas and shall suspend the payment of compensation fixed in the agreement or by the award in whole or to such extent as the facts alleged in the petition would if proved require

Section 414 Whenever a claim petition or other petition is presented to the board the board shall by general rules or special order either direct it to be heard by one or more members of the board or assign it to a referee for hearing Provided however That petitions presented under sections four hundred and eleven and four hundred and twelve shall be heard by one or more members of the board

The department shall serve upon each adverse party a copy of the petition together with a notice that such petition will be heard by the board or the referee to whom it has been assigned (giving his name and address) as the case may be and if the petition shall have been assigned to a referee shall mail the original petition to such referee together with copies of the notices served upon the adverse parties

Section 415 At any time before an award or disallowance of compensation or order has been made by a referee to whom a petition has been assigned the board may order such petition heard before it or one or more of its members or may reassign it to any other referee Unless the board shall otherwise order the testimony taken before the original referee shall be considered as though taken before the board or substituted referee

Section 416 Within ten days after a copy of any petition has been served upon any adverse party he may file with the secretary of the board if the petition has been directed to be heard by the board or with the referee if the petition has been assigned to a referee an answer in the form prescribed by the board

Evry fact alleged in a petition not specifically denied by an answer so filed by an adverse party shall be deemed to be admitted by him But the failure of any adverse party or of all of them to deny a fact so alleged shall not preclude the board or referee before whom the petition is heard from requiring of its or his own motion proof of such fact

Section 417 (a) As soon as may be after the twelfth day after notice that a petition has been directed to be heard by the board has been served upon the adverse parties thereto the board shall fix a time and place for hearing the petition if there be no controverted medical issues If a petition be assigned to a referee he shall twelve days after notice that such petition has been assigned to him has been served upon the adverse parties fix a time and a place for hearing the petition if there be no controversial medical issues Such hearing shall not be less than seven nor more than fourteen days after the mailing of notice thereof by the referee The secretary of the board if the petition has been directed to be heard by the board or by one of more of its members or the referee to whom the petition has been assigned shall serve upon all parties in interest a notice of the time and place of hearing and shall serve upon the petitioner a copy of any answer of any adverse party

(b) If there be controverted medical issues the board or the referee as the case may be shall forthwith submit such medical issues to the appropriate Medical Board

for determination In such case the hearing before the board or referee shall be postponed until after the Medical Board has transmitted to the board or referee its findings as to such medical issues

Section 418 The board if a petition is directed to be heard by it or by one or more of its members or the referee to whom a petition is assigned for hearing may subpoena witnesses order the production of books and other writings and hear evidence and shall make in writing and as soon as may be after the conclusion of the hearing such findings of facts conclusions of law and award or disallowance of compensation or other order as the petition and answers and the evidence produced before it or him and the provisions of this act shall in its or his judgment require The findings of fact made by the board in any petition heard by it or by one or more of its members or upon a hearing de novo shall be final except as hereinafter provided and the findings of fact made by a referee to whom a petition has been assigned or any question of fact has been referred under the provisions of section four hundred and nineteen shall be final unless an appeal is taken as provided in this act or unless the board shall under the provisions of section four hundred and twenty-five of this article grant a hearing de novo or a reahearing

Section 419 (a) The board may refer any question of fact arising under any petition including a petition for commutation heard by it to a referee to hear evidence and report to the board the testimony taken before him or such testimony and findings of fact thereon as the board may order The board may refer any question of fact arising out of any petition assigned to a referee to any other referee to hear evidence and report the testimony so taken thereon to the original refere

(b) The board or a referee if it or he deem it necessary may of its or his own motion either before during or after any hearing make investigation of the facts set forth in the petition or answer

(c) In all proceedings involving claims for compensation under this act in which there are controverted medical issues between the parties the board or referee shall refer such issues to the appropriate Medical Board for determination

Section 420 (a) Immediately after referring to the appropriate Medical Board medical issues in any case the board or referee shall order the claimant to subject himself to such clinical pathological and Roentgen examinations as in the opinion of the Medical Board may be necessary to determine whether or not the claimant has contracted or is suffering from the disease for which claim has been filed

(b) Every Medical Board shall have the power to subpoena witnesses to administer oaths and to order the production before it of books records and papers which may be relevant to any issue submitted to it for determination Any person who has been directed by a Medical Board to make an examination of a claimant or an autopsy of a decedent for whose death compensation is claimed shall give his testimony to the Board either orally or in writing and shall submit to cross-examination by counsel for claimant and defendant All examiners and experts who make examinations at the instance of a Medical Board shall receive such compensation as the Medical Board shall fix with the approval of the Secretary of Labor and Industry such compensation to be paid by the department and taxed as costs

(c) After the Medical Board has completed its inquiry into any case submitted to it it shall file with the board or referee its written report setting forth its findings with respect to the following medical questions

1 Whether or not the claimant contracted or is suffering from the occupational disease alleged and in death cases whether or not death was caused by such disease

2 If the claimant has contracted or is suffering from the occupational disease alleged its opinion as to the extent of the disability suffered by the claimant

The board or referee shall mail a copy of such report and findings to the claimant and to the employer or his or their or its insurers within five (5) days from the date of the filing thereof

(d) The Medical Board shall order an autopsy to be made upon the decedent for the purpose of examination and tests to determine the cause of death when it deems such an autopsy to be necessary to determine the cause of death

The findings resulting from such examinations and test shall be filed with the State Department of Health and certified copies thereof shall be filed with the board or referee and shall become public records in the case

(e) The reports and findings of the Medical Board shall be conclusive except that upon appeal to the courts the courts may inquire into the question whether the findings were based on any evidence

(f) All the proceedings for compensation shall be suspended upon the refusal of a claimant or claimants to submit to such clinical pathological and Roentgen examinations as may be ordered by the Medical Board In death cases in the event that a claimant or claimants shall refuse to permit an autopsy to be made upon the body of the decedent for a period of three months after death when ordered by the Medical Board no compensation shall be payable and claim therefor shall be disallowed by the board or referee

Section 421 (a) All hearings before the board or one or more members thereof or before a Medical Board or before a referee shall be public

(b) The board its members the referees and the Medical Boards shall not be bound by the technical rules of evidence in conducting hearings and investigations but all findings of fact shall be based only upon sufficient competent evidence to justify them

(c) If any party or witness resides outside of the Commonwealth or through illness or other cause is unable to testify before the board a referee or a Medical Board his or her testimony or deposition may be taken within or without this Commonwealth in such manner and in such form as the board may by special order or general rule prescribe The records kept by a hospital of the medical or surgical treatment given to an employe in such hospital shall be admissible as evidence of the medical and surgical matters stated therein but shall not be conclusive proof of such matters

Section 422 After the report of the Medical Board has been filed with the board or referee as the case may be the board or referee shall promptly fix a date for hearing and shall conclude the proceeding as in cases in which there are no controverted medical issues except that it or he shall accept as conclusive the findings and conclusions of the Medical Board with respect to the controverted medical issues

Section 423 Any party in interest may within twenty days after notice of a referee's award or disallowance of compensation shall have been served upon him take an appeal to the board on the ground (1) that the award or disallowance of compensation is not in conformity with the terms of this act or that the referee committed any other error of law (2) that the findings of fact and award or disallowance of compensation was unwarranted by sufficient competent evidence or was procured by fraud coercion or other improper conduct of any party in interest The board may upon cause shown extend the time provided in this article for taking such appeal or for the filing of an answer or other pleading

In any such appeal the board may disregard the findings of fact of the referee and may examine the testimony taken before such referee and if it deem proper may hear other evidence and may substitute for the findings of the referee such findings of fact as the evidence taken before the referee and the board as hereinafter provided may in the judgment of the board require and may make such disallowance or award of compensation or other order as the facts so founded by it may require but the board shall accept as conclusive upon it the findings and conclusions of the Medical Board

Section 424 Whenever an appeal shall be based upon an alleged error of law it shall be the duty of the board to grant a hearing thereon The board shall fix a time and place for such hearing and shall serve notice thereof on all parties in interest

As soon as may be after such hearing the board shall

either sustain or reverse the referee's award or disallowance of compensation or make such modification thereof as it shall deem proper

Section 425 Whenever an appeal shall be taken on the ground that the referee's award or disallowance of compensation was unwarranted by the evidence or because of fraud coercion or other improper conduct by any party in interest the board may in its discretion grant a hearing de novo before the board or one or more of its members or assign the petition for rehearing to any referee designated by it or sustain the referee's award or disallowance of compensation If the board shall grant a hearing de novo it shall fix a time and place therefor and notify all parties in interest

As soon as may be after any hearing de novo by the board it shall in writing state its findings of fact and award or disallow compensation in accordance with the provisions of this act

Section 426 The board upon petition of any party and upon cause shown at any time before the court of common pleas of any county of this Commonwealth to which an appeal has been taken under the provisions of section four hundred and twenty-seven of this article shall have taken final action thereon may grant a rehearing of any petition upon which the board has made an award or disallowance of compensation or other order or ruling or upon which the board has sustained or reversed any action of a referee but such rehearing shall not be granted more than one year after the board has made such award disallowance or order or ruling or has sustained or reversed any action of the referee If the board shall grant a rehearing of any petition from the board's action on which an appeal has been taken to and is pending in the court of common pleas of any county of this Commonwealth under the provisions of section four hundred and twenty-seven of this article the board shall file in such court a certified copy of its order granting such rehearing and it shall thereupon be the duty of such court to cause the record of the case to be remitted to the board Provided however That nothing contained in this section shall limit or restrict the right of the board or a referee designated by the board to review modify set aside reinstate suspend or terminate an original or supplemental agreement or an award in accordance with the provisions of section four hundred thirteen of this article

Section 427 Any party may appeal from any action of the board on matters of law to the court of common pleas of the county in which the employe was last employed prior to his disability or death or of the county in which the adverse party resides or has a permanent place of business or by agreement of the parties to the court of common pleas of any other county of this Commonwealth Such appeal must be brought within twenty days after notice of the action of the board has been served upon such party unless any court of common pleas to which an appeal lies shall upon cause shown extend the time herein provided for taking the appeal The party taking the appeal shall at the time of taking the appeal serve upon the adverse party a written notice thereof setting forth the date of the appeal and the court in which the same is filed and shall file either with his notice of appeal or within thirty days thereafter such exceptions to the action of the board as he may desire to take and shall specify the findings of fact if any of the board or of he referee sustained by the board which he alleges to be unsupported by sufficient competent evidence The sufficiency of such evidence is hereby declared to be a question of law to be determined by the courts upon review

Upon filing of the notice of an appeal the prothonotary of the court of common pleas to which the appeal has been taken shall issue a writ of certiorari directed to the board commanding it within ten days after service thereof to certify to such court its entire record in the matter in which the appeal has been taken The writ so issued shall be mailed by the prothonotary to the department at Harrisburg together with a copy of the exceptions The board shall within ten days after such service certify to such court its entire record in the matter in which the appeal has been taken including the notes of testimony

Any court before which an appeal is pending from any action of the board may remit the record to the board for more specific findings of fact if the findings of the board or referee or of the Medical Board are not in its opinion sufficient to enable it to decide the question of law raised by the appeal

If the court of common pleas of any county of this Commonwealth shall affirm an award or order of the board or of a referee sustained by the board fixing the compensation payable under this act the court shall enter judgment for the total amount stated by the award or order to be payable whether then due and accrued or payable in future instalments If such court shall sustain the appellant's exceptions to a finding or findings of fact and reverse the action of the board founded thereon the court shall remit the record to the board for further hearing and determination in which the procedure shall be the same as that hereinbefore provided in this article in the case of a petition presented to the board except that the testimony taken in the original proceedings shall be considered as though taken in such further hearing

The prothonotary of any court of common pleas to which an appeal has been taken from the board shall send to the board a certificate of the judgment of the court as soon as rendered with a copy of any opinion which may be filed in the case and within five days shall give notice of such judgment and the date thereof by registered mail to each attorney-at-law appearing in the case at the address given by the attorney in the pleadings and if no attorney-at-law has appeared by registered mail to the party or parties not represented by counsel

At the end of the period hereinafter allowed for an appeal from the judgment of the court the record of the board shall be remitted to it by the prothonotary unless an appeal shall have been taken to the Superior Court as hereinafter provided If such appeal shall be taken the record shall be remitted to the board by the prothonotary on its return from the appellate court

Any party may appeal to the Superior Court from the judgment of the court of common pleas within thirty days after entry of said judgment irrespective of the amount involved Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the Superior Court and the record so certified shall contain all that was before the court of common pleas Any appeal from the action of the board to a court of common pleas and from it to the Superior Court shall take precedence over all other civil actions The judgment of the Superior Court shall be final unless an appeal therefrom is allowed as in the case of other judgments of that Court

Section 428 At any time after the approval of a compensation agreement or after an award or order has been made by the board or referee the employe or dependents entitled to compensation thereunder may file a certified copy of the agreement and the order of the board approving the same or of the award or order with the prothonotary of the court of common pleas of any county and the prothonotary shall enter the total amount of compensation stated in the agreement award or order to be payable to the employe or his dependents whether then due and accrued or payable in future instalments as a judgment against the employer or other party liable under such agreement or award Such judgment shall be a lien against property of the employer or other party liable under such agreement or award and execution may issue thereon forthwith

Wherever after disability or death any employe or his dependents shall have entered into a compensation agreement with the employer liable for compensation under this act or shall file a claim petition with the board he may file a certified copy thereof with the prothonotary of the court of common pleas of any county The prothonotary shall enter the amount stipulated in any such agreement or claimed in any such petition as a judgment against the employer If the agreement be approved by the department or compensation awarded as claimed in the petition the amount of compensation stipulated in the agreement or claimed in the petition shall be a lien as of the date when the agreement or petition was filed with

the prothonotary Pending the approval of the agreement or the award of compensation no other lien which may be attached to the employer's property during such time shall gain priority over the lien of such agreement or award but no execution shall issue on any compensation judgment before the approval of the agreement or the award of compensation on the said petition

If the agreement be disapproved or after hearing compensation shall be disallowed the employer may file with the prothonotary of any county in which the petition or agreement is on record as a judgment a certified copy of the disapproval of the agreement or disallowance of compensation and it shall be the duty of such prothonotary to strike off the judgment

If the amount of compensation claim be disallowed but another amount awarded the compensation judgment shall be a lien to the extent of the award as of the date of filing the petition with the prothonotary with the same effect as to other liens and the same disability to issue execution thereon as if the compensation claimed had been allowed In such cases the prothonotary shall make such modification of the record as shall be appropriate

If the compensation payable under any agreement or award upon which judgment has been entered under the provisions of this section shall be modified suspended reinstated or terminated by a supplemental agreement executed under the provisions of section four hundred and eight or by an award or order made under the provisions of section four hundred and thirteen any party to such judgment at any time after such agreement has been approved by the department or after the expiration of the time allowed for an appeal from the award or order may file with the prothonotary of the court of common pleas of any county in which the judgment is on record a certified copy of such supplemental agreement award or order and it shall thereupon be the duty of the prothonotary to modify suspend reinstate or satisfy such judgment in accordance with the terms of such supplemental agreement award or order

Execution may issue by first filing with the prothonotary an affidavit that there has been a defualt in payments of compensation due on any judgment for compensation entered prior to the approval of the compensation agreement or an award on petition as soon as such agreement shall have been approved by the department or such award made as evidenced by the approval of the board of the award or by a certified copy thereof

Execution shall in all cases be for the amount of compensation and interest thereon due and payable up to the date of the issuance of said execution with costs and further execution may issue from time to time as further compensation shall become due and payable until full amount of the judgment with costs shall have actually been paid

Section 429 If any party against whom a compensation agreement award or other order fixing the compensation payable under this act has been filed of record in any county of this Commonwealth in accordance with the provisions of sections four hundred and twenty-eight of this article or against whom judgment has been entered by the prothonotary of the court of common pleas of any county on any award or order of the board or a referee shall at any time present to the board receipts or copies thereof certified by any referee showing the payment of compensation as required by the agreement or award in full to the date of presentation to the referee the board shall issue a certificate to such party in the form prescribed stating the extent to which the judgment on the agreement or award has been reduced Upon the presentation of such certificate to the prothonotary of the court of common pleas of any county in which such agreement or award has been filed of record as a judgment or in which judgment on an award has been entered by the prothonotary of the court of common pleas it shall be the prothonotary's duty to mark such judgment satisfied to the extent of the payments so certified and upon the presentation to such prothonotary of a certificate issued by the board under the provisions of section three hundred and seventeen of this act it shall be the duty of the prothonotary to mark such judgment fully satisfied

Section 430 The lien of any judgment entered upon any award shall not be divested by any appeal If however the party appealing from the award shall file with the board a bond in such amount and in such form as the rules and regulations of the board shall direct the appeal shall pending its decision excuse the payment of so much of the compensation as is contested therein but if the final decision on appeal shall sustain the award it shall be the duty of the employer by whom such award is payable to make payments of compensation as from the date of the original award If on appeal the award is sustained as to a part it shall be the duty of the employer by whom such part is payable to make payments as from the date of the original award In case the award is annulled on appeal it shall be the duty of the prothonotary of any county in which such award has been entered as a judgment to mark it satisfied

Section 431 The cost of the prothonotary for entering the amount of compensation as provided in this act or making a modification of the record or marking the judgment satisfied shall be allowed taxed and collected as upon a confession of judgment on a judgment note

Section 432 It shall be the duty of the prothonotary of each court of common pleas and of the Superior Court of the Commonwealth to make a monthly report to the board of the disposition of all appeals taken to such court under the provisions of this article

Section 433 A document on file in the department or with the board or any referee or part of the record of any proceedings taken under Article III and IV of this act shall be approved by a copy thereof certified by the department under the seal of the department or certified by the chairman of the board and attested by the secretary of the board under seal of the board as the case may be

Section 434 A final receipt given by an employe or dependent entitled to compensation under a compensation agreement or award shall be prima facie evidence of the termination of the employer's liability to pay compensation under such agreement or award Provided however That the board or a referee designated by the board may at any time within one year from the date to which payment is made as evidenced by such final receipt set aside a final receipt upon petition filed with the board if it be conclusively proved that such receipt was procured by fraud coercion or other improper conduct of a party or is founded upon mistake of law or of fact

ARTICLE V

General Provisions

Section 501 No claim or agreements for legal services or disbursements in support of any demand made or suit brought under the provisions of article two of this act shall be an enforceable lien against the amount to be paid as damages or be valid or binding in any respect unless the same be approved in writing by the judge presiding at the trial or in case of settlement without trial by a judge of the common pleas court of the county in which the accident occurred

No claim or agreement for legal services or disbursements in support of any claim for compensation or in preparing any agreement for compensation under article three of this act shall be an enforceable lien against the amount to be paid as compensation or be valid or binding in any other respect unless the same be approved by the board Any such claim or agreement shall be filed with the department which shall as soon as may be notify the person by whom the same was filed of the boards approval or disapproval thereof as the case may be

After the approval as herein required if the employer be notified in writing of such claim or agreement for legal services and disbursements the same shall be a lien against any amount thereafter to be paid as damages or compensation Provided however That where the employe's compensation is payable by the employer in periodical instalments the board shall fix at the time of approval the proportion of each instalment to be paid on account of legal services and disbursements

Section 502 Nothin in this act shall affect or impair any

rights of action which have accrued before this act shall take effect

Section 503 The following acts are hereby specifically repealed

The act approved the second day of July one thousand nine hundred thirty-seven (Pamphlet Laws twenty seven hundred fourteen) entitled "A supplement to the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing a system and schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as amended and re-enacted providing for the inclusion of occupational diseases within the scope thereof and providing definitions provisions and procedure related to such diseases and making an appropriation"

All other acts and parts of act inconsistent with the provisions of this act

Section 504 The provisions of this act shall become effective on October first one thousand nine hundred and thirty-nine except the provisions of section three hundred two of this act which shall become effective immediately upon the final enactment of this act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

MEMBER CONGRATULATED

The SPEAKER. At this time the Chair would like to give to the House a message that will be pleasing, a message of good cheer. Last week one of our members was called home suddenly because of the very serious illness of his wife. This morning Representative Krise from Clearfield received from his colleague the following telegram:

"Every thing over; have a new daughter; both are fine. Will be down in the morning."

The House is now comprised of two hundred and eight members and a daughter. The chair forgot a very important point. The father is Eddie Clark of Clearfield county.

RESOLUTION

CONGRATULATIONS

Mr. JAMES offered a resoluton and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read considered and unanimously adopted as follows:

In the House of Representatives, May 2, 1939.

There came to Seif last Friday night
The cutest little thing
Without a stitch of clothing on
He heard the angels sing
It seemed to Charles a miracle
(He knew he had not bought her)
That there should thusly come to him
A daughter, yes—a daughter!

A new and precious flower of humanity appeared in the McGee Hospital at Pittsburgh, at 11:56 a. m. on Friday April 28th.

She is the daughter of the Honorable Charles Lysle Seif, a member of this House, and his wife, and reports from the hospital advise us that she weighs exactly six pounds, ten and two-tenths ounces.

The young lady will be known to the proud parents and to the world as Dorothy Irene Seif; therefore be it

Resolved, by the Members of the House of Representativs of the General Assembly of the Commonwealth of Pennsylvania, that our member from the County of Allegheny is entitled to and hereby receives our heartiest congratulations upon the birth of this new daughter, and for his fortitude in coming safely through the ordeal; and that to his wife we extend our best wishes for her quick recovery and her great happiness in her new possession; and to the new daughter we send our greetings into the new world that so eagerly awaited her arrival; and be it further

Resolved, That a copy of this resolution be immediately transmitted to the Honorable Charles Lysle Seif and his wife and to Miss Dorothy Irene Seif.

Mr. SEIF. May it please the Speaker, ladies and gentlemen of the House, I wish to thank from the bottom of my heart Brother James and the other members of the House for their good wishes. Obviously I am rather nervous. I rushed to the hospital and I said to the doctor, "Tell me, am I a mother or a father?" The doctor didn't seem to understand and I repeated and I said, "Is it a boy or a girl, I mean is it a squirrel or a girl; I mean, is it emasculated; I mean is it a male or a female?" He said, "Yes, it is a girl." I was very glad because I knew that that little girl would never have to go through what I was going through at that time.

I wish to say to the members of the House that that condition is even more serious than the condition my good friend, Elmer Holland, is referred to as having water on the brain, and the condition my good friend, Dr. Hindman has so frequently referred to as tuberculosis of the biramous-cephalotherasic-ambulatory -cartaliginous-exoskeleton.

I want to say to the members of this House that there ought to be a contribution to provide every hospital with a maternity ward. I thank you.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 961, as follows:

An Act authorizing transfers of sums of money from the General Fund to the State Store Fund under certain conditions providing for subsequent transfers of equal sums from the State Stores Fund to the General Fund and making appropriations necessary to effect such transfers

Whereas The Commonwealth in establishing the Pennsylvania Liquor Stores has never provided sufficient working capital for the purchase of an inventory of liquors held for sale and

Whereas The Pennsylvania Liquor Control Board for this reason has been unable to take advantage of cash discounts offered by liquor vendors for the prompt payment of bills and

Whereas It is distinctly to the Commonwealth's advantage to be able to take cash discounts offered therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever the Governor shall ascertain that the cash balances in the General Fund and the current estimated receipts shall be more than sufficient to meet the expenses of government currently payable from the General Fund the State Treasurer is hereby authorized and directed to transfer such sums from the General Fund to the State Stores Fund as the Governor by requisition upon the Auditor General and the Auditor General by his warrant shall direct Any sums so transferred shall be available for the purposes for which the State Stores Fund is appropriated by law Sums transferred hereunder from the General Fund shall not at any time exceed in the aggregate the sum of five million dollars ($5,000,000)

Section 2 In order to reimburse the General Fund for transfers made under section one of this act the State Treasurer is hereby authorized and directed to transfer from time to time such sums from the State Stores Fund to the General Fund as the Governor by requisition upon

the Auditor General and the Auditor General by his warrant shall direct Provided That all sums which shall have been transferred from the General Fund to the State Stores Fund during a fiscal biennial period shall be returned to the General Fund before the end of such fiscal biennial period

Section 3 The moneys in the General Fund and the State Stores Fund are hereby specifically appropriated for transfer from time to time as provided in this act

Section 4 This act shall become effective on the first day of June one thousand nine hundred thirty-nine

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill 1249, as follows:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of sixty-three thousand five hundred dollars ($63,500) or as much thereof as may be necessary is hereby specifically appropriated from the Motor License Fund to the Department of Property and Supplies for the two fiscal years commencing the first day of June one thousand nine hundred thirty-nine for the payment of the salaries wages or other compensation of such bureau or division chiefs experts engineers accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers and other assistants and employes for the payment of postage traveling expenses telephone toll charges telegrams newspapers advertising and notices for the payment of the costs of advertising schedules of supplies proposals for executing any contract work readvertising any schedules or proposals when necessary for the purchase of office supplies and equipment stationery printing printing supplies and printing processes for the purchase of all other materials supplies and equipment and for the payment of such other expenses as may be necessary for the proper conduct of the work of the Department in acting as purchasing agent for the Department of Highways

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1246, as follows:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of thirty thousand dollars ($30,000) or so much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund to the Board of Finance and Revenue for the two fiscal years commencing June first one thousand nine hundred and thirty-nine for the payment of the compensation to the Commonwealth's Loan and Transfer Agent for services rendered in connection with the registration transfer and payment of interest on highway bonds and for other services required to be performed by the said Loan and Transfer Agent Payments from such appropriation shall be made at such time and in such amounts and upon such basis as may be provided by law or agreed upon between the Board of Finance and Revenue and the said Loan and Transfer Agent

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1103, as follows:

An Act authorizing the Secretary of Highways to pay portions of judgments heretofore recovered against employes of the department for personal injuries or property damage or both where the insurance provided by the Commonwealth was insufficient to pay such judgments in full and making an appropriation out of the Motor License Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Where the Department of Highways has heretofore procured liability insurance to protect employes of the department from claims for personal injury or property damage or both arising out of acts performed in the course of their official duties and the amount of such liability insurance shall have been insufficient to pay the amount of any final judgment recovered against any such employe of the department then the Secretary of Highways is hereby authorized to pay out of the Motor License Fund subject to the approval of the Attorney General any sum sufficient to pay any portion of the amount of any such valid final judgment with interest thereon over and above the amount recovered on account of such judgment through the contract of insurance

Section 2 The sum of seven thousand dollars or so much thereof as may be necessary is hereby specifically appropriated to the Department of Highways out of the Motor License Fund for the payment of judgments covered by the provisions of this act which have not been fully paid through the contract of insurance

Section 3 This Act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 792, as follows:

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about one hundred and ten and six hundred and ninety-eight thousandths (110.698) acres of land in Caln Township Chester County Pennsylvania for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States and ceding jurisdiction over such land and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with United States on such land for the service of legal process thereupon

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The consent of the Commonwealth of Pennsylvania is hereby granted to the purchase by the Government of the United States of certain tracts of land containing approximately one hundred ten and six hundred and ninety-eight thousandths (110.698) acres for the use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States said tracts of land being situate in Clan Township Chester County Pennsylvania and bounded and described as follows to wit

Beginning at a stake in line of land of Timothy Toomey and a corner of land of the U S Veterans Hospital property thence along the same North eighty-eight degrees nineteen minutes fifty-four seconds East two thousand five hundred sixty and six tenths feet to a stake in the

middle of Black Horse Hill road leading from Coatesville to Brandywine Manor thence along the middle thereof North three degrees thirteen minutes twenty seconds East two thousand nine and seven tenths feet to a stake to its intersection with the middle of another road leading to Wagontown thence along said road South eighty-one degrees three minutes ten second West one thousand four hundred thirty-five and five tenths feet to a spike thence still along the same North eight-seven degrees fifty-four minutes fifty-four seconds West one thousand one hundred thirty-six and eighty-three one hundredths feet to a spike a corner of land of Mrs Walter Doan thence along the same and land of Timothy Toomey South three degrees thirty-three minutes fifty-four seconds West one thousand nine hundred two and eighty-five one-hundredths feet to the place of beginning Containing one hundred ten and six hundred and ninety-eight thousandths (110.698) acres more or less

Section 2 Exclusive jurisdiction over the lands so purchased is hereby ceded to the United States by the Commonwealth of Pennsylvania and said lands shall be exempt from the payment of all taxes State and local Provided That the Commonwealth of Pennsylvania shall retain a concurrent jurisdiction with the United States over the lands so acquired by the United States for the purpose of serving of all civil processes And provided further That such criminal processes as may issue under the authority of the Commonwealth against any person or persons charged with crime committed without the area so acquired may be executed therein in the same manner as though this cession had not been granted

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1172, as follows:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two hundred thirty-two thousand five hundred dollars ($232,500) or as much thereof as may be necessary is hereby specifically appropriated out of the State Stores Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred thirty-nine for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to hte credit of the State Annuity Reserve Account Number Two the sum of one hundred thousand dollars ($100,000) and to the credit of the Contingent Reserve Account the sum of one hundred thirty-two thousand five hundred dollars ($132,500)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1173, as follows:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of nineteen thousand one hundred dollars ($19,100) or as much thereof as may be necessary is hereby specifically appropriated out of the Game Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred thirty-nine for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of eight thousand two hundred dollars ($8,200) and to the credit of the Contingent Reserve Account the sum of ten thousand nine hundred dollars ($10,900)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1174, as follows:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of five hundred seventy-five thousand one hundred dollars ($575,100) or as much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred thirty-nine for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth of the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of two hundred four thousand four hundred dollars ($204,400) to the credit of the Contingent Reserve Account the sum of two hundred seventy thousand seven hundred dollars ($270,700) and to the credit of the Pennsylvania Motor Police Retirement Account the sum of one hundred thousand dollars ($100,000)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1175, as follows:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-five thousand eight hundred dollars ($25,800) or as much thereof as may be necessary is hereby specifically appropriated out of the State Workmen's Insurance Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred thirty-nine for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of eleven thousand one hundred dollars ($11,100) and to the credit of the Contingent Reserve Account the sum of fourteen thousand seven hundred dollars ($14,700)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1176, as follows:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-eight thousand fifty dollars ($28,050) or as much thereof as may be necessary is hereby specifically appropriated out of the Banking Department Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred and thirty-nine for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of twelve thousand fifty dollars ($12,050) and to the credit of the Contingent Reserve Account the sum of sixteen thousand dollars ($16,000)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1177, as follows:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of five thousand seventy dollars ($5,070) or as much thereof as may be necessary is hereby specifically appropriated out of the Fish Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred thirty-nine for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two of the sum of two thousand one hundred seventy dollars ($2,170) and to the credit of the Contingent Reserve Account the sum of two thousand nine hundred dollars ($2,900)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1178, as follows:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seven thousand three hundred fifty dollars ($7,350) or as much thereof as may be necessary is hereby specifically appropriated out of the Manufacturing Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred thirty-nine for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Anunity Reserve Account Number Two the sum of three thousand one hundred fifty dollars ($3,150) and to the credit of the Contingent Reserve Account the sum of four thousand two hundred dollars ($4,200)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 913, as follows:

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the moneys appropriated for the rehabilitation of persons injured in industry and otherwise the sum of thirty thousand dollars ($30,000) is hereby appropriated to the Department of Labor and Industry for the two fiscal years beginning June first one thousand nine hundred and thirty-nine for the purpose of providing for the rehabilitation of those who are deaf and hard of hearing in order to secure for such persons placement in industry and for the payment of the compensation and expenses of persons employed by the department in such rehabilitation work In addition to the powers granted to the said department it shall have like powers for the rehabilitation of the deaf and hard of hearing as provided by existing law for the rehabilitation of those injured in industry and otherwise The moneys hereby appropriated shall be available for the purpose of matching any reallocations of federal moneys made available to the states through the Couzen's amendment or any other Federal Government appropriation for this purpose allotted to the states in any fiscal yaer

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1129, as follows:

An Act authorizing the Department of Property and Supplies to acquire by purchase or gift or lease on behalf of the Commonwealth of Pennsylvania the real estate and personal property of the Seventh Day Baptists of Ephrata in whole or in part to provide for the control management and supervision of the property when acquired by the Pennsylvania Historical Commission authorizing the Commission to make and enforce rules and regulations for its preservation and visitation and to charge a fee for admission thereto and exhibition thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That the Department of Property and Supplies be and it hereby is authorized to acquire by purchase or gift or lease in the name of the Commonwealth of Pennsylvania whole or in part the real estate of the Society of the Seventh Day Baptists of Ephrata or its successor in title located in Ephrata Township Lancaster County Pennsylvania

Section 2 The real estate so acquired shall be preserved and maintained as an historical place to be known as "The Ephrata Cloisters" and the personal property so acquired shall be preserved protected and maintained in said The Ephrata Cloisters

Section 3 The title of said real estate and said personal property shall be taken in the name of the Commonwealth of Pennsylvania and if acquired by purchase shall before its acquistion be approved by the Department of Justice or if acquired by lease such lease shall be subject to approval by the Department of Justice as to the form and manner of execution

Section 4 After the real estate and said personal property shall have been acquired in whole or in part by the Commonwealth the Pennsylvania Historical Commission shall have custody control management and supervision therof during the term of the lease if acquired by lease and without limitation if acquired by gift or by purchase

Section 5 All powers now exercised or conferred by law upon the Pennsylvania Historical Commission may be exercised by the Commission for the purpose of this Act and the Commission shall have power to make and enforce rules and regulations for the preservation of such property and the visitation thereof by the public and in its discreation to fix charge and collect a reasonable fee for admission thereto and exhibition thereof

Section 6 Admission fees so charged shall be paid into the Treasury of the Commonwealth into a fund to be designated "The Ephrata Cloister Fund" Monies in said "The Ephrata Cloister Fund" shall be paid out upon the requisition and shall be disbursed by the Pennsylvania Historical Commission solely for the repairing restoring protecting preserving developing and maintaining the buildings and grounds and personal property of historic interest and antique value of the Society of the Seventh Day Baptists of Ephrata or its successor in title in The Ephrata Cloisters

Section 7 The real estate and personal property when vested in the Commonwealth of Pennsylvania by purchase gift or lease under the provisions of this Act shall be exempt from taxation except that such real estate shall be subject to such annual charge for schools and roads in the municipality where said lands are now located as is now provided by law for State forest lands

Section 8 The sum of fifteen thousand dollars ($15,000.00) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the purpose of acquiring by purchase gift or lease the real estate and personal property of historic interest and antique value of the Society of Seventh Day Baptists of Ephrata or its successor in title

Section 9 The sum of ten thousand dollars ($10,000.00) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the purpose of restoring protecting preservir developing and maintaining the buildings and groun and personal property of historic interest and antiqu value of the Society of the Seventh Day Baptists or it successor in title at The Ephrata Cloisters in Ephrat Township Lancaster County Pennsylvania to be expende by said Department under the direction and upon th requisition of the Pennsylvania Historical Commission

Section 10 Upon the effective date of this act the fo lowing acts shall be and hereby are repealed

(a) An act approved the third day of May one thou sand nine hundred and twenty-nine (Pamphlet Law 1542) entitled "An act authorizing the Department Property and Supplies to acquire by purchase or gift lease or condemnation on behalf of the Commonwealth Pennsylvania the property of the Seventh Day Baptists Ephrata in whole or in part to provide for the contr management and supervision of the property when a quired by the Pennsylvania Historical Commission a thorizing the Commission to make and enforce rules an regulations for its preservation and visitation

(b) An act approved the second day of July one thou sand nine hundred thirty-seven (Pamphlet Laws 2712) en titled "An act authorizing the Department of Property an Supplies to acquire by purchase or gift or lease or con demnation on behalf of the Commonwealth of Pennsy vania the property of the Seventh Day Baptists Ephrata in whole or in part to provide for the contr management and supervision of the property when a quired by the Pennsylvania Historical Commission t maintain the same and make and enforce rules and regu lations for its preservation and visitation thereof an making an appropriation for such acquisition and mainte nance and the appropriation therein made shall be an hereby are lapsed

And said bill having been read at length the secon time and agreed to.

Ordered, To be transcribed fo ra third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1170, as follows:

An Act providing for practical arts and vocational agri culture home economics industrial and commercia schools and classes through public school districts an in cooperation with employment offices for the trainin retraining instruction and adjustment of out-of-schoo unadjusted individuals in order to enable them to ente re-enter or continue employment under changing con ditions conferring powers and imposing duties upon th Superintendent of Public Instruction and making a appropriation

The General Assembly of the Commonwealth of Penn sylvania hereby enacts as follows

Section 1 The Superintendent of Public Instructio shall have power to investigate the need for and to es tablish supervise and conduct practical arts and voca tional agriculture home economics and industrial an commercial schools and classes through public school dis tricts and in cooperation with employment offices for th training retraining instruction and occupational adjust ment of out-of-school unadjusted persons over sixtee years of age who have left school and who due to chang ing condiitons are in need or training retraining and in struction and occupational adjustment in order to ente or re-enter employment or to continue in employmen and for such purposes shall have power to employ th necessary teachers supervisors and co-ordinators to con duct such special schools classes and adjustment office in an effective manner and to pay from the appropriatio made by this act and from other available State fund appropriated to aid school districts in the establishmen and maintenance of such schools departments or classe and from Federal funds provided for the developmen and further development of vocational education and fo the salaries of said teachers supervisors and co-ordinator

Section 2 No practical arts or vocational agricultur

homemaking industrial or commercial school or class established by a school district under the provisions of the act approved May first one thousand nine hundred and thirteen (Pamphlet Laws 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" and the amendments thereto unless a school district present evidence satisfactory to the Superintendent of Public Instruction that it is no longer able to share the expense incident to the payment of salaries of teachers in such schools and classes as required by said act and nothing herein contained shall be construed to alter amend repeal or suspend any of the provisions of said act of May first one thousand nine hundred and thirteen and its amendments

Section 3 The total expenditures from State and Federal funds for salaries of teachers in schools and classes established under the provisions of this act shall not exceed in any one year the following amounts School districts of the first class ten thousand dollars ($10,000) school districts of the second class five thousand dollars ($5,000) school districts of the third class two thousand five hundred dollars ($2,500) and school districts of the fourth class six hundred dollars ($600) except where classes are conducted in cooperation with another school district and pupils are admitted in such classes from other school districts where such classes are not conducted in which case an additional amount may be expended for salaries of teachers in said school district in proportion to the number of pupils served from such other school districts Provided That the additional sum so expended shall not exceed the amount that could have been expended in such other school districts under the provisions of this act Provided further That if during the first fiscal year any of the appropriation allocated by the Department of Public Instruction for that year is not expended such remaining portion of the appropriation may be allocated to other school districts or to districts which have exceeded the amounts allocated to them in section three of this act on the basis of the need and in such amounts as the Superintendent of Public Instruction may direct Salaries of teachers of classes and activities authorized by this act for which no Federal contribution iis made shall be paid from State funds

Section 4 The sum of one hundred fifty thousand dollars ($150,000) or so much thereof as may be necessary is hereby specifically appropriaited to the Department of Public Instruction to carry out the provisions of this act for the payment of salaries of teachers supervisors and coordinators for necessary traveling and hotel expenses and for the payment of all other necessary and proper expenses incidental to carrying into effect the provisions of this act

Section 5 This act shall become effective on the first day of June one thousand nine hundred thirty-nine and shall remain in force until May thirty-first one thousand nine hundred forty-one

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1244, as follows:

An Act making an appropriation to the Department of Welfare to pay any claims against the Commonwealth for improvement to State property at the Western State Penitentiary at Rockview

The General Assembly of the Commonwealth of Pennsylvaniia hereby enacts as follows

Section 1 The sum of two thousand seven hundred eighty-two dollars ($2,782) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Welfare for the payment of any claims against the Commonwealth for the improvement of State property at the Western State Penitentiary at Rockview Payments from this appropriation shall be made on requisition of the Secretary of Welfare with the approval of the Department of Justice

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1382, as follows:

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and thirty-one and prior sessions and at its sessions of one thousand nine hundred and thirty-three and one thousand nine hundred ad thirty-five.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All unexpended balances of appropriations made from the General Fund of the State Treasury by the General Assembly at its session of one thousand nine hundred and thirty-one or at any session prior thereto which shall remain unexpended on the effective date of this act shall lapse on that date

Section 2 All unexpended and unencumbered balances of appropriations made from the General Fund of the State Treasury by the General Assembly at its session of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-five which shall remain unexpended and unencumbered on the effective date of this act shall lapse on that date

Section 3 This act shall be effective upon the date of its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1127, as follows:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks yeomen (female) and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of forty thousand dollars ($40,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Military Affairs to be used during the fiscal biennium beginning June first one thousand nine hundred thirty-nine for paying gratuities for the children between the ages of sixteen and twenty-one years of soldiers sailors marines female field clerks yeoman (female) or members of the enlisted nurse corps of the United States who were killed in action or died from other cause during the World War between the sixth day of April one thousand nine hundred and seventeen and the second day of July one thousand nine hundred and twenty-one Such children must have lived in the Commonwealth of Pennsylvania for five years immediately preceding the date upon which the application is filed

Section 2 Gratuities shall be paid out of the appropriation made by this act for the account of such children as shall be certified by the State Veterans' Commission as coming within the class described in section one of this act and as attending any State or State-aided educational or training institution of a secondary or college grade or other institution of higher education business school trade school hospital providing training for nurses or institution providing courses in beauty culture art

radio or undertaking and embalming within this Commonwealth Payments not to exceed the sum of two hundred dollars ($200) per school year per child shall be made to such institutions upon the submission by such institutions of proof that bills have been incurred or contracted for matriculation fees and other necessary fees tuition board room rent books and supplies for such children in a definite amount for the current school year Such proof shall be submitted to the State Veterans' Commission which shall attach the same to the requisitions prepared for payments out of the appropriations made by this act

Where a child within the class described is completing an educational or training course and before completing the course the child arrives at the age of twenty-one years it shall be lawful for the gratuity to be paid until the course is completed Provided however That gratuities may not be paid for any child for a longer period than four scholastic years

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1266, as follows:

An Act making an appropriation to the State Treasurer for the payment of costs in the matter of a contested election in Butler County Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of four hundred and forty-five dollars and sixty-three cents ($445.63) is hereby specifically appropriated to the State Treasurer for the payment of costs in the matter of a contested election in Butler County Pennsylvania between Albert B McClester and J Brady Murrin in accordance with an order of the Court of Common Pleas of Butler County made the twenty-eighth day of January one thousand nine hundred and thirty-nine

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 321, as follows:

An Act to amend section three of the act approved the twentieth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 322) entitled "An act to amend revise consolidate and change the laws relating to bonus and providing for the imposition computation and collection of bonus for State purposes on the capital stock stated capital or capital of domestic corporations banks and trust companies and certain partnerships" as amended by providing that foreign corporations becoming domestic corporations shall be entitled to a credit on the bonus to which it is liable equal to the amount of bonus theretofore paid by such foreign corporation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the twentieth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 322) entitled "An act to amend revise consolidate and change the laws relating to bonus and providing for the imposition computation and collection of bonus for State purposes on the capital stock stated capital or capital of domestic corporations banks and trust companies and certain partnerships" as amended by the act approved the twenty-first day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 315) is hereby further amended to read as follows

Section 3 Exceptions No bonus shall be imposed or be collected under the provisions of this act (a) in the case of the incorporation or the increase of the capital stock of a building and loan association or credit union or (b) from any corporation named in the first class of section two of the act approved the twenty-ninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws seventy-three) entitled "An act to provide for the incorporation and regulation of certain corporations" which does not have any capital stock or (c) upon any capital stock upon which a bonus has been heretofore paid under laws repealed by this act or which was not liable for the payment of bonus under then existing laws

In the case of any corporation issuing shares of stock without nominal or par value no increase in the number of outstanding shares without nominal or par value shall warrant the imposition of any bonus unless there shall be an increase in the stated capital of the corporation issuing such shares and if there be such increase in stated capital the bonus shall be imposed and computed upon the amount of such increase only

In the case of any corporation created by or under the laws of any state and authorized by a certificate of authority to do business in this Commonwealth becoming a corporation of this Commonwealth in the manner provided by law said corporation shall be liable for bonus on its capital stock or stated capital or both to the same extent at the same rate and in the same manner as corporations created under the laws of this Commonwealth are liable Provided however That said corporation shall be entitled to a credit on the bonus to which it is made liable by this act equal to the total amount of bonus paid under existing laws by such foreign corporation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1104, as follows:

An Act to create and provide for the Fund of the Board of Nurse Examiners involving moneys paid by nurses licensed attendants or others and collected under the laws administered by the State Board of Examiners for Registration of Nurses and regulating the handling and disposition thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All fees licenses annual recording fees and other moneys that may hereafter be received or collected under the laws administered by the State Board of Examinrs for Registration of Nurses shall be placed in the State Treasury in a separate fund known as the "Fund of the Board of Nurse Examiners" and shall be held separately and apart solely for the following purposes

(a) For the payment of the salaries wages or other compensation and traveling or other necessary expenses of the State Board of Examiners for Registration of Nurses Director of Nursing Education Assistant Director of Nursing Education educational advisors and of such other experts assistants and employes as may be required for the proper conduct of the work of the Board and for the promotion of nursing education in Pennsylvania

(b) For the refund of fees fines or other moneys erroneously collected and deposited in said Fund

Section 2 All such moneys placed in the Fund of the Board of Nurse Examiners are hereby made available on and after the effective date of this act and are hereby specifically appropriated to the Board for the purposes herein specified

Section 3 The Auditor General shall upon requisition from time to time by the authorized representatives of the Board and the proper accounting for moneys already advanced from the Fund draw his warrant upon the State Treasurer for the amount specified in such requisition not exceeding however the amount in such fund available at the time such requisition is made

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1245, as follows:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of eleven million five hundred seventy thousand nine hundred fourteen dollars and fifty-five cents ($11,570,914.55) is hereby specifically appropriated from the Motor License Fund to the Board of Finance and Revenue for payment into the Sinking Fund to meet interest and sinking fund requirements on the State debt for the two fiscal years commencing June first one thousand nine hundred and thirty-nine The amount hereinbefore appropriated shall be transferred by the Auditor General and the State Treasurer upon requisition of the Board of Finance and Revenue from the Motor License Fund to the Sinking Fund on or before the dates and in the amounts set forth in the following schedule

July 1 1939	$683,972.69	$477,680.00	$1,161,652.69
August 1 1939 ..	214,736.61	292,200.00	506,936.61
September 1 1939	660,138.29	228,440.00	888,578.29
October 1 1939 ..	313,813.29	160,000.00	473,818.29
December 1 1939	384,958.90	240,000.00	624,958.90
January 1 1940 .	20,440.00	445,465.00	465,905.00
February 1 1940 .	.....	292,200.00	292,200.00
March 1 1940 ...	10,150.00	228,440.00	238,590.00
April 1 1940	687,591.66	146,666.67	834,258.33
June 1 1940	168,000.00	200,000.00	368,000.00
July 1 1940	683,972.69	445,465.00	1,129,437.69
August 1 1940 ..	214,736.61	292,200.00	506,936.61
September 1 1940	660,138.29	228,440.00	888,578.29
October 1 1940 ..	313,818.29	120,000.00	433,818.29
December 1 1940	384,958.90	200,000.00	584,958.90
January 1 1941 .	20,440.00	445,465.00	465,905.00
February 1 1941 .	.....	292,200.00	292,200.00
March 1 1941 ...	10,150.00	228,440.00	238,590.00
April 1 1941	687,591.66	120,000.00	807,591.66
June 1 1941	168,000.00	200,000.00	368,000.00
Total	$6,287,612.88	$5,283,301.67	$11,570,914.55

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 832, as follows:

An Act to further amend section four hundred and six of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 343) entitled "An act relating to the finances of the State Government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth of any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securitiies belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth of any agency thereof every State depository and every debtor or creditor of the Commonwealth" by changing the method and mode of appointment of mercantile appraisers and the terms thereof in cities of the first class authorizing the appointment of deputies clerks and employes and providing rules and regulations therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred and six of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every perrson association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1939) is hereby further amended to read as follows

Section 406 Appointment of Mercantile Appraisers and Their Clerks The Auditor General shall appoint mercantile appraisers in all counties except in counties of the first class as now provided by law

The Auditor General shall also approve or disapprove all expense accounts of mercantile appraisers or their clerks or assistants and the number and compensation of clerks or other assistants appointed by mercantile appraisers to assist them in the performance of their duties

The Auditor General shall from time to time certify to the Department of Revenue the names of mercantile appraisers appointed by him in all counties expect in counties of the first class the salaries or rates of salary payable to such appraisers the number names and compensation of clerks or assistants approved by him for appointment by such mercantile appraisers and all expense accounts which he has approved

In cities of the first class on the first day of June one thousand nine hundred and thirty-nine and quadrennially thereafter the Secretary of Revenue of the Commonwealth of Pennsylvania shall appoint five suitable qualified citizens as mercantile appraisers for terms of four years each The powers and duties and compensation of said appraisers shall be as now provided by law

The three of the present five members of the board of mercantile appraisers in cities of the first class whose terms expire on the thirteenth day of December one thousand nine hundred and thirty-nine shall continue as such mercantile appraisers until the expiration of their terms to wit the thirteenth day of December one thousand nine hundred and thirty-nine

The members of the board of mercantile appraisers in

cities of the first class to be appointed on the first day of June one thousand nine hundred and thirty-nine shall meet immediately after their appointment with the three members of the board whose terms expire on the thirteenth day of December one thousand nine hundred and thirty-nine and choose by majority vote of the said board a chairman thereof and a secretary and shall appoint deputies clerks investigators and such other employes as may be required from time to time at such salaries as may be fixed by the board and to make rules and regulations to carry on the duties of said office not inconsistent herewith or with the laws of the Commonwealth of Pennsylvania

The terms of the mercantile appraisers in cities of the first class of those in office whose terms expire on the first day of June one thousand nine hundred and thirty-nine are hereby terminated as of that day to wit June first one thousand nine hundred and thirty-nine and those whose terms expire on the thirteenth day of December one thousand and thirty-nine are hereby terminated as of that day to wit December thirteenth one thousand nine hundred and thirty-nine

The Auditor General shall approve or disapprove all expense accounts of mercantile appraisers their deputies clerks investigators and employes in cities of the first class as appointed by said mercantile appraisers to assist them in the performance of their duties

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the sceond reading and consideration of House Bill No. 824, as follows:

An Act to further amend section one of the act approved the seventeenth day of July one thousand nine hundred and nineteen (Pamphlet Laws 1025) entitled "A supplement to an act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred eighty-four) entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax'" by changing the method and mode of appointment of mercantile appraisers and the terms therof in cities of the first class authorizing the appointment of deputies clerks investigators and other employes and providing rules and regulations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the seventeenth day of July one thousand nine hundred and nineteen (Pamphlet Laws 1025) entitled "A supplement to an act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred and eighty-four) entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax'" as amended by the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 1052) is hereby further amended to read as follows

Section 1 Be it enacted et cetera That in all cities of the first class on or before the first day of June [one thousand nine hundred and thirty-seven] one thousand nine hundred and thirty-nine and [on or before the first day of June of each year thereafter the Auditor General] quadrennially thereafter the Secretary of Revenue of the Commonwealth of Pennsylvania shall appoint five suitable qualified citizens as mercantile appraisers for [a period of one year] terms of four years each [Not all of said appraisers shall be members of the same political party] The powers duties and compensation of said appraisers shall be as now provided by law Provided however That the appointments to be made on the first day of June one thousand nine hundred and thirty-nine shall not include the present members of the board of mercantile appraisers whose term will expire on the thirteenth day of December one thousand nine hundred and thirty-nine

The said board of mercantile appraisers shall meet immediately after their appointment and choose by majority vote of the said board a chairman thereof and a secretary for a term of four years each and shall appoint deputies clerks investigators and such other employes as may be required from time to time at such salaries as may be fixed by the board and to make such rules and regulations not inconsistent herewith or with the laws of the Commonwealth of Pennsylvania

The terms of the mercantile appraisers in cities of the first class of those in office whose terms expire on the first day of June one thousand nine hundred and thirty-nine are hereby terminated as of that day to wit June first one thousand nine hundred and thirty-nine and those whose terms expire on the thirteenth day of December one thousand nine hundred and thirty-nine are hereby termintaed as of that day to wit December thirteenth one thousand nine hundred and thirty-nine

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1072, as follows:

An Act to amend clause III of section seven hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" further regulating contracts and tax levies for fire purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause III of section seven hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

III Contracts and Tax Levy for Fire Purposes On the petition of [the] surface property owners of a majority of the lineal feet frontage along any highway or portion thereof in any village within the township to enter into contracts with water companies for the placing of fire hydrants to water mains maintaining pressures approved by the fire insurance underwriters along said highway for the protection of surface property from fire

The supervisors shall levy for the maintenance of such fire hydrants and for the purchase of hose et cetera an annual tax upon the surface property on property abutting upon said highway and upon surface property within a radius of five hundred feet of any fire hydrant in the district benefited thereby based upon the assessment for county purposes No such tax shall be levied against any farm land or land used as an aviation field nor against other property in the district not benefited thereby Such tax shall be collected in the same manner as other taxes The collector shall receive the same commission as on the road tax

The township treasurer shall receive all such taxes collected for fire protection and keep that same in a separate account and pay the same out only upon orders signed by the chairman of the board of supervisors attested by the secretary The treasurer shall make a report to the auditors of the township annually

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1320, as follows:

An Act to amend the act approved the fifteenth day of July one thousand nine hundred nineteen (Pamphlet Laws nine hundred fifty-four) entitled "An act providing for the collection and payment over to the Commonwealth by private and public corporations of State taxes on scrip bonds certificates and evidences of indebtedness issued or assumed by such corporations and requiring certain reports in connection therewith" by conforming said act to existing law relating to the payment and collection of the State tax on corporate indebtedness

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and two of the act approved ahe fifteenth day of July one thousand nine hundred nineteen (Pamphlet Laws nine hundred fifty-four) entitled "An act providing for the collection and payment over to the Commonwealth by private and public corporations of State taxes on scrip bonds certificates and evidences of indebtedness issued or assumed by such corporations and requiring certain reports in connection therewith" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any public or private corporation domestic or foreign or any of the fiscal officers thereof required by existing laws to deduct or collect and pay over to the Commonwealth taxes upon scrip bonds certificates and evidences of indebtedness by such corporation issued or assumed shall make payment of interest on any scrip bonds certificates and evidences of indebtedness issued or assumed by them which payment shall include interest due and payable for prior years it shall be the duty of the treasurers or other fiscal officers of such corporations paying such interest to forthwith report the same to the [Auditor General] Department of Revenue indicating the amount thereof the years covered thereby the precise character of the obligations whereon the interest was paid the manner in which such obligations were held the names and locations of the holders thereof during such prior years and the names and locations of the holders thereof to whom such interest was paid together with the amount paid to each and it shall be their further duty to deduct from such interest [four mills] the proper amount of tax on every dollar of the full amount of such obligations to the extent that such deduction might have been required to have been made under existing law had the interest actually been paid during such prior years when due and return the same into the State Treasury [within sixty days after the date of settlement] through the Department of Revenue

Section 2 That the tax for State purposes imposed upon obligations of private and public corporations by section one of this act shall be paid or collected at the same time and in the same manner as the tax heretofore imposed for State purposes on obligations of such corporations whereon interest is annually paid

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1108, as follows:

An Act to further amend the Act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collecion and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes or State purfposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended establishing a Fund of the Board of Nurse Examiners by adding clause twenty-one to section three hundred two of said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 302 of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended is hereby further amended by adding thereto after clause twenty section 302 clause twenty-one to read as follows

Fund of the Board of Nurse Examiners All moneys received after the effective date of this act by the Treasury Department from the Department of Revenue arising from the receipts and proceeds derived in any way from or on account of the activities of the State Board of Examiners for Registration of Nurses including all license fees and other moneys collected under the laws administered by said Board shall be credited to the Fund of the Board of Nurse Examiners

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1106, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative department boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and admniistrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescibing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by making certain changes in the powers and duties of the Board and providing for the election of a Director of Nursing Education who shall also be Secretary and Executive Officer of the Board and an Assistant Director of Nursing Education who shall also be Assistant Secretary and Assistant Executive Officer of the Board

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred eighteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescibing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as last amended by the act approved the twenty-ninth day of April noe thousand nine hundred thirty-five (Pamphlet Laws ninety-one) is hereby further amended to read as follows

Section 418 State Board of Examiners for Registration of Nurses The State Board of Examiners for Registration of Nurses shall consist of the Superintendent of Public Instruction ex officio and five members who shall be licensed and registered nurses graduated from schools of nursing where practical and theoretical instruction is given in general surgical and medical nursing and who shall have been engaged in nursing in the Commowealth of Pennsylvania for at least five years since registration

The Governor shall upon the expiration of the term of office of any member appoint a person with the above specified qualifications from a list of not less than ten names submitted to him by the board of directors of the Pennsylvania State Nurses' Association for a term of six years and until a successor is appointed and qualied Vacancies shall be filled in like manner

Three members of the board shall constitute a quorum and the board shall select from among its members a chairman and shall elect a secretary who need not be a member of the board and shall elect a Director of Nursing Education who shall also be the Secretary of Executive Officer of the Board an Assistant Director of Nursing Education who shall also be Assistant secretary and Assistant Executive Officer of the Board and two or more State Educational Advisors of Schools of Nursing None of said officers or persons (except the chairman as indicated) need be members of the board All of them shall be full time employes and shall have the minimum qualifications required by this act for members of the board

[The board with the approval of the Superintendent of Public Instruction shall also appoint and fix the compensation of one or more State educational advisors of schools or nursing who shall have the same qualifications as the members of the board]

The Board shall also fix the salaries of all of said officers

The members of the board other than the Superintendent of Public Instruction shall receive fifteen dollars per diem when actually engaged in the transaction of official business and the secretary shall receive such reasonable compensation as shall be determined by the board with the approval of the Superintendent of Public Instruction

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1310, as follows:

An Act authorizing county commissioners to prepare and issue to justices of the peace and aldermen at the cost of the county forms used in criminal proceedings before them

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The county commissioners of any county are hereby authorized at the expense of the county to prepare and issue to the justices of the peace and aldermen of the county any or all forms used by them in criminal proceedings coming before them

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 951, as follows:

An Act to further amend section one and to amend section sixteen of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" imposing taxes on additional classes of personal property excluding from taxation certain classes of personal property heretofore taxed making such taxes liens and providing for their entry in the prothonotary's office and the exoneration of tax collectors in such cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as last amended by the act approved the twenty-first day of April one thousand nine hundred and thirty-three (Pamphlet Laws fifty-four) is hereby further amended to read as follows

Section 1 Be it enacted Et Cetera That all personal property of the classes hereinafter enumerated owned held or possessed by any person persons copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or by any jointstock company or association limited partnership bank or corporation whatsoever formed erected or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other State or government and liable to taxation within this Commonwealth whether such personal property be owned held or possessed by such person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation in his her their or its own right or as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and the equitable interest in any sush personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domiciled in another State and where such resident is entitled to receive all or any part of the income therefrom is hereby made taxable annually for county purposes and in cities coextensive with counties for city and county purposes at the rate of four mills on each dollar of the value thereof and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes [by section seventeen hereof] all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other State or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes [by section seventeen hereof] all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other State or government except shares of stock in any bank bank and trust company national banking association savings institution corporation or limited partnership that may be liable to a tax on its shares or [its capital stock] a capital stock or franchise tax for State purposes under the laws of this Commonwealth [or relieved from the payment of tax on its shares or capital stock for State purposes by the laws of the Commonwealth] all moneys loaned or invested in other States Territories the District of Columbia or foreign countries all other moneyed capital [in the hands of] owing to individual citizens of the State all stages omnibuses hacks cabs and other vehicles used in transporting passengers for hire except steam and street passenger railway cars owned used or possessed within this Commonwealth by any person or persons or by any corporate body or bodies and the principal value of all annuities [yielding annually over two hundred dollars] Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor to interest bearing accounts in any bank or banking institution savings institution employes thrift or savings association whether operated by employes or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said four mills tax herein provided for or any part thereof or have agreed or shall hereafter agree to pay the same or any part thereof nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said four mills tax on any of the said such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to [tax on capital stock] a tax on their shares or a capital stock or franchise tax for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for county purposes and in cities coextensive with counties for city and county purposes shall be taxed or taxable for any other local purpose or for State purposes under the laws of this Commonwealth And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated hereafter received from any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth and not doing business within this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth and not doing business within this Commonwealth

The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in case of divided equitable interest in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein

Section 2 Section sixteen of said act is hereby amended to read as follows

Section 16 (a) That the tax upon personal property imposed by the first section of this act shall be collected by distraint or otherwise as other taxes for county purposes or in cities coextensive with counties for city and county purposes are collected under the laws of this Commonwealth [Provided However That no tax by said first section imposed shall be collectible or collected for the year one thousand nine hundred and thirteen it being intended that the tax upon such personal property for said year shall be collected by and for the State under existing legislation]

(b) All taxes imposed under the first section of this act together with all penalties and interest shall be considered a public account after becoming due and payable in the manner prescribed in this act and as such shall be a lien upon the franchises and real property of the resident against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where the resident's franchises or property are situated

(c) The county commissioners may at any time transmit to the prothonotary of the county to be by him entered of record certified copies of all liens for taxes imposed by the first section of this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

(d) When the county commissioners have certified liens to the prothonotary's office they shall exonerate the collector of taxes from the collection thereof Such liens shall continue a lien for a period of five years and may be revised for another period of five years by the filing of a suggestion in the manner now provided by law in the case of tax and municipal liens

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 941, as follows:

An Act to amend section seven of the act approved the eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 258) entitled "An act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations copartnerships or persons roviding for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the court of common pleas of Dauphin County in relation thereto providing for future condemnations and appropriations of waters by and allocation of waters to municipalities corporations copartnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board" eliminating the board's power to fix charges for water condemned or acquired for public water supply purposes and fixing certain filing fees

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven of the act approved the eighth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 258) entitled "An act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations copartnerships or persons providing for asecertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the court of common pleas of Dauphin County in relation thereto providing for future condemnations and appropriations of waters by and allocation of waters to municipalities corporations copartnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board" is hereby amended to read as follows

Section 7 [The Water and Power Resources Board shall further have the power to impose by the permit a reasonable charge for the water so permitted to be condemned or acquired pursuant to a grant or allocation of water for public water supply purposes made after the effective date of this act at a rate not exceeding one dollar ($1.00) per million gallons and provide for the collection of the same and to impose such terms and conditions as may be reasonably necessary bearing in mind the character and navigability of the stream and the need of water for other purposes All moneys collected from such charges shall be paid into the State Forests and Waters Fund by and through the Department of Revenue] Every statement record or application for permit filed heretofore or hereafter under the provisions of this act shall be subject to a filing fee of twenty-five dollars ($25.00) for the purpose of reimbursing the Commonwealth in part for the cost of administration of the act The moneys so collected shall be paid into the State Forests and Waters Fund by and through the Department of Revenue

An said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1384, as follows:

An Act to amend the act approved the fifth day of December one thousand nine hundred thirty-six (Pamphlet Laws 2897 1937) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" redefining "benefit year" eliminating contractor liability and the definition of "full-time weekly wage" taking away the right of probationary employes of the department to appeal from dismissal providing for compromises of contributions and interest in certain cases imposing duties on prothonotaries changing the qualifications for and the rate and duration of compensation authorizing certain payments without administration or the appointment of a guardian or committee and extending and further regulating the provisions for appeal

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the fifth day of December one thousand nine hundred thirty-six (Pamphlet Laws 2897 1937) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and ad-

ministrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" as amended by section one of the act approved the eighteenth day of May one thousand nine hundred thirty-seven (Pamphlet Laws 658) is hereby further amended to read as follows

Section 4 Definitions The following words and phrases as used in this act shall have the following meanings unless the context clearly requires otherwise

(a) "Base year" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year [excluding however any completed calendar quarter which occurs prior to January first one thousand nine hundred and thirty-seven]

(b) "Benefit year" with respect to any individual [means the fifty-two consecutive weeks beginning with the first week occurring after January first one thousand nine hundred thirty-eight with respect to which compensation is payable to him and thereafter the fifty-two consecutive weeks beginning with the first week with respect to which compensation is next payable to him after the termination of his last preceding benefit year] claiming compensation hereunder means a fixed period of time starting with the first day of April of any calendar year and ending with the thirty-first day of March of the succeeding calendar year Provided That any benefit years ending at any time between the first day of Jenuary one thousand nine hundred forty and the thirty-first day of March one thousand nine hundred forty shall be extended to the thirty-first day of March one thousand nine hundred forty

(c) "Board" means the Unemployment Compensation Board of Review established by this act

(c) "Calendar quarter" means the period of three consecutive calendar months ending on March thirty-first June thirtieth September thirtieth or December thirty-first or the equivalent thereof as determined in accordance with general rules of the department

(e) "Compensation" means money payments payable to individuals with respect to their unemployment as provided in this act

(f) "Contributions" means the money payments required to be paid into the Unemployment Compensation Fund by employers with respect to employment which payments shall be used for the creation of financial reserves for the payment of compensation as provided in this act

(g) "Department" means the Department of Labor and Industry of the Commonwealth of Pennsylvania

(h) "Employe" means every individual whether male female citizen alien or minor who is performing or subsequent to January first one thousand nine hundred thirty-six has performed services for an employer in an employment subject to this act

(i) "Employer" means every (1) individual (2) copartnership (3) association (4) corporation (domestic or foreign) (5) the legal representative trustee in bankruptcy receiver or trustee of any individual copartnership association or corporation or (6) the legal representative of a deceased person (I) who or which employed or employs any employe (whether or not the same employe) in employment subject to this act for some portion of each of some twenty (20) days during the calendar year one thousand nine hundred thirty-six or any calendar year thereafter each day being in a different week or (II) who or which has elected to become fully subject to this act and whose election remains in force

[Whenever any employer contracts with or has under him any contractor or subcontractor for any work which is part of his usual trade occupation profession or business unless such employer as well as each such contractor or subcontractor is an employer (as defined in the first paragraph of this subsection) the employer shall for all the purposes of this act be deemed to employ each individual in the employ of each such contractor or subcontractor for each day during which said individual is engaged in performing such work except that each such contractor or subcontractor who is an employer (as defined in the first paragraph of this subsection) shall alone be liable for the employer's contributions measured by the wages payable to individuals in his employ and except that any employer who shall become liable for and pay contributions with respect to individuals in the employ of any such contractor or subcontractor who is not an employer (as defined in the first paragraph of this subsection) may recover the same from such contractor or subcontractor Each individual employed to perform or to assist in performing work of any agent or employe of an employer shall be deemed to be employed by such employer for all the purposes of this act whether such individual was hired or paid directly by such employer or by such agent or employe provided the employer had actual or constructive knowledge of the work]

Where an employer maintains more than one place of employment within this Commonwealth all of the employes at the several places of employment shall be treated for the purposes of this act as if employed by a single employer

Any individual copartnership association or corporation who or which is not subject to this act may elect to become subject thereto by filing with the department his or its written application and if such application is approved by the department the election shall become binding for not less than two calendar years

An employer subject to this act may elect to include within the term "employment" subject to this act services performed by his or its employes entirely without this Commonwealth with respect to which no contributions are required and paid under an unemployment compensation law of any other state if the employe or employes included in such election maintain a domicile within this Commonwealth such election shall be subject to the approval of the department and if such election is approved by the department the election shall become binding for not less than two calendar years or until the department on its own motion cancels the election

An employer subject to this act may elect to include within the term "employment" subject to this act services performed by his or its employes which are exempt under the provisions of subsection (j) of section four of this act Such election shall be subject to the approval of the department and if such election is approved by the department the election shall become binding for not less than two calendar years

Any services performed for an employer covered by an election pursuant to this subsection shall during the effective period of such election be deemed to be employment for all the purposes of this act Any election approved by the department pursuant to this subsection shall cease to be effective only as of January first of any calendar year subsequent to the initial two calendar years thereof and only if at least thirty (30) days prior to such first day of January the employer has filed with the department a notice of termination of his election

(j) "Employment" means all services performed for remuneration or under any contract of hire express or implied written or oral (1) which is localized within this Commonwealth or (2) which is not localized in any state but some of the service is performed within this Commonwealth and (a) the base for operations or place from which such service is directed or controlled is in this Commonwealth or (b) the base for operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this Commonwealth Service shall be deemed to be localized within this Commonwealth if (a) the service is performed entirely within this Commonwealth or (b) the service is performed both within and without this Commonwealth but the service performed without this Commonwealth is incidental to the individual's service within this Commonwealth as for example where it is temporary or transitory in nature or consists of isolated transactions Services performed without this Commonwealth shall not be included within the term "employment" if contributions are required and paid with respect to such services under an unemployment compensation law of any other state

An individual performing services for remuneration in an employment subject to this act shall be deemed to be performing such services for wages unless and until it is shown to the satisfaction of the department that (a) such individual has been and will continue to be free from control or direction over the performance of such services both under his contract of service and in fact and (b) that such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed and (c) that such individual is customarily engaged in an independently established trade occupation profession or business

The word "employment" shall not include

(1) Agricultural labor

(2) Domestic service in a private home

(3) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States

(4) Service performed by an individual in the employ of his son daughter or spouse and service performed by a child under the age of twenty-one (21) in the employ of his father or mother

(5) Service performed in the employ of the United States Government or of an instrumentality of the United States

(6) Service performed in the employ of a state a political subdivision thereof or an instrumentality of one or more states or political subdivisions

(7) Service performed in the employ of a corporation community chest fund or foundation organized and operated exclusively for religious charitable scientific literary or educational purposes or for the prevention of cruelty to children or animals no part of the net earnings of which inures to the benefit of any private shareholder or individual

(k) "Employment Office" means a public employment office or branch thereof operated by the department

[(1) "Full-time Weekly Wage" means the weekly wages that any individual would receive if he were employed at his most recent wage rate from employers during his base year and for the customary scheduled full-time week prevailing for his occupation in the enterprise in which he last earned wages from employers during his base year]

[If the department finds that the full-time weekly wage as above defined would be unreasonable or arbitrary or not readily determinable with respect to any individual the full-time weekly wage of such individual shall be deemed to be one-thirteenth of his total wages from employers in that quarter in which such total wages from employers were highest during the first eight out of the last nine completed calendar quarters (excluding however any completed calendar quarter which occurs prior to January first one thousand nine hundred thirty-seven) immediately preceding the first day of his benefit year]

(m) "Referee" means a referee appointed by the Governor to hear appeal under this act

(n) "Secretary" means the Secretary of Labor and Industry of this Commonwealth or his duly authorized representative

(o) "Social Security Act" means the act enacted by the Congress of the United States approved the fourteenth day of August one thousand nine hundred thirty-five entitled "An act to provide for the general welfare by establishing a system of Federal old-age benefits and by enabling the several States to make more adequate provision for aged persons blind persons dependent and crippled children maternal and child welfare public health and the administration of their unemployment compensation laws to establish a Social Security Board to raise revenue and for other purposes" as amended

(p) "Social Security Board" means the Social Security Board established by the Social Security Act

(q) "State" includes Alaska Hawaii and the District of Columbia

(r) "Suitable Work" means all work which the employe is capable of performing except work in which (1) the position offered is vacant due directly to a strike lockout or other labor dispute or (2) the remuneration hours or other conditions of the work offered are substantially less favorable to the employe than those prevailing for similar work in the locality or (3) as a condition of being employed the employe would be required to join a company union or to resign from or refrain from joining any bona fide labor organization

(s) "Total Unemployment" means that an employe during a particular week has had no work for which wages are payable to him

(t) "Unemployment Trust Fund" means the Unemployment Trust Fund established by the Social Security Act

(u) "Wages" means all remuneration for employment including the cash value of all remuneration paid in any medium other than cash

(v) "Week" means any calendar week ending at midnight Saturday or the equivalent therof as determined in accordance with general rules adopted by the department

Section 2 Clauses (k) and (p) of section two hundred and eight of said act are hereby amended to read as follows

Section 208 Civil Service Selection of Personnel Additional Duties of Secretary and Board * * * *

(k) A person selected for appointment shall be duly notified by the secretary in writing and upon accepting and reporting for duty shall receive from the secretary a certificate of appointment The first nine months under this appointment shall be a probationary period If and when after full and fair trial during this period the conduct or capacity of the probationer be not satisfactory to the secretary the probationer shall be so notified in writing with a full statement of reasons and this notice shall terminate his service [provided that within ten days he may appeal his case to the board in the same manner as hereinafter provided for individuals receiving notice of dismissal] The retention of such individual beyond the probationary period shall automatically confirm such individual as a permanent appointment

(p) All employes of the department engaged in the administration of this act who have served the probationary period specified in clause (k) of this section and who are given notice of dismissal suspension or furlough shall be entitled to a hearing before the board by an appeal made within ten days after such notice of dismissal suspension or furlough becomes effective and shall be furnished with copies of any charges preferred against them and shall be allowed a reasonable time for personall answering the same in writing and submitting affidavits in support thereof Any employe summarily dismissed or dismissed for delinquency or misconduct under a decision of the board or upon the expiration of the date for an appeal if no appeal has been taken shall be removed from all lists of eligibles for positions under this act Any employe after having been dismissed suspended or furloughed or having received notice of dismissal suspension shall be restored upon being sustained on such appeal by or furlough and who has made appeal thereof to the board the decision of the board to the same grade of employment in which he had been employed and in the discretion of the board shall be fully reimbursed for any loss of salary caused by such dismissal suspension or furlough The board shall hear such appeals and render a final decision in all cases under this section in not more than thirty days after the date of such appeals and shall keep records of such appeals as provided for appeals for compenstion under section five hundred four of this act Appeals may be taken by the secretary or the employe from the board to the Superior Court within thirty days after the decision of the board in the same manner as provided in this act for appeals with respect to compensation

Section 3 Section three hundred and nine of said act as amended by section three of the act approved the eighteenth day of May one thousand nine hundred thirty-seven (Pamphlet Laws 658) is hereby further amended to read as follows

Section 309 Collection of Contributions and Interests If after notice by the department any employer fails neglects or refuses to pay any contributions due or the interest [due thereon the amount due shall be collected by civil action in the name of the Commonwealth Civil actions

brought under this section to collect contributions or interest thereon from any employer] thereon the contributions and interest due from any employer under the provisions of this act from the time they shall be due shall be a personal debt of the employer to the Commonwealth of Pennsylvania recoverable in any court of competent jurisdiction by civil action in the name of the Commonwealth for the use of the Unemployment Compensation Fund Such actions shall be heard by the court at the earliest possible date and shall be entitled to preferenc upon the calendar of the court over all other actions except petitions for judicial review under this act and cases arising under the Workmen's Compensation Act of one thousand nine hundred fifteen and its amendments and supplements No court costs shall be imposed on the Commonwealth in any such civil [actions] action Judgments thus obtained [in such civil actions] to collect any of the contributions aforesaid shall include interest and penalties as provided in this act

Whenever the amount of any unpaid contribution due and owing from an employer whose assets are being distributed pursuant to an order of any court under the laws of this Commonwealth including any receivership assignment for the benefit of creditors adjudicated insolvency composition or similar proceeding or pursuant to the provisions of the Federal Bankruptcy Act of 1898 as amended is less than two hundred dollars and such amount cannot be recovered in full as provided in section three hundred and ten of this act the department may enter into a reasonable compromise to settle the past due account All such settlements shall be made in writing and shall be approved by the court in which such insolvency or bankruptcy proceeding is pending The department is empowered to execute any documents or other instruments which may be necessary to effect any such compromise

Section 4 Sections four hundred and one four hundred and three four hundred and four and five hundred and one of said act are hereby amended to read as follows

Section 401 Qualifications Required to Secure Compensation Compensation shall be payable to any employe who is or becomes totally unemployed on or after January first one thousand nine hundred thirty-eight and who

(a) Has within his base year earned wages from employers of not less than [thirteen times his weekly compensation amount] one hundred dollars

(b) Has registered for work at a designated employment office at such times and in such manner as the department may prescribe

(c) Has made a claim for compensation in the proper manner prescribed by the department

(d) Is able to work and available for work and

(e) Has been totally unemployed for a waiting period of at least three weeks (except as otherwise hereinafter provided in this clause) prior to any week for which he claims compensation provided that such three weeks of total unemployment shall occur after compensation first becomes payable under this act Such three weeks shall not include any week in which the employe was ineligible for compensation under section four hundred two of this act or was ineligible for compensation under any provision of this section excepting however paragraphs (a) and (c) of this section The three weeks of total unemployment need not be consecutive but may be accumulated [over the period of fifty-two consecutive weeks preceding any week for which he claims compensation] during a single benefit year Provided That this requirement shall not interrupt the payment of compensation for consecutive weeks of unemployment if the claimant is eligible for compensation in a new benefit year If the employe's total unemployment is due to a voluntary suspension of work resulting from an industrial dispute then he shall be ineligible for compensation for a further waiting period of three weeks in addition to the waiting period hereinbefore prescribed in this clause

Section 403 Rate and Payment of Weekly Compensation Compensation shall be payable [at the rate of fifty per centum of the employe's full-time weekly wage but the amount shall not be more than fifteen dollars nor less than seven dollars and fifty cents a week An employe's weekly compensation amout as determined for the first week of his benefit year shall constitute his weekly compensation amount throughout such benefit year Compensation shall be computed to the nearest multiple of five cents] to an eligible individual for total unemployment at the weekly compensation rate shown opposite the group in which his highest total wages during a calendar quarter of his base year are found in accordance with Table A Schedule of Compensation contained in section four hundred and four of this act as amended but the amount of the weekly compensation rate shall not be more than fifteen dollars nor less than seven dollars Compensation shall be paid through employment offices at such times and in such manner as the department may prescribe

The Department may make payments of fifty dollars or less otherwise payable to the estate of a deceased or incompetent claimant to such applicant or applicants found by the Department to be entitled thereto as members or dependents of such deceased or incompetent claimants family or the deceased or incompetent claimant's legal representative for and on behalf of the following persons surviving him or her or standing in the relationship to him of her in the order hereinafter named due regard and consideration first being given to the dependency of the applicant or applicants upon the deceased or incompetent claimant during claimant's lifetime or incompetency to wit His or her spouse child grandchild father or mother sister or brother or the guardian or committee of any such persons Provided however That no executor of administrator has been appointed to administer the estate of such deceased wage earner or no guardian or committee has been appointed to administer the affairs of such incompetent wage earner and it has been affirmed to the best knowledge information and belief of the applicant that no such representative of the deceased or incompetent claimant's estate will be appointed and it is further affirmed to the best knowledge information and belief of the applicant that the deceased claimant left no will or other instrument purporting to be a will and which could or ought to be probated as such or that there has been no guardian or committee appointed to administer the affairs of any such incompetent claimant

As used in this section the term "incompetent claimant" shall mean any person who has been an employe within the meaning of this law and who has duly qualified as eligible for unemployment compensation within the meaning of section four hundred and one of this act but subsequent thereto such individual has become insane feebleminded epileptic or so mentally [illegible] is unable to take care of his or her property and in consequence thereof is liable to dissipate or lose the same and to become the victim of designing persons

The department shall prescribe the means and methods to be employed and the proof required for the effctual carrying out of the provisions of this section

Section 404 Amount and Duration of Compensation The maximum total amount of compensation payable to any eligible employe during any benefit year shall not exceed one-eighth of his total wages from employers during the first eight out of the last nine completed calendar quarters immediately preceding each week with respect to which compensation is payable (excluding however any completed calendar quarter which occurs prior to January first one thousand nine hundred thirty-seven) or thirteen times his weekly compensation amount whichever is the lesser

[The department may maintain a separate account for each employe and in such event shall credit his account with all wages earned by him from employers subsequent to January first one thousand nine hundred thirty-seven Compensation Paid to an eligible employe shall be charged against amounts credited to such account in the chronological order in which the wages of such individual were earned from employers]

Provided that as to an eligible employe whose benefit year begins prior to the first day of June one thousand nine hundred thirty-nine the department will compute the maximum total amount of compensation on the basis of wages earned by the employe during completed calendar quarters beginning with the first day of January one

thousand nine hundred thirty-seven and ending with the thirty-first day of December one thousand nine hundred thirty-eight

On and after the first day of June one thousand nine hundred thirty-nine the number of weeks of compensation payable to any eligible employe during any benefit year shall be determined by his total wages earned from employes during the two calendar years preceding the given benefit year by finding on the same line as the employe's weekly compensation rate the wage group in which such total wages fall The number of weeks to the right of this wage group shall fix the number of weeks of compensation in accordance with the following Schedule of Compensation

Table A

Schedule of Compensation

The eligible claimant will receive the weekly benefit rate shown on the line on which his high quarter earnings appear The number of weekly benefit checks is shown on the same line to the right of the amount of his wages during the preceding two years Base Period Wages and Number of Compensation

High Quarter Wages	Weekly Compensation Rate	Wages	Wks	Wages	Wks	Wages	Wks	Wages	Wks	Wages	Wks	Wages
$375-over	$15	$1500 or over	13	$1380-1499	12	$1260-1379	11	$1140-1259	10	$1020-1139	9	$900-1019
350-374.99	14	1400 " "	13	1288-1399	12	1176-1287	11	1064-1175	10	952-1063	9	840- 951
325-349.99	13	1300 " "	13	1196-1299	12	1092-1195	11	988-1091	10	884- 987	9	780- 883
300-324.99	12	1200 " "	13	1104-1199	12	1008-1103	11	912-1007	10	816- 911	9	720- 815
275-299.99	11	1100 " "	13	1012-1099	12	924-1011	11	836- 923	10	748- 835	9	660- 747
250-274.99	10	1000 " "	13	920- 999	12	840- 919	11	760- 839	10	680- 759	9	600- 679
225-249.99	9	900 " "	13	828- 899	12	756- 827	11	684- 855	10	612- 683	9	540- 611
200-224.99	8	800 " "	13	736- 799	12	672- 735	11	608- 671	10	544- 607	9	480- 543
Under $200	7	700 " "	13	644- 699	12	588- 643	11	532- 587	10	476- 531	9	420- 475

High Quarter Wages	Weekly Compensation Rate	Wages	Wks	Wages	Wks	Wages	Wks	Wages	Wks	Wages	Wks	Wages	Wks
$375-over	$15	$1500 or over	8	$780-899	7	$660-779	6	$540-659	5	$420-539	4	$375-419	3
350-374.99	14	1400 " "	8	728-839	7	616-727	6	504-615	5	392-503	4	350-391	3
325-349.99	13	1300 " "	8	676-779	7	573-675	6	468-571	5	364-467	4	325-363	3
300-324.99	12	1200 " "	8	624-719	7	528-623	6	432-527	5	336-431	4	300-335	3
275-299.99	11	1100 " "	8	572-659	7	484-571	6	396-483	5	308-395	4	275-307	3
250-274.99	10	1000 " "	8	520-599	7	440-519	6	360-439	5	280-359	4	250-279	3
225-249.99	9	900 " "	8	468-539	7	396-467	6	324-395	5	252-323	4	225-251	3
200-224.99	8	800 " "	8	416-479	7	352-415	6	268-351	5	224-287	4	200-223	3
Under $200	7	700 " "	8	364-419	7	308-363	6	252-307	5	196-251	4	100-195	3

Section 501 Initial Determination of Compensation Appeals The department shall promptly examine any claim filed and on the basis of the facts found by it shall determine whether or not the claim for compensation is valid and if valid the week with respect to which compensation shall commence the weekly compensation payable and the maximum duration thereof The claimant the employer and other affected parties shall be promptly notified of the decision and the reasons therefore Unless the claimant the employer or other affected parties file an appeal from such decision with the board within ten calendar days after such notification was mailed to his last known post office address and applies for a hearing such decision of the department shall be final and compensation shall be paid or denied in accordance therewith In the event that an appeal is filed with the board the payment of compensation shall be withheld pending determination of the claim but when a referee or the board affirms a decision of the department allowing compensation such compensation shall be paid notwithstanding any further appeal which may thereafter be taken

Where the sole reason for appeal is a petition by an employe for either a higher maximum compensation amount or a higher weekly rate of compensation payment of compensation pending the determination of the appeal shall be made at either the lower maximum compensation amount or lower weekly rate of compensation during pendency of such appeal and if a decision in favor of an employe shall be made by the proper appellant body an adjustment shall be made promptly

Section 5 The provisions of this act shall become effective on the first day of June one thousand nine hundred thirty-nine except the amendments to section four hundred and one and four hundred and three which apply only to claims for compensation filed by employes on and after the first day of June one thousand nine hundred thirty-nine

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 956, as follows:

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war or their dependents

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of eight hundred ninety thousand dollars ($890,000) or as much thereof as may be necessary is hereby appropriated out of the General Fund to the State Veterans' Commission for the two fiscal years beginning June first one thousand nine hundred thirty-nine for the payment of traveling expenses and other authorized disbursements of the commission salaries wages and expenses of its employes and to furnish funds to provide the necessities of life for and to assist otherwise such Pennsylvania veterans of any war or the widows and infant children or dependents of such veterans as are sick disabled or indigent and who are without means

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1148, as follows:

An Act making an appropriation to the Department of Revenue to defray the expenses of investigation and litigation in the estate of Henrietta E Garrett deceased

Whereas Henrietta E Garrett died on November sixteen one thousand nine hundred thirty without ostensible heirs or next of kin and intestate as to the bulk of her estate which is estimated to exceed sixteen million dollars ($16,000,000) in value and

Whereas The Commonwealth's interests in the said estate if unclaimed for want of valid claimants require protection therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifty thousand dollars ($50,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Revenue for the two fiscal years beginning June first one thousand nine hundred thirty-nine for the payment of the salaries wages or other compensation of such special deputy attorneys general special attorneys appointed by the Attorney General experts scientists examiners statisticians clerks stenographers and other assistants and employes and for costs witness fees postage express charges telegraph and telephone charges and all other expenses whatsoever as may be necessary for the proper conduct of investigations and litigation in the estate of Henrietta E Garrett deceased

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 690, as follows:

An Act to further amend the act approved the fifth day of December one thousand nine hundred and thirty-six (1937 Pamphlet Laws 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" excepting employment covered by certain Federal unemployment compensation or insurance system from the provisions thereof providing for cooperation with Federal local or private agencies in connection with free public employment offices making further provision for reciprocal arrangements and compacts with agencies of other states and the Federal Government further defining ineligibility for compensation authorizing transfers from the Commonwealth's Unemployment Compensation Fund in the Unemployment Trust Fund of the United States Treasury to Railroad Unemployment Insurance Account and terminating certain compensation rights hereunder

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (j) of section four of the act approved the fifth day of December one thousand nine hundred and thirty-six (1937 Pamphlet Laws 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" as amended by section one of the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 658) is hereby further amended to read as follows

(j) "Employment" means all service performed for remuneration or under any contract of hire express or implied written or oral (1) which is localized within this Commonwealth or (2) which is not localized in any state but some of the service is performed within this Commonwealth and (a) the base for operations or place from which such service is directed or controlled is in this Commonwealth or (b) the base for operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individuals residence is in this Commonwealth Service shall be deemed to be localized within this Commonwealth if (a) the service is performed entirely within this Commonwealth or (b) the service is performed both within and without this Commonwealth but the service performed without this Commonwealth is incidental to the individual's service within this Commonwealth as for example where it is temporary or transitory in nature or consists of isolated transactions Services performed without this Commonwealth shall not be included within the term "employment" if contributions are required and paid with respect to such services under an unemployment compensation law of any other state

An individual perfoming services for remuneration in an employment subject to this act shall be deemed to be performing such services for wages unless and until it is shown to the satisfaction of the department that (a) such individual has been and will continue to be free from control or direction over the performance of such services both under his contract of service and in fact and (b) that such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed and (c) that such individual is customarily engaged in an independently established trade occupation profession or business

The word "employment" shall not include

(1) Agricultural labor

(2) Domestic service in a private home

(3) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States

(4) Service performed by an individual in the employ of his son daughter or spouse and service performed by a child under the age of twenty-one (21) in the employ of his father or mother

(5) Service performed in the employ of the United States Government or of an instrumentality of the United States

(6) Service performed in the employ of a state a political subdivision thereof or an instrumentality of one of more states or political subdivisions

(7) Service performed in the employ of a corporation community chest fund or foundation organized and operated exclusively for religious charitable scientific literary or educational purposes or for the prevention of cruelty to children or animals no part of the net earnings of which inures to the benefit of any private shareholder or individual

(8) Service performed after June thirtieth one thousand nine hundred and thirty-nine in the employ of an employer who is determined to be subject to the Act of Congress known as the Railroad Unemployment Insurance Act or as an employe representative subject to such act (52 Stat 1094) or to an Act of Congress establishing an unemployment compensation system for maritime employes by the agency or agencies empowered to make such determinations

Section 2 Sections two hundred two two hundred seven and four hundred two of said act are hereby amended to read as follows

Section 202 Personnel and Employment Offices The secretary shall have power to establish such offices and to appoint and fix the compensation of such employes in such offices and in the department as he may deem necessary to administer this act subject to the provisions of section two hundred eight of this act

The department is authorized to cooperate with or to enter into agreements with the Railroad Retirement Board or any other agency of the United States charged with the administration of an unemployment compensation law with any political subdivision of this State or with any private nonprofit organization with respect to the establishment maintenance and use of free employment service facilities and free public employment offices and as a part of any such agreement may accept moneys services or quarters as a contribution to the administration fund

Section 207 Cooperation with Social Security Board and Other Agencies (a) In the administration of this act the department shall cooperate to the fullest extent consistent with the provisions of this act with the Social Security Board It shall make such reports in such form and containing such information as the Social Security Board may from time to time require and shall comply with such provision as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports

(b) Upon request therefor the department shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment the name address ordinary occupation and employment status of each recipient of compensation and such recipient's rights as to further compensation under this act

(c) The department is hereby authorized to enter into reciprocal arrangements and compacts with the proper authorities of other states and the Federal Government for the purpose of carrying out the objectives of the unemployment compensation acts of this and other states or adopted by the Congress of the United States Pursuant to this subsection the department may enter into arrangements with the appropriate agencies of other states or of the Federal Government (1) Whereby wages or services upon the basis of which an individual may become entitled to unemployment compensation benefits under the unemployment compensation law of another state or of the Federal Government shall be deemed to be wages for employment by employers for the purposes of sections four (1) four hundred one and four hundred four of this act provided such other state agency or agency of the Federal Government has agreed to reimburse the unemployment compensation fund for such portion of compensation paid under this act upon the basis of such wages or services as the department finds will be fair and reasonable as to all affected interests and (2) whereby the department will reimburse other state or Federal agencies charged with the administration of unemployment compensation laws with such reasonable portion of unemployment benefits paid under the law of any such other states or of the Federal Government upon the basis of employment or wages for employment by employers as the department finds will be fair and reasonable as to all effected interests Reimbursements so payable shall be deemed to be compensation for the purposes of sections four hundred four and six hundred one of this act The department is hereby authorized to make to other state or Federal agencies and receive from such other state or Federal agencies reimbursements from or to the Unemployment Compensation Fund in accordance with arrangements pursuant to this paragraph

(d) The department may make the state's records relating to the administration of this act available to the Railroad Retirement Board and may furnish the Railroad Retirement Board at the expense of such Board such copies thereof as the Railroad Retirement Board deems necessary for its purposes

(e) The department may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment insurance law

Section 402 Ineligibility for Compensation An employe shall be ineligible for compensation for any week [i which his unemployment is due to]

(a) [Failure] In which his unemployment is due t failure without good cause either to apply for suitabl work when so directed by the employment office or t accept suitable work when offered to him by the employ ment office In determining whether or not any work i suitable for an individual the department shall conside the degree of risk involved to his health safety and moral his phyiscal fitness and prior training and experience an the distance of the available work from his residence

(b) [Voluntarily] In which his unemployment is du to voluntarily leaving work except where as a conditio of continuing in employment the employe would be re quired to join or remain a member of a company unio or to resign from or refrain from joining any bona fid labor opanization or to accept wages hours or condition of employment not desired by a majority of the employe in the establishment or the occupation or would be denie the right of collective bargaining under generally pre vailing conditions

(c) With respect to which or a part of which he ha received or is seeking unemployment benefits under a unemployment compensation law of any other state or o the United States Provided That if the appropriate agenc of such other state or of the United States finally deter mines that he is not entitled to such unemployment bene fits the disqualification shall not apply

Section 3 Article six of said act is hereby amende by adding at the end thereof a new section to read a follows

Section 606 Transfer of Funds to Railroad Unemploy ment Insurance Account Notwithstanding any require ments of the foregoing sections of this article the depart ment shall prior to whichever is the later of (1) thirt days after the close of this session of the legislature an (2) July first one thousand nine hundred and thirty-nin authorize and direct the Secretary of the Treasury of th United States to transfer from the account of the Unem ployment Compensation Fund of the Commonwealth o Pennsylvania in the Unemployment Trust Fund estab lished and maintained pursuant to section nine hundre four of the Social Security Act as amended to the Rail road Unemployment Insurance Account established an maintained pursuant to section ten of the Railroad Un employment Insurance Act an amount hereinafter re ferred to as the preliminary amount and shall prior t which ever is the later of (1) thirty days after the clos of this session of the legislature and (2) January first on thousand nine hundred and forty authorize and direc the Secretary of the Treasury of the United States t transfer from this state's account in said Unemploymen Trust Fund to said Railroad Unemployment Insuranc Account an additional amount hereinafter referred to a the liquidating amount The preliminary amount shall con sist of that proportion of the balance in the unemploymen compensation fund as of June thirtieth one thousand nin hundred and thirty-nine as the total amount of contribu tions collected from employers (as the term "employer" is defined in section i (a) of the Railroad Unemployment Insurance Act) and credited to the Unemployment Com pensation Fund bears to all contributions theretofore collected under this act and credited to the Unemploy ment Compensation Fund The liquidating amount shal consist of the total amount of contributions collecte from employers (as the term "employer" is defined in sec tion i (a) of the Railroad Unemployment Insurance Act pursuant to the provisions of this act during the perio July first one thousand nine hundred and thirty-nine t December thirty-first one thousand nine hundred thirty nine inclusive

Section 4 Said act is hereby amended by adding a the end thereof a new article and section to read as fol lows

ARTICLE X

Termination of Compensation Rights

Section 1001 Termination of Compensation Rights o Certain Employes No employe shall have or assert any right to unemployment compensation under the Unem

ployment Compensation Law of this Commonwealth with respect to unemployment occurring after June thirtieth one thousand nine hundred and thirty-nine based upon wages earned for services performed in the employ of an employer who is subject to the act of Congress known as the Railroad Unemployment Insurance Act (52 Stat 1094) or to an act of Congress establishing an unemployment compensation system of maritime employes irrespective of when performed nor shall wages for such services be included for purposes of determining eligibility under section four hundred one or rate of compensation under sction four hundred three with respect to any benefit year commencing on or after July first one thousand nine hundred and thirty-nine

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1243, as follows:

An Act making an appropriation to the Department of Welfare for the payment of claims against the Commonwealth arising from construction contracts at the Coaldale State Hospital which have been cancelled

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one thousand one hundred and twelve dollars ($1.112) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Welfare for the payment of any claims against the Commonwealth arising from construction contracts at the Coaldale State Hospital which have been cancelled Payments from this appropriation shall be made on requisition of the Secretary of Welfare with the approval of the Department of Justice

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 623, as follows:

An Act to further amend section one of the act approved the seventeenth day of April one thousand eight hundred and ninety-three Pamphlet Laws 21) entitled "An act to facilitate the labors of the judges of the court of common pleas of the county in which the seat of government is or may be located in the disposition of the business of the Commonwealth by providing suitable clerical assistance" by providing for the employment and compensation of clerical assistance for the judges of the orphans' court in such county

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the seventeenth day of April one thousand eight hundred and ninety-three (Pamphle tLaws 21) entitled "An act to facilitate the labors of the judges of the court of common pleas of the county in which the seat of government is or may be located in the disposition of the business of the Commonwealth by providing suitable clerical assistance" as amended by the act approved the tenth day of March one thousand nine hundred and twenty-one (Pamphlet Laws 28) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That to facilitate the labors of the judges of the court of common pleas and orphans' court of the county in which the seat of government is or may be located in the disposition of the business of the Commonwealth the said judges are hereby authorized to employ the help of stenographers typewriters and other clerks provided the cost of such help shall not exceed the sum of twenty-four hundred dollars per annum for each of said judges The cost of such help shall be paid by the judge employing the same and shall be repaid to him upon his certificate of the amount paid by him during the preceding month to be made upon the requisition for salaries as provided by law

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1130, as follows:

An Act to amend section two of an act approved the twenty-fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred eighty-one) entitled "An act prohibiting the publication printing or radio broadcasting of advertisements or notices of insurance companies associations exchanges or persons not authorized to do business in this Commonwealth requiring certificates from the Insurance Department before accepting insurance advertisements or broadcasting the same by radio and fixing penalties" by permitting the use of copies of certificates

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section two of an act approved the twenty-fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred eighty-one) entitled "An Act prohibiting the publication printing or radio broadcasting of advertisements or notices of insurance companies associations exchanges or persons not authorized to do business in this Commonwealth requiring certicates from the Insurance Department before accepting insurance advertisements or broadcasting the same by radio and fixing penalties" is hereby amended to read as follows

Section 2 No person copartnership association or corporation shall accept for publication or printing in any newspaper magazine or other periodical or for radio broadcasting in this Commonwealth any advertisement or other notice either directly or indirectly setting forth the advantages of or soliciting business for any insurance company association exchange or person unless [Such advertisement or notice is accompanied by a certificate from the Insurance Department and] such newspaper magazine or other periodical or the radio broadcasting [includes a statement that the broadcasting station holds such certificatel company has in its possession a true and attested or photostatic copy of a certificate of authority from the Insurance Department to the effect that the insurance company association society exchange or person named therein is authorized to do business in this Commonwealth Such certicates shall be isssued by the Insurance Department to any person applying therefor

Section 2 This act shall become effective immediately upon its approval by the Governor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1262, as follows:

An Act to further amend section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property provdiing for the assessment and

collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" excluding proceeds of life insurance policies from the provisions thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as last amended by the act approved the twenty-first day of April one thousand nine hundred and thirty-three (Pamphlet Laws 54) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all personal property of the classes hereinafter enumerated owned held or possessed by any person persons copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or by any joint-stock company or association limited partnership bank or corporation whatsoever formed erected or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other State or government and liable to taxation within this Commonwealth whether such personal property be owned held or possessed by such person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporartion in his her their or its own right or as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation is hereby made taxable annually for county purposes and in cities coextensive with counties for city and county purposes at the rate of four mills on each dollar of the value thereof and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section seventeen hereof of all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other State or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section seventeen hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other State or government except shares of stock in any bank corporation or limited partnership that may be liable to a tax on its shares or its capital stock for State purposes under the laws of this Commonwealth or relieved from the payment of tax on its shares or capital stock for State purposes by the laws of the Commonwealth all moneys loaned or invested in other States Territories the District of Columbia or foreign countries all other moneyed capital in the hands of individual citizens of the State all stages omnibuses hacks cabs and other vehicles used in transporting passengers for hire except steam and street passenger railway cars owned used or possessed within this Commonwealth by any person or persons or by any corporate body or bodies all annuities yielding annually over two hundred dollars Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor to interest bearing accounts in any bank or banking institution savings institution or trust company And provided That this act shall not apply to the proceeds of any life insurance policy paid or held in whole or part by the insurer And provided That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said four mills tax herein provided for or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said four mills tax on any of the said such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for county purposes and in cities coextensive with counties for city and county purposes shall be taxed or taxable for any other local purpose or for State purposes under the laws of this Commonwealth And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated hereafter received from any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth and not doing business within this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company non resident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth and not doing business within this Commonwealth

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1260, as follows:

An Act to further amend section three of the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws 414) entitled "An act to provide revenue for State purposes imposing taxes upon cetrain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" excluding proceeds of life insurance policies from the provisions thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills records of deeds prothonotaries and court clerks and on persons copartnerships asociations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as last amended by the act approved the eighteenth day of May one thousand nine hundred thirty-seven (Pamphlet Laws 633) is hereby further amended to read as follows

Section 3 State Tax on Mortgages Judgments Et Cetera Imposition and Rate of Tax Exceptions All personal property of the classes hereinafter enumerated owned held or possessed by any resident whether such personal property be owned held or possessed by such resident in his own right or as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domciled in another state and where such resident is entitled to receive all or any part of the income therefrom is hereby made taxable annually for State purposes at the rate of four mills on each dollar of the value thereof as of a date to be fixed annually in the manner provided in section fiev of this act and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all ground rents all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section seventeen hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section seventeen hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank bank and trust company national banking association savings institution corporation or limited partnership liable to a tax on its shares or a capital stock or franchise tax for State purposes under the laws of this Commonwealth all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital owing to individual citizens of the State and the principal value of all annuities Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor to interest-bearing accounts in any bank or banking institution savings institution employes thrift or savings association whether operated by employes or the employer or trust company And provided further That this act shall not apply to the proceeds of any life insurance policy paid or held in whole or part by the insurer And provided further That the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said four mills tax herein provided for or any part thereof or have agreed or shall hereafter agree to pay the same or any part thereof nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said four mills tax on any of the said securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such assocations societies or union And provided further That corporations limited partnerships and Joint-stock associations liable to a tax on their shares or a capital stock or franchise tax for State purposes shall not be requred to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth except for county purposes and in cities coextensive with counties for city and county purposes as now provided by law And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated received from any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or asso-

ciation limited partnership bank or corporation formed erected or incorporated by under or in purusance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth Nor shall the provisions of this section apply to personal property held for the use benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation oragnized or operated exclusively for religious charitable scientific literary or educational purposes

The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in case of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein

Section 2 The provisions of this act shall become effective immediately upon its final enactment and shall apply to said act as hereby amended and to any amendment or extension thereof at the present session of the General Assembly

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1062, as follows:

An Act relating to the acquisition of rights to divert water from rivers streams natural lakes and ponds or other surface waters within the Commonwealth or partly within and partly without the Commonwealth defining various words and phrases vesting in the Water and Power Resources Board certain powers and authorities for the conservation control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth making available for public water supply purposes water rights heretofore or hereafter acquired but not used providing for hearings by the Water and Power Resources Board and for appeals from its decisions fixing fees granting to all public water supply agencies heretofore or hereafter created the right of eminent domain as to waters and the land covered by said waters repealing all acts or parts of acts inconsistent herewith including Act No. 109 Pamphlet Laws 152 approved April 13 1905 Act No 307 Pamphlet Laws 455 approved June 7 1907 Act No 64 Pamphlet Laws 258 approved April 8 1937

Whereas an adequate and safe supply of water for the public is a matter of primary concern affecting the life health and comfort of the people of this Commonwealth and

Whereas the increase of the population makes it necessary that the available supply of water be conserved controlled and used equitably for the best interests of all concerned and

Whereas the use of water for the supply of water to the public is the most essential of all public service vital to life itself and

Whereas the public interest requires that public water supplies be developed not only for present needs but also for developing needs for a reasonable time in the future from and after any original appropriation or acquisition of a source of supply and

Whereas the public interest requires that sources of water supply appropriated or acquired but not used or not reasonably necessary for future needs should be available for appropriation or acquisition by others requiring such sources

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions

Hereafter in this act the following words and phrases shall be understood to have the meanings herein set forth unless a contrary or different meaning be clarly indicated by the context

(a) "Board" shall mean The Water and Power Resources Board of the Commonwealth of Pennsylvania or any other board or commission of the Commonwealth of Pennsylvania hereafter created as successor to or in substitution for or vested with the authority now vested in The Water and Power Resources Board

(b) "Public water supply agency" shall mean any corporation or any municipal or quasi-municipal corporation district or authority now existing or hereafter incorporated under the laws of the Commonwealth of Pennsylvania and vested with the power authority right or franchise to supply water to the public in all or part of any municipal or political subdivision of the Commonwealth of Pennsylvania

(c) "Acquire" shall mean to secure or become vested with rights either by purchase lease gift devise adverse possession prescription eminent domain waiver of damages settlement of damages appropriation or otherwise

(d) "Acquisition" shall mean the act of acquiring or the rights acquired

(e) "Water rights" shall mean the right to take or divert water from any rivers streams natural lakes and ponds or other surface waters within or partly within and partly without the Commonwealth of Pennsylvania except water rights heretofore or hereafter acquired under the Act of June 14 1923 Pamphlet Laws 704

Regarding Water Rights heretofore Acquired

Section 2 Any acquisition of water rights heretofore acquired by any public water supply agency which acquisition has not been followed by an actual taking from the source acquired either heretofore or within a period of one year after the effective date of this Act is hereby declared null and void and of no effect to the extent required to make water rights from such source available for acquisition under the terms of this Act

Section 3 No acquisition of water rights from a source of supply by a public water supply agency shall be effective to prevent the acquisition of water rights from such source of supply in the future under the terms of this act unless within one year after the effective date of this act the public water supply agency shall have produced to the board the record upon which such acquisition is founded or a statement of the facts relied upon to show that such acquisition has been lawfully accomplished and shall have filed in the office of the board duly certified and acknowledged transcripts of corporate or other action or proceeding or statement of facts or records relied upon as the basis of a claim of acquisition of water rights and a sworn statement of an estimate of the amount of water reasonably necessary from said source of water supply for present purposes and future needs and also such other or additional information as the board may deem necessary Provided That prior compliance with the provisions of the act of 1937 Pamphlet Laws 258 Number 64 by any public water supply agency shall be deemed to be a full meeting of the requirements of this section of this act

Section 4 It shall be the duty of the Board to consider and to pass upon the validity of the claims of public water supply agencies making claim to prior acquisitions of water rights under the provisions of Section 3 of this Act and to notify the claimant of its findings

It shall also be the duty of the Board to prepare and keep up to date a public record of all confirmed water right acquisitions and of all permits for the acquisition of water rights classified and indexed as the Board may direct and containing such detailed information as may be available to the Board and which it shall determine should be recorded which said public record shall be known as "Water Acquisition Record"

An actual taking of water from any source and the use thereof to serve the public shall be construed as prima facie evidence of the validity of the claim of any public water supply agency claiming an acquisition thereof and the confirmation by the Board of any acquisition claimed by any public water supply agency shall constitute a validation of the right of the public water supply agency to such water rights in the source as shall be reasonably necessary for its present purposes and future needs subject to modification of said rights at a later date or later dates only under the terms of this Act

Regarding Acquisition of Water Rights Hereafter

Section 5 No public water supply agency shall hereafter acquire any water rights except as provided in this Act and any acquisition of water rights hereafter except as provided in this Act shall be deemed to be unlawful null and void

Section 6 Hereafter no acquisition of water rights shall be made or taken by any public water supply agency person partnership or corporation except as follows

Any such public water supply agency desiring to acquire new water rights a new source of water supply or to acquire an additional quantity of water or water rights from an existing source of water supply beyond that confirmed by the Board under the preceding sections of this Act as being reasonably necessary for present purposes and future needs shall make application to the Board for a permit to acquire such designated waters or water rights setting forth such of the following information as may be applicable

1 The river or stream from which the supply is proposed to be taken and the necessity for such new water rights new source or additional quantity

2 The amount of water which it is proposed to acquire for present purposes and future needs

3 The district municipality or political subdivision and the population thereof requiring the supply and the necessity for such acquisition

4 The plan for development or use of the water including the capacities of any proposed impounding reservoirs

5 Such other or additional applicable information as the Board may require

Section 7 It shall be the duty of the Board upon receipt of an application under Section 6 of the Act to make such investigation as may be necessary including a search of the Water Acquisition Record to determine whether the approval of the application will affect water rights theretofore confirmed or approved or water rights at that time the subject of application to the Board or water rights for the acquisition of which a permit shall therefore have been issued In case of apparent conflict of interests the investigation shall include and consider the extent of the conservation development and use to the best advantage of existing sources of water supply In case of established conflict of interests the Board after receipt of an application or at any time or from time to time shall have the power to issue modify or impose conditions in permits or confirmed claims for or to the acquisition of water rights theretofore or thereupon issued when deemed necessary by the Board in the public interest and it shall be the duty of the Board to issue and it shall issue all such permits and modification and conditioning orders as the public interest shall require

However if the Board finds that the proposed new source or additional supply will not conflict with the rights to such water or to water rights held by any other public water supply agency which are reasonably necessary for its present purposes or future needs and that the water or the water rights proposed to be acquired are reasonably necessary for the present purposes and future needs of the public water supply agency making application that the taking of said water or the exercise of said water rights will not interfere with navigation jeopardize public safety or cause substantial injury to the Commonwealth then and in that case the Board shall approve the application and shall issue permit therefor

Section 8 The Board shall have the further power to revoke any permit granted under the terms of this Act in case the water rights are not acquired within one year after the issuance of said permit and said acquisition shall be null and void and of no effect to extent required to make water and water rights from such source available for acquisition under the terms of this act if any actual taking of water be not made within four years after the issuance of said permit

Section 9 All public water supply agencies heretofore or hereafter incorporated under the laws of the Commonwealth of Pennsylvania and holding a permit issued by the Board under the provisions of this Act shall have the power and may exercise the rights of eminent domain as respects the appropriation of the water and the water rights authorized by said permit and land covered by said waters Provided however That such right shall not apply to private spring and private water supplies

Section 10 Any party or applicant who may be directly or adversely affected by any decision or finding of the Board under any of the provisions of this act shall be entitled on application to be heard in person or by counsel in a public hearing on reasonable notice before the Board or its duly designated agent All members of the Board and its duly designated agents shall have power to administer oaths to any witness appearing for any party in interest in said hearings All testimony and argument shall be recorded and transcribed and shall be read and considered by the Board before it shall make its decision

Any party aggrieved by any decision of the Board under any of the provisions of this act may within thirty days appeal therefrom to the Court of Common Pleas of Dauphin County and the taking of such appeal shall operate as a supersedeas

Section 11 Fees Every statement record or application for permit filed under the provisions of this Act or heretofore filed under the provisions of the Act of April 8 1937 Pamphlet Laws 258 shall be subject to filing fee of twenty-five dollars for the purpose of reimbursing the Commonwealth in part for the cost of administration of the act All moneys so collected shall be paid into the State Forests and Waters Fund by and through the Department of Revenue

Section 12 All acts or parts of acts inconsistent herewith are hereby repealed and the following acts are hereby expressly repealed

Act Number 109 Pamphlet Laws 152 approved April 13 1905 being "An Act providing that the right of eminent domain as respects the appropriation of streams rivers or waters or the land covered thereby shall not be exercised by water companies incorporated under law"

Act Number 307 Pamphlet Laws 455 approved June 7 1907 being "An Act to require all water and water power companies hereafter incorporated or hereafter formed by merger and consolidation or hereafter purchasing the property and franchises of any other such company to designate the exact source of their supply of water or water power and to require all existing water and water power companies merging and consolidating or purchasing the property and franchises of any other such company to accept the provisions of this Act and of the act approved April thirteenth one thousand nine hundred and five entitled 'An act providing that the right of eminent domain as respects the appropriation of streams rivers or waters or the land covered thereby shall not be exercised by water companies incorporated under law' and providing the manner in which water and water power companies subject to the provisions of this Act may secure a new or additional source of supply for their water or water power"

Act Number 64 Pamphlet Laws 258 approved April 8 1937 being "An Act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of water by municipalities corporations copartnerships or persons providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto providing for future condemnations and appropriations of waters by and allocation of waters to municipalities corporations copartnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board

Section 13 Separability Clause If any provision of this act or the application of any provision to any person or circumstances is held invalid the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby

Section 14 Inconsistency With Other Acts In so far as any of the provisions of this act are inconsistent with

the provisions of any other law the provisions of this act shall be controlling

Section 15 Ecective Date This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1397, Senate Bill No. 260 Printer's No. 47 was passed over at the request of Mr. WOODSIDE.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the sceond reading and consideration of House Bill No. 1203, as follows

An Act making an appropriation to the Department of Justice for the purpose of defraying expenses heretofore or hereafter incurred by any county or the department in connection with or incidental to any grand jury investigation or trial of State officers or former State officers and others

Whereas It is the duty of the Attorney General to investigate violations or alleged violations of the laws of the Commonwealth and

Whereas Under the laws of the Commonwealth the Attorney General is empowered in his discretion to supersede or act in conjunction with any district attorney in the conduct of any investigation and prosecution of alleged violations of the laws of this Commonwealth and

Whereas In those cases where there exist or it is alleged there exist violations of the criminal laws of the Commonwealth by State officers agents or employes of such nature as to extend throughout the Commonwealth and constitute a matter of grave concern to all citizens of the Commonwealth it is the primary duty of the Commonwealth to bear the expenses of any investigation of such violations and the prosecution of those involved therein therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Justice to be expended in the discretion of the Attorney General for the purpose of reimbursing any county or counties for any and all expenses that may be incurred by any county in connection with or incidental to any investigation by any grand jury of such county into offenses committed or alleged to have been committed by State officers or former State officers and others where such investigation in the opinion of the Attorney General is a matter of grave public concern Such appropriation may also be expended in the discretion of the Attorney General for the payment of the salaries of such Special Deputy Attorneys General and special counsel as may be appointed or designated by the Attorney General to supersede or assist the district attorney of any such county with any such grand jury investigation Such appropriation may also be expended in the discretion of the Attorney General for the payment of such costs and expenses as may be incurred by any county in prosecuting indictments found as the result of such grand jury investigation including the salaries of such Special Deputy Attorneys General or special counsel if any as may be appointed or designated by the Attorney General to conduct or to assist the district attorney in any such prosecutions

Section 2 The appropriation made by section one of this act may also be expended in the discretion of the Attorney General for the payment of all costs and expenses heretofore incurred by any county in connection with any such grand jury investigation referred to in this act

Section 3 In order for any county or counties to receive reimbursement for expenditures referred to in this act the board of county commissioners of the proper county shall pesent itemized bills to the Attorney General together with the certification of the board that the charges incurred were solely for the purposes set forth in sections one or two of this act Payments to any such county or counties shall be made upon requisition of the Attorney General and by warrant of the Auditor General in the manner provided by law

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the sceond reading and consideration of House Bill No. 1144, as follows:

An Act to amend the title and Section three of the Act approved the twelfth day of May one thousand eight hundred ninety-sevn (Pamphlet Laws sixty-three) entitled "An act to prevent and punish the loan gift sale or distribution of indecent and immoral writings printings pictures photographs or representations of all matters of an indecent or immoral character and of all articles drugs recipes Et Cetera to prevent conception or to produce unlawful abortion or intended or purporting to be used for such purposes or either of them and also to prevent the advertisement exhibition or publication of the same and to authorize the seizure and destruction of all such matter" by clarifying the provisions of said act further providing for the enforcement thereof and imposing certain duties upon the District Attorneys

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title of the Act approved the twelfth day of May one thousand eight hundred ninety-seven (Pamphlet Laws sixty-three) entitled An act to prevent and punish the loan gift sale or distribution of indecent and immoral writings printings pictures photographs or representations of all matters of an indecent or immoral character and of all articles drugs recipes Et Cetera to prevent conception or to produce unlawful abortion or intended or purporting to be used for such purposes or either of them and also to prevent the advertisement exhibition or publication of the same and to authorize the seizure and destruction of all such matter is hereby amended to read as follows

An Act to prevent and punish the loan gift sale or distribution of indecent and immoral writings printings pictures photographs or representations of all matters of an indecent or immoral character and of any printed matter principally devoted to criminal deeds or pictures of criminal deeds or of acts of bloodshed lust or violence and of all articles drugs recipes Et Cetera to prevent conception or to produce unlawful abortion or intended or purporting to be used for such purposes or either of them and also to prevent the advertisement exhibition or publication of the same and to authorize the seizure and destruction of all such matter and imposing certain duties upon district attorneys

Section 2 Section three of said Act is hereby amended to read as follows

"Section 3 A magistrate having jurisdiction to issue warrants in criminal cases upon complaint that any person within his jurisdiction is offending against the provisions of this act supported by oath or affirmation must issue a warrant directed to the sheriff or to any constable marshal or police officer within the county directing him to search for seize and take possession of any of the articles specified in this chapter in the possession of the person against whom complaint is made The magistrate must immediately transmit every article seized by virtue of the warrant to the district attorney of the county who must upon conviction of the person from whose

possession the same was taken cause it to be destroyed and the fact of such destruction to be entered upon the records of the court in which the conviction is had The district attorney of each county is charged with the enforcement of the provisions of this act and it shall be his duty through the assistants and detectives attached to his office to regularly inspect places at or in which newspapers pamphlets magazines and periodicals are exposed for sale in order to apprehend and prosecute offenders against the provisions hereof and it shall be his further duty from time to time to report to the court that each individual place at or in which newspapers pamphlets magazines and periodicals are exposed for sale has been inspected Whenever there is reason to believe that any person has committed or is committing or is about to commit or threatens to commit any of the acts prohibited by this Act the District Attorney shall on demand of any citizen of the Commonwealth institute and maintain an action in equity to prevent and perpetually enjoin the person or persons who have committed are committing or are about to commit or threaten to commit any of the acts prohibited by said Sections or either of them If the District Attorney shall refuse to institute within ten days after such demand and thereafter prosecute the same to conclusion within ninety days after the institution of such action any citizen may institute the injunction action contemplated by the provisions of this Act and to compel said District Attorney to perform all of the duties imposed under and by virtue of the terms provisions and conditions of this Act and it is further provided that the district attorney shall promptly institute criminal proceedings when convinced that any magazine periodical publication or printed matter of any kind has been published in violation of this Act

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the sceond reading and consideration of House Bill No. 1248, as follows:

An Act to amend section one of the act approved the thirteenth day of April one thousand eight hundred and sixty-seven (Pamphlet Laws 78) entitled "An act for the relief of wives and children deserted by their husbands and fathers within this Commonwealth" designating the counties in which prosecutions may be brought

The General Assembly of the Commonwelath of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the thirteenth day of April one thousand eight hundred and sixty-seven (Pamphlet Laws 78) entitled "An act for the relief of wives and children deserted by their husbands and fathers within this Commonwealth" is hereby amended to read as follows

Section 1 Be is enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in addition to the remedies now provided by law if any husband or father being within the limits of this Commonwealth has or hereafter shall separate himself from his wife or from his children or from wife and children without reasonable cause or shall neglect to maintain his wife or children it shall be lawful for any alderman justice of the peace or magistrate of this Commonwealth upon information made before him under oath or affirmation by his wife or children or either of them or by any other person or persons to issue his warrant to the sheriff or to any constable for the arrest of the person against whom the information shall be made as aforesaid and bind him over with one sufficient surety to appear at the next court of quarter sessions there to answer the said charge of desertion All prosecutions under this section shall be brought in the county where the husband and wife lived together and had their common domicile at the time of the separation of the parties if the wife has separated from and left the common domicile of the husband or in the county of the residence of the wife if the husband has left the common domicile and separated and deserted the wife at said domicile

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the sceond reading and consideration of House Bill No. 1250, as follows:

An Act to amend section two of the act approved the twelfth day of July one thousand nine hundred and nineteen (Pamphlet Laws 939) entitled "An act making it a misdemeanor for a husband or father to desert or neglect to support his wife or children prescribing a penalty therefor and making the wife or any person having the care custody or control of minor children a competent witness designating the counties in which prosecutions may be brought

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the twelfth day of July one thousand nine hundred and nineteen (Pamphlet Laws 939) entitled "An act making it a misdemeanor for a husband or father to desert or neglect to support his wife or children prescribing a penalty therefor and making the wife or any person having the care custody or control of minor children a competent witness' is hereby amended to read as follows

Section 2 In addition to the remedies now provided by law if any husband or father being within the limits of this Commonwealth shall hereafter separate himself from his wife or from his children or from wife and children without reasonable cause or shall wilfully neglect to maintain his wife or children such wife or children being destitute or being dependent wholly or in part on their earnings for adequate support he shall be guilty of a misdemeanor and on conviction thereof be sentenced to imprisonment not exceeding one year and to pay a fine not exceeding one hundred dollars or either or both at the discretion of the court such fine if any to be paid or applied in whole or in part to the wife or children as the court may direct

Provided That no such conviction payment or fine or undergoing imprisonment shall in any manner affect the obligation of any order for support theretofore made against the defendant in the court of quarter sessions or the municipal court in the manner now provided by law And provided further That upon conviction the court may suspend sentence upon and during compliance by the defendant with any order for support theretofore made against him as already made or as may thereafter be modified in the manner now provided by law and if no such order shall have been made then the court trying the defendant may make such order for the support by the defendant of his wife and children or either of them which order shall be subject to modification by the court on cause shown and may suspend sentence upon and during the compliance by defendant with such order then made or as thereafter modified and entry of bond by defendant with surety approved by the court conditioned on compliance with such order

In any proceedings under this act the wife or any person having the care custody or control of minor children shall be a competent witness

All prosecutions under this section shall be brought in the county where the husband and wife lived together and had their common domicile at the time of the separation of the parties if the wife has separated from and left the common domicile of the husband or in the county of the residence of the wife if the husband has left the common domicile and separated and deserted the wife at said domicile

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the sceond reading and consideration of House Bill No. 642, as follows:

An Act to amend the title and section one of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1364) entitled "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines and providing a penalty" as amended by including the use of other fraudulent methods and artifices to procure the operation of such instruments or machines

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1364) entitled "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines and providing a penalty" is hereby amended to read as follows

An Act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines and of other fraudulent methods and artifices to procure the operation of such instruments or machines and providing [a penalty] penalties

Section 2 Section one of said act as amended by the act approved the thirteenth day of April one thousand nine hundred and thirty-three (Pamphlet Laws thirty-nine) is hereby further amended to read as follows

Section 1 It is unlawful to use or attempt to use any false or counterfeit coin or any washer or piece of metal or any device or substance resembling or intended to resemble in shape size or weight any gold silver nickel or copper coin which is current in this Commonwealth by inserting or attempting to insert the same into any automatic vending machine automatic telephone or any instrument machine apparatus meter or device which is operated or intended to be operated by the use or insertion thereinto of any such gold silver nickel or copper coin current in this Commonwealth or to operate or attempt to operate any such machine telephone or device by any other fraudulent means method contrivance or artifice whatsoever not lawfully authorized by the owner lessee bailee or licensee of such machine telephone or device Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding fifty dollars or to undergo imprisonment not exceeding sixty days or both at the discretion of the court

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the sceond reading and consideration of House Bill No. 1405 (Senate Bill No. 317), entitled:

An Act to amend sections four hundred fifteen and four hundred sixteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds association reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended further defining group life insurance to include additional classes of persons

The first section was read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (a) of section four hundred fifteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as added by section one of the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 785) is hereby amended to read as follows

Section 415

(a) Group life insurance is hereby declared to be that form of life insurance covering not less than fifty enployees with or without medical examination written under a policy issued to the employer the premium on which is to be paid by the employer or by the employer and employees jointly and insuring only all of his employees or all of any class or classes thereof determined by conditions pertaining to the employment for amounts of insurance based upon some plan which will preclude individual selection for the benefit of persons other than the employer Provided however That when the premium is to be paid by the employer and employee jointly and the benefits of the policy are offered to all eligible employees not less than seventy-five per centum of such employees may be so insured Such group policy may provide that the term "employees" shall include the officers managers and employees of subsidiary or affiliated corporations and the individual proprietors partners and employees of affiliated individuals and firms when the business of such subsidiary or affiliated corporations firms or individuals is controlled by the group policyholder through stock ownership contract or otherwise

The second section was read as follows:

Section 2 Clause (b) of said section four hundred fifteen of said act as last amended by the act approved the twenty-sixth day of April one thousand nine hundred and thirty-three (Pamphlet Laws 86) is hereby further amended to read as follows

(b) The following forms of life insurance are hereby declared to be group life insurance within the meaning of this act (1) Life insurance covering the members of one or more companies batteries troops battalions divisions or other units of the National Guard or naval militia of any State written under a policy issued to the commanding general of the National Guard or commanding officer of the naval militia as the case may be who shall be deemed to be the employer for the purposes of this act the premium on which is to be paid by the members of such units for the benefit of persons other than the employer Provided however That when the benefits of the policy are offered to all eligible members of the unit of the National Guard or naval militia not less than seventy-five per centum of the members of such a unit may be so insured (2) Life insurance covering the members of one or more troops or other units of the State troopers or State police of any State written under a policy issued to the commanding officer of the State troopers or State police who shall be deemed to be the employer for the purposes of this act the premium on which is to be paid by the members of such units for the benefit of persons other than the employer Provided however That when the benefits of the policy are offered to all eligible members of a unit of the State troopers or State police not less than seventy-five per centum of the members of such a unit may be so insured [and] (3) Life insurance covering the members of any labor union or organization of police employed by any municipal county or state authority or any organiza-

tion or association of State employees or public school teachers or nurses written under a policy issued to such union or organization which shall be deemed to be the employer for the purposes of this act the premium on which is to be paid by the union or organization or by the union or organization and its members jointly and insuring its members for the amounts of insurance based upon some plan which will preclude individual selection for the benefit of persons other than the union or organization or the officials of either Provided however That when the premium is to be paid by the union or organization and its members jointly and the benefits are offered to all eligible members not less than seventy-five per centum of such members may be so insured Provided further That when members apply and pay for additional amounts of insurance a small percentage of members may be insured for such additional amounts if they pass satisfactory medical examinations and (4) Life insurance covering only the lives of members of a group of persons for not more than one thousand dollars on any one life numbering not less than one hundred new entrants to the group yearly who became borrowers from one lending institution including subsidiary or affiliated companies under agreement to repay the sum borrowed in instalments or who become purchasers of securities merchandise or other property from one vendor under agreement to repay the sum borrowed or to pay the balance of the price of the securities merchandise or other property purchased in instalments in either event to the extent of their indebtedness to said lending institution or vendor but not to exceed one thousand dollars on any one life written under a policy which may be issued upon the application of and made payable to the borrower lending institution or vendor or other creditor to whom such vendor may have transferred title to the indebtedness as beneficiary the premium on such policy to be payable by the financial institution vendor or other creditor

On the question,

Will the House agree to the section?

Mr. TAYLOR. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 2 (Cl. b), page 5, line 24, by striking out with heavy-faced brackets the word "borrower".

Amend sec. 2 (Cl. b), page 5, line 28, by striking out with heavy-faced brackets the word "financial" and insert in lieu thereof "borrower, lending."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third and fourth sections and title were separately read and agreed to as follows:

Section 3 Clause (d) of section four hundred sixteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) as added by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 785) is hereby amended to read as follows

Section 41f * * *

(d) A provision that the company will issue to the employer for delivery to the employee whose life is insured under such policy an individual certificate setting forth a statement as to the insurance protection to which he is entitled to whom payable together with provision to the effect that in case of the termination of the employment for any reason whatsoever the employee shall be entitled to have issued to him by the company without evidence of the insurability and upon application made to the company within thirty-one days after such termination and upon the payment of the premium applicable to the class of risks to which he belongs and to the form and amount of the policy at his then attained age a policy of life insurance in any one of the forms customarily issued by the company except term insurance in an amount equal to the amount of his protection under such group insurance policy at the time of such termination The provisions of this clause shall not apply to insurance described in item (4) of clause (b) of section four hundred fifteen

Section 4 This act shall become effective immediately upon final enactment

An Act to amend sections four hundred fifteen and four hundred sixteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," as amended; further defining group life insurance to include additional classes of persons.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, I move that House Bill No. 1397, Senate Bill No. 260, entitled:

An Act to further amend section four hundred four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth.

be recommitted to the Committee on Insurance for further study.

The motion was agreed to.

RECONSIDERATION OF HOUSE BILL NO. 732.

Mr. GATES. Mr. Speaker, I move that the vote by which House Bill No. 732, Printer's No. 324, entitled:

An Act to repeal the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure and registration of persons, firms or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations and requirements for the construction of plumbing, house drainage and cesspools, in cities of the second class, and imposing fines, penalties and forfeitures for violation thereof,'" in so far as it relates to boroughs.

was defeated on final passage Wednesday, April 26, 1939, be reconsidered.

Mr. CHERVENAK. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Arm-

strong Mr. Gates, vote on the final passage of this bill?

Mr. GATES. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Cambria, Mr. Chervenak, vote on the final passage of this bill?

Mr. CHERVENAK. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

By a rising vote one hundred ten members having voted in the affirmative or more than a majority, the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. JAMES. Mr. Speaker and members of the House, the feeling prevails among a number of the members that when this bill was before the House last week many if the members voted under a misapprehension. Misapprehensions considering the provisions of this bill are rather natural. There might have been apprehensions that the provisions of this bill would dilute in some measure health provisions which might be desirable and there might have been apprehensions that this bill might have retarded building operations, thereby diminishing to some extent the demand for plumbers, but I am sure that the provisions of this bill would not have any such effect. On the contrary enactment of this bill should, if anything, create and make further demand for building, inasmuch as it would make possible plumbing work at reasonable prices on small properties. This bill, as a matter of fact, is a repeal bill. It merely repeals an act, P. L. 168, which amended the plumbing code. That was done in 1937. This amendment immediately caused a great deal of difficulty in municipal governments and it also imposed great burdens on the small home builders. That act required the use of extra-heavy soil pipe throughout the building, when either standard or medium pipe, at one-third to one-half the cost, will and does outlast the life of the building itself.

It should be understood in the first place that this amendment includes boroughs and first class townships. The repeal of this act does not mean that a borough or a first class township cannot set up a building code just as drastic as it pleases, and it may if it so desires, or the occasion seems to warrant, employ a plumbing inspector. It deprives no borough or township of those rights, but on the other hand it does make it possible for a borough or a township where the expense of the employment of a plumbing inpector would be prohibitive, and where it would most certainly require additional taxes to be levied upon the home owners of that borough or township, it does permit such boroughs and townships to go along with the ordinary provisions that are common place at this time and have been for many years. This act would have, in effect, a result highly desirable in that it would reduce the cost of plumbing operations in small homes to the extent of between one and two hundred dollars. Under the provisions of the code and the provisions of this amendment, it is often necessary on a small property to set up a plumbing system that is even larger in its outside dimensions that the house itself. It requires elaborate plumbing and piping because it is necessary to vent every line. It seems to me, and I think it seems to a great many of the members of this House who have given thought and consideration to the provisions of this act, that it should now be passed, and I ask the members to vote in support of this act.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Cooper, Ewing and McVay asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—118

Allen,	Fauset,	Lichtenwalter,	Sollenberger,
Allmond,	Finnerty,	Lyons,	Stambaugh,
Alspach,	Fisher,	Madden,	Stewart,
Andrews,	Fiss,	Matthews,	Stockham,
Atkins,	Foor,	McKinney,	Sweeney,
Auker,	Freed,	McNally,	Tahl,
Balliet,	Fullerton,	Melchiorre,	Terry,
Boorse,	Gates,	O'Dare,	Thistle,
Boose,	Gillette,	Ominsky,	Thompson, E. F.,
Bower,	Habbyshaw,	Peale,	Thompson, G. R.,
Boyd,	Haines,	Reese, D. P.,	Tiemann,
Brancato,	Hall,	Reynolds,	Trout,
Bretherick,	Hamilton,	Rhodes,	VanAllsburg,
Bronson,	Harbeson,	Riley,	Van Belle,
Brown, S. W.,	Henry,	Robertson,	Voorhees,
Brunner,	Hewitt	Rooney,	Wagner,
Cadwalader,	Hocke,	Rose,	Walsh,
Chervenak,	Hoffman, J. N.,	Roseberry,	Watkins,
Clearwater,	Hoyt,	Rothenberger,	Webster,
Cook,	Huntley,	Rover,	Welsh, E. B.,
Corrigan,	Imbrie,	Sarge,	Westrick,
Cortese,	James,	Sarraf,	Wilson,
Curran,	Johnston,	Schrock,	Winner,
Denman,	Jones,	Schrope,	Wood, H. M.,
DeNote,	Kilroy,	Schwab,	Wood, L. H.,
Dix,	Kline,	Serrill,	Wood, N.,
Downey,	Krise,	Shearer,	Woodside,
Eckels,	Lee,	Simons,	Yeakel,
Ely,	Leisey,	Sloan,	Turner,
Falkenstein,	Leydic,	Snyder,	Speaker.

NAYS—59

Achterman,	Ewing,	Malloy,	Powers,
Ackermann,	Flanagan,	Malone,	Preston,
Baker,	Furman,	McClester,	Readinger,
Bennett,	Gillan,	McLane,	Reese, R. E.
Boney,	Gorski,	McVay,	Regan,
Broad,	Harkins,	Montgomery,	Rider,
Burns,	Haudenshield,	Mooney,	Scanlon,
Calvin,	Hess,	Moran,	Stank,
Carpenter,	Hindman,	Moser, F. S.,	Tarr,
Check,	Hoffman, S. K.,	Moser, J. L.,	Taylor,
Christler,	Holland,	Muir,	Tronzo,
Cordier,	Jiroianio,	Munley,	Weiss,
Dalrymple,	Kenehan,	O'Connor,	Welsh, M. J.,
Dick,	Knoble,	O'Keefe,	Williams,
Donahue,	Lovett,	Peacock,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. JOHN N. HOFFMAN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Northampton will state his question of personal privilege.

Mr. JOHN N. HOFFMAN. Mr. Speaker, when House Bill No. 732 was under consideration for final passage in this House on April 26, I voted "Aye." The record inadvertantly indicates that I voted "No." Inasmuch as House Bill No. 732, insofor as I am concerned, is a companion bill to House Bill No. 519, both of which I am interested in, I desire to give notice that I would like to have the record indicate that on April 266 I voted "Aye" on House Bill No. 732.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 546, as follows:

An Act to further amend section six of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" by eliminating certain provisions relating to retirement age of a major general in command of the National Guard and making further provision for the appointment of an Adjutant General

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" as amended by section two of the act approved the twenty-first day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 332) is hereby further amended to read as follows

Section 6 Officers commissioned to and holding in the Pennsylvania National Guard the grade of general officers shall [with the exception of the Adjutant General] hereafter be known as general officers of the line Provided That the Governor may appoint in addition thereto an Adjutant General The number of general officers of the line shall conform with the number of such officers allocated to the Commonwealth of Pennsylvania as authorized by the Tables of Organization covering the National Guard promulgated from time to time in conformity with the provisions of the National Defense Act General officers shall be appointed by the Governor with the consent of the Senate but no person shall be appointed a general officer who shall not have served at least fifteen years as a commissioned officer either in the National Guard of any State Territory of the District of Columbia or in the United States Army or both

[Any major general in command of the National Guard of this Commonwealth may with the approval of the Governor as Commander-in-Chief of the National Guard continue to hold such position until he shall have reached the age of sixty-nine years]

Section 2 The provisions of this act shall become effective on the twenty-fifth day of June one thousand nine hundred and thirty-nine

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ewing,	Lichtenwalter,	Sarraf,
Ackermann,	Falkenstein,	Long,	Scanlon,
Allen,	Fauset,	Lovett,	Schrock,
Allmond,	Finnerty,	Lyons,	Schrope,
Alspach,	Fisher,	Madden,	Seif,
Andrews,	Fiss,	Malloy,	Serrill,
Atkins,	Flanagan	Malone,	Shaw,
Auker	Fleming,	Marr,	Shearer,
Baker,	Foor,	Matthews,	Simons,
Balliet,	Freed,	McClester,	Skale,
Balthaser	Fullerton,	McGarrity,	Sloan,
Bennett,	Furman,	McKinney,	Snyder,
Bohn,	Gates,	McLane,	Sollenberger,
Boles,	Gillan,	McNally,	Stambaugh,
Boney,	Gillette,	McVay,	Stank,
Boorse,	Goll,	Melchiorre,	Stewart,
Boose,	Gorski,	Mihm,	Stockham,
Bower,	Habbyshaw,	Montgomery,	Sweeney,
Boyd,	Haines,	Mooney,	Tahl,
Brancato,	Hall,	Moran,	Tarr,
Bretherick,	Hamilton,	Moser, F. S.,	Taylor,
Broad,	Harbeson,	Moser, J. L.,	Terry,
Bronson,	Harkins,	Muir,	Thistle,
Brown, H. S.	Haudenshield,	Munley,	Thompson, E. F.,
Brown, S. W.	Henry,	O'Brien,	Thompson, G. R.,
Brunner,	Hess,	O'Connor,	Tiemann,
Burns,	Hewitt	O'Dare,	Tronzo,
Cadwalader,	Hindman,	O'Keefe,	Trout,
Calvin,	Hocke,	Ominsky,	VanAllsburg,
Carpenter,	Hoffman, J. N.,	O'Neill,	Van Belle,
Check,	Hoffman, S. K.,	Peacock,	Voorhees,
Chervenak,	Holland,	Peale,	Wagner,
Christler,	Hoyt,	Powers,	Walsh,
Clearwater,	Huntley,	Preston,	Watkins,
Cohen, H. B.	Imbrie,	Readinger,	Webster,
Cohen, R. E.,	James,	Reagan,	Weiss,
Cook,	Jirolanio,	Reese, D. P.,	Welsh, E. B.,
Cooper,	Johnston,	Reese, R. E.,	Welsh, M. J.,
Cordier,	Jones,	Regan,	Westrick,
Corrigan,	Keenan,	Reynolds,	Wilkinson,
Cortese,	Kenehan	Rhodes,	Williams,
Curran,	Kilroy,	Rider,	Wilson,
Dalrymple	Kline,	Riley,	Winner,
Denman,	Knoble,	Robertson,	Wood, H. M.,
DeNote,	Kowalski,	Rooney,	Wood, L. H.,
Dick	Krise,	Rose,	Wood, N.,
Dix,	Lee,	Roseberry,	Woodside,
Donahue,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Royer,	Turner,
Eckels,	Leydic,	Sarge,	Speaker.
Ely,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 598, as follows:

An Act authorizing the compromise of delinquent taxes on real property and the penalties interest and costs due thereon except in counties of the first class before a tax sale of such real property and providing the procedure in such case

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever taxes levied by any political subdivision upon real property except in counties of the first class are now delinquent and such delinquent taxes and the penalties interest and costs due thereon exceed in the opinion of the tax levying authorities the amount which could be realized on account of such taxes penalties interest and cost at a tax sale of such real property upon which the taxes have been levied it shall be lawful for the tax levying authorities or any of them if the court of common pleas of the county in which such real property is situated shall first have consented thereto to accept in compromise of such delinquent taxes penalties interest and costs any sum less than the whole amount due and to enter satisfaction of all such taxes on the record

Section 2 Upon the presentation of the petition of any tax levying authority to the court of common pleas of the county setting forth a description of the real property on which such taxes are delinquent the amount of delinquent taxes penalties interest and costs due segregated by years showing also the total amount due to each taxing district the amount offered in compromise thereof the division of the compromise settlement between the taxing districts interested and such other information as may be deemed necessary to the court the court shall fix a day not more than twenty days thereafter for a hearing thereon At least fifteen days' notice of such hearing shall be given by mail to each taxing authority having an interest in such delinquent taxes and shall also be given by publication once in a newspaper of general circulation in the city borough town or township in which such real property is situate

Section 3 If after such hearing the court is satisfied

that the proposed compromise is proper and to the advantage of the taxing authorities interested or any of them it shall enter a decree approving such compromise settlement with such petitioning tax authority and any other tax authority desiring to join in such settlement or such other settlement as the court may find proper and just The proceeds of such compromise shall be distributed to the respective taxing authorities in proportion to their claims

Section 4 All acts and parts of acts inconsistent with this act are hereby repealed

Section 5 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

MOTION TO RECOMMIT

Mr. DAVID P. REESE. Mr. Speaker, I move that this bill be recommitted to the Committee on Counties for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. WAGNER. Mr. Speaker and members of the House, this bill is not by any means a complicated bill. It is a bill that meets with a great deal of favor of certain members from certain parts of the Commonwealth and it is a bill which for certain reasons is opposed by people from other parts of the Commonwealth. I dont think that anyone knows what happens to a lot of bills that are called constitutional or unconstitutional. I don't think any member has the right to say, certainly not the right to say without giving reasons therefor, that a bill is very apparently unconstitutional. This bill, if it were to be recommitted for the purpose of killing the bill, then we might just as well settle it once and for all on the floor of the House and have the matter disposed of one way or the other. If, on the other hand, the bill is to go back to committee because it isn't clear enough, because it is hard to understand, I feel that if the questions involved were asked, it might be possible for any number of people, including myself, to qualify the provisions of the bill in a comparatively few minutes. Sir, I would respectfully ask the members of the House that they do not recommit this bill to any Committee.

The bill is intended to make it possible for certain very distressed school districts and municipalities to clutch at that straw which every man and woman seeks, and to get some ready cash which might make it possible to conduct the business of their municipalities and to pay the teachers who are employed to teach our children. Its advantages are apparent. It is not compulsory. It is protected and re-protected by all our tax-levying bodies and the courts in each county, and I frankly say to you that I see no danger in the bill. It has many definite advantages to those who so sorely need it.

Mr. AUKER. Mr. Speaker and members of the House, I rise to support Mr. Wagner in opposing the return of this bill to Committee. The bill is clear. It imposes no hardship and possibly will work out very much to the advantage of the different counties, municipalities and taxing authorities throughout the state. There has been no reason given for the return of this bill to Committee, and in the absence of any reason being given for the bill to be returned to the Committee, I will respectfully ask the membership of this House to vote down the motion.

This bill comes under the supervision of the courts and it can only be taken advantage of when the value, in the minds of the taxing authorities, is less than all the accumulated taxes against the property. It can work no harm and will work a lot of good. It will do no good now to return this bill to Committee. It is a good bill, a fair bill, and a bill that will work good throughout the state, and I ask my colleagues on the other side of the House and the membership of this House to oppose the motion.

Mr. DENMAN. Mr. Speaker and members of the House, in voting to recommit this bill, I want to ask the members to vote "no." It is impossible at the present time for certain coal companies to pay their taxes; it is impossible for many others to do the same thing, with the result that school districts find that they do not have the money to carry on. These same coal companies can go into 77-b bankruptcy and reorganize and compromise those tax claims. It seems to me that to turn down this opportunity to allow them to compromise tax claims, will simply force them into the bankruptcy courts under 77-b with the result that the taxing districts will lose. The bondholders who hold the bonds will also lose if we vote to prohibit them from compromising these claims. We then vote to take from the bondholders the money which they have invested and give them questionable stock under 77-b. In my home territory we have a number of school districts in dire need. We have a coal company which owes considerable taxes and which is not in position to pay them. If it is permitted to compromise these taxes on a reasonable basis, with the permission of the courts, our school districts in those townships will not have any tax situation and the result will revert back to the Commonwealth of Pennsylvania, now so much in need of money, and the Commonwealth will not be able to find money to send out there. It seems to me that if we permit companies which are in dire need to compromise these tax claims, we will put them in a position where they can start up again, where the employment will increase, where the taxes likely will go down as a result of the fact that they can pay taxes in the various taxing districts because of the fact that this will enable the companies to employ men, and because of the fact that it will in all probability result in lower taxes on real estate back home. I therefore ask the membership to vote "no" on the motion to recommit.

Mr. JIROLANIO. Mr. Speaker, and members of the House, in support of the motion of the gentleman from Dauphin, Mr. Reese, I would like to give to the members of the House some reasons why this bill should be defeated. Some of the reasons are as follows:

1. Because it is in violation of the equality clause of the federal Constitution.

2. It violates the tax uniformity clause of the state Constitution.

3. It violates the state Constitution by providing a method for exempting taxes of a special group.

4. In violates both federal and state Constitutions by discriminating between taxpayers.

5. It will encourage delinquency in tax payments, as many taxpayers will remain delinquent in anticipation of a compromise.

6. It is decidedly unfair to taxpayers who have paid their taxes promptly.

7. It is unfair to purchasers of municipal and school district bonds, inasmuch as the taxes levied are the security for such indebtedness.

Mr. WAGNER. Mr. Speaker and members of the House, the discussion heretofore has been on whether it would be advisable to recommit this bill to the committee, but the gentleman from Northampton has offered, and I think it probably a good sensible procedure, certain definite reasons why he feels it should be opposed, and inasmuch as he has done that, I would ask the indulgence of the House for a few moments to reply to those objections.

There two things that I would like to point out about this bill before I ask for a vote on the measure. The first is this: There are a good many members of the House who would like a bill of this sort but who have been lead to believe that it is a continuing proposition, but the language of the bill states very clearly that it can only be in effect on taxes that are due n-o-w, and I think that the most learned lawyer will agree that the courts have sustained and interpreted that word as meaning at the time the bill was passed. It does not apply to any taxes coming due tomorrow or next year or five years from now, it applies only to taxes that are delinquent at the time this bill is passed. Furthermore it provides very definitely that the tax levying authorities must be convinced, and not only must they be convinced but they must satisfy the court of the county that it is impossible and will be impossible at a forced sale a year later to collect the amount of the taxes now already due against the real property. Now, there is not any trick in that. There is certainly no going out on the limb. There is certainly no opportunity for abuse.

May I call upon certain authorities to answer the legal objections of the gentlman from Northampton. I would hesitate to rely upon my own judgment or knowledge of the law, so I made it a point to consult a number of people who are looked upon, so far as legistlation is concerned, as legal authorities, constitutional authorities. I should like to read for the benefit of the members of the House the opinion of the Hon. John H. Fertig, whom I think both sides of this House will agree is a reasonably responsible and capable authority on matters of this kind. He writes:

"Dear Mr. Wagner:

"I have your request for my views on the constitutionality of House Bill No. 598.

"Let me say at the outset that while the constitutionality of this bill, as in the case of many other bills which are enacted, may not be entirely free from all doubt, it is my opinion the courts would sustain it.

"The bill is question authorizes the tax levying authorities, except counties of the first class, to compromise delinquent taxes, penalties, interest and costs when it appears to them that such delinquent taxes, penalties, interest and costs exceed the amount which could be realized on account thereof at a tax sale. The compromise is within the discretion of the taxing authority, except that it must be consented to by the court of common pleas after hearing of which due notice is to be given by publication.

"The legislative purpose is clear—to aid political subdivisions in collecting some of the delinquent taxes due on real estate where the tax sale method of collection would be ineffective. The bill contains no mandate but simply vests a discretionary power requiring the exercise of judgment on the part of the taxing authorities and the court. As such it is no different from hundreds of others laws which vest discretion upon equally important subjects.

"Nor is this bill on a new or novel subject. The act of May 25, 1933, P. L. 1018 authorizes County Commissioners to compromise delinquent taxes where land has been sold at a county treasurers sale and the title is held by the county whether or not the period of redemption has expired. No doubt this act has been applied in many cases and no question of constitutionality has been raised. There is one reported case on this act, Susquehanna County Commissioners Petition, 27 D & C 139, in which the court construed the act so as to include within the phrase "former owner," as used in the act, a stockholder of a corporation.

"It is to be noted that this act of 1933 extended only to taxes where the return system as distinguished from taxes liened in the prothonotary's office was in use and where title was held by the county after a treasurer's sale.

"This was followed by the act of November 23, 1938, P. L. 90, which authorized the compromise of delinquent taxes where the land was returned or a lien filed in the prothonotary's office, if, in the opinion of the tax levying authority, approved by the court, the delinquent tax was more than could be realized by enforced collection.

"The present bill goes one step farther and authorizes the compromise of any delinquent tax where the exercise of judgment shows that compromise is the only feasible method of securing any tax within a reasonable time because a sale of the land would not secure a sufficient bid to pay the tax.

"Classification is permitted in tax law; the Constitution directly so provides. While all real estate must be taxed except that exempted by the Constitution or by law, nevertheless, real estate is classified for the purpose of taxation. Thus in cities of the second class different rates are applied to the land and the improvement thereon. In Philadelphia the situation existed for years of taxing urban and farm lands at different rates. Since the Supreme Court has held that the constitutional clause applies not alone to the levy of the tax, but as well the collection of the tax and the use of the revenues therefrom, it follows that classification, if applied in the collection field, will be approved, as it has in the levying field, if the classification is reasonable and makes a distinction which is based on real distinguishing facts.

"The reason for the point I made above, on the restricted application of the act of 1933, was to point out the reasonableness of the classification adopted under this bill, applying as it does to all cases where the collection situation is such that the sale method is ineffective to recover the tax, the delinquent tax being more than could be recovered at a tax sale. The bill applies to all taxes which are in this class. A delinquent tax on such estate is clearly in a class distinct from that on real estate where the sale method affords an adequate remedy. In my opinion the classification is much sounder than those adopted under the acts of 1933 or 1938, yet neither of these acts appears to have been questioned. If the classification is sound then the uniform clause of the Constitution is not violated.

"Furthermore, that the vesting of discretion in a political subdivision to compromise a tax, is sound seems to be established by the historic policy of vesting in taxing authorities the power to exonerate the collection of a tax where circumstances warrant it. Thousands of dollars of taxes are wholly exonerated each year in the settlement of tax duplicates and while these may in the main be personal taxes, there is no distinction in the vesting of discretion in a taxing authority to use its sound judgment in the collection of taxes and in applying principles of equity. If it can be given the power to exonerate it follows it can be given the lesser power to compromise.

"Nor is the idea of compromising tax based alone on the acts which I have referred to above. Section 1410 of the Fiscal Code of 1929 authorizes the Department of Revenue with the approval of the Auditor General and the Attorney General to compromise state taxes in cases, among others, where the property owned by a corporation is insufficient to satisfy the taxes and other debts due the Commonwealth.

"But aside from all this who can raise the consti-

tutionality of this bill if it is passed? The person who seeds the benefits of the act will not do so; the political subdivision which is granted the power is unlikely to do so, for if it has any doubt on the question it will simply refuse to act and its refusal to act leaves the taxpayer helpless. In my opinion a taxpayer has no standing to raise the question. He has standing to question the constitutionality of an act only where he alleges that public property is being illegally used or that public moneys are being illegally expended. Neither of these situations are here involved. There are cases where there may be doubt about the constitutionality of a law, yet there are no parties in a position to successfully raise the issue.

"The procedure under the bill is well safeguarded by the provisions for public hearing and for approval by the court. The taxing authority cannot act arbitrarily or in improper cases. Proof will be required that compromise is the only effective method of realizing any tax on the real estate in question.

"It is my belief that the bill if enacted would be upheld by our courts if the question of constitutionality were successfully raised, and that no federal question could be successfully raised."

"Very truly yours,

"JOHN H. FERTIG."

I would ask that this bill be not recommitted but be decided here upon the floor of the House, because there is a definite need for such an act on the part of so many counties in the state.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. David P. Reese and Mr. Bohn.

Messrs. David P. Reese, Moran and Bohn asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—55

Achterman,	Habbyshaw,	Munley,	Taylor,
Alspach,	Hewitt,	O'Keefe,	Terry,
Andrews,	Hoffman, S. K.,	O'Neill,	Trout,
Atkins,	Jirolanio,	Reagan,	Voorhees,
Baker,	Keenan,	Reese, D. P.,	Weiss,
Bohn,	Kenehan,	Reese, R. E.	Wilkinson,
Boney,	Knoble,	Regan,	Williams,
Boose,	Levy,	Rider,	Wilson,
Brancato,	Malloy,	Rooney,	Winner,
Brown, S. W.,	Malone,	Sarraf,	Wood, H. M.
Burns,	McLane,	Schrock,	Wood, N.,
Cohen, H. B.,	Mihm,	Snyder,	Woodside,
Cordier,	Mooney,	Stockham,	Yeakel,
Furman,	Muir,	Sweeney,	

NAYS—91

Ackermann,	Downey,	Kline,	Rothenberger
Allmond,	Ewing,	Krise,	Royer,
Balliet,	Falkenstein,	Leisey,	Schrope,
Bennett,	Fauset,	Leydic,	Seif,
Bower,	Finnerty,	Lovett,	Simons,
Boyd	Fiss,	Lyons,	Skale,
Bretherick,	Foor,	Marr,	Stank,
Broad,	Freed,	McClester,	Stewart,
Bronson,	Fullerton,	McKinney,	Tahl
Brunner,	Haines,	McNally,	Thistle,
Carpenter,	Hall,	McVay,	Thompson, E. F.,
Check,	Hamilton,	Montgomery,	Thompson, G. R.,
Christler,	Harbeson,	Moran,	Tiemann,
Clearwater,	Haudenshield,	Moser, F. S.,	Wagner,
Cook,	Henry,	Moser, J. L.,	Watkins,
Cooper,	Hess,	O'Connor,	Webster
Corrigan,	Holland,	O'Dare,	Welsh, E. B.,
Curran,	Huntley,	Ominsky,	Welsh, M. J.,
Dalrymple,	Imbrie,	Readinger,	Westrick,
Denman,	James,	Riley	Wood, L. H.,
Dick,	Johnston,	Robertson,	Turner,
Dix,	Jones,	Rose,	Speaker.
Donahue,	Kane,	Roseberry,	

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. BOHN. Mr. Speaker, I desire to interrogate the gentleman from Schuylkill, Mr. Wagner.

The SPEAKER. Will the gentleman from Schuylkill, Mr. Wagner, permit himself to be interrogated.

Mr. WAGNER. I will, Mr. Speaker.

Mr. BOHN. Mr. Wagner when you first introduced this bill, you had excluded from it second and third class counties, is that right.

Mr. WAGNER. Not originally. Originally I believe second and third class counties were included.

Mr. BOHN. As the bill presently stands, second and third class cities are included in the bill.

Mr. WAGNER. They are included now.

Mr. BOHN. Mr. Wagner, your particular interest in this bill has to do with the situation over in Schuylkill County, has it not.

Mr. WAGNER. My own peculiar personal interest is based upon conditions with which I am concerned in Schuylkill County, which I know to apply in many other counties, and which I have been since told are prevalent as far west as Allegheny who are very eager to have the bill passed.

Mr. BOHN. Mr. Speaker, I thank the gentleman from Schuylkill, Mr. Wagner.

Mr. Speaker and members of the House, I would like to submit to you, Mr. Speaker and members of the House a few facts concerning this bill in regard to Luzerne county and Lackawanna county. I am not going to talk on the constitutionality of these bills, although personally, just from ordinary horse-sense, to me the bill is unconstitutional, but I feel there are able lawyers in the House here who can give you their views as to the constitutionality of this bill much better than I can.

I want to submit to you a few figures in Luzerne county. In the township of Hanover where I reside, one taxpayer, the Glen Alden Coal Company, pays to the township of Hanover the sum of one million one hundred thousand dollars in taxes every year. Not only to Hanover township but to the various communities surrounding the city of Wilkes-Barre, the amount of taxes they pay yearly is two million three hundred and two thousand dollars. I might add, Mr. Speaker and members of the House, that these taxes are paid up to date, and even in some of these communties, if the school board or the commissioners need an advance in taxes it has been known that the Glen Alden Coal Company has advanced as much as one hundred and fifty thousand dollars for the various governing bodies in these municipalities to carry on their business. We have not had any delinquency so far as this large taxpaper is concerned.

Mr. Wagner says that this bill is not for the future, only for those taxpayers that are delinquent at the present time, but I would point out to the members of the House that this bill sets a bad precedent. I wonder if the Glen Alden Coal Company, just like the Philadelphia and Reading Coal and Iron Company has come to this Legislature, won't come down to future Legislatures and ask them to pass another bill allowing them to come in and make a compromise on their delinquent taxes. If this Legislature sets that precedent and allows it here,

you can see very readily that it will cripple almost every community in the County of Luzerne.

Mr. Speaker and members of the House, I feel this is a bad piece of legislation, it sets a bad precedent, and I ask the members of this House to vote "no" on this measure.

Mr. WAGNER. Mr. Speaker, I desire to interrogate the gentleman from Luzerne, Mr. Bohn.

The SPEAKER. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. BOHN. I will, Mr. Speaker?

Mr. WAGNER. Mr. Speaker, can the gentleman from Luzerne, coming from a district where I assume all the taxes are paid, tell me what occasion he thinks they would have to use this bill in that particular district.

Mr. BOHN. Mr. Speaker, if the Glen Alden Coal Company knows that by holding up the taxes for three years and then can come to the school board and the commissioner and offer a compromise of fifty cents on the dollar, then I say they are going to be encouraged not to pay the taxes and that is just one thing that we in Luzerne County do not want to happen.

Mr. WAGNER. Mr. Speaker, does the gentleman know that none of us want that and that this bill does not permit that.

Mr. BOHN. Mr. Speaker, I understood that the bill did permit that.

Mr. WAGNER. Again, I call to the attention of the members of the House and ask them to get out their dictionaries and see that there is a word in there that spells "N-O-W" now, so far as describing delinquent taxes to which this bill applies.

Mr. Speaker, so far as setting a precedent is concerned, I would like to ask the gentleman whether he thinks it would be bad policy to rescue a drowning man for fear he might encourage other people to put themselves in a similar predicament in days to follow.

Mr. BOHN. Mr. Speaker, my answer to that is, no.

Mr. WAGNER. I would like to ask him whether he thinks, if he had a good dinner for which he paid and a gentleman asked him to have a sandwich and a cup of coffee, would he immediately resolve never to buy his own food again?

Mr. BOHN. That illustration is rather far fetched, Mr. Speaker, and I don't think it pertains to the question.

The SPEAKER. The gentleman refuses to answer.

Mr. WAGNER. That is all, Mr. Speaker. I would just like to make this additional observation. I don't question the gentleman's sincerety, because we are not perfect and do not see a lot of things eye to eye, but I don't believe that is a very good American assumption that nobobdy is going to pay taxes if somebody gets out of a partial payment because they are not getting a square deal. Now, my taxes are paid, thanks to good intent and some good fortune and have been paid promptly year after year since I am a home owner. There is a neighbor of mine across the street who has some delinquent taxes, who never in God's world will be able to pay them when it comes to a forced sale three years from now. For our school district to encourage him and give him a compromise figure which would be approved by the court and result in getting some money which would satisfy his tax bill maintain possession of his home, and pay some teachers who need their salaries, I think is a good American gesture to say the least, and should not be looked upon by such a body in such a selfish manner as has ben intimated.

Mr. CORDIER. Mr. Speaker, I desire to interrogate the gentleman from Schuylkill, Mr. Wagner.

The SPEAKER. Will the gentleman from Schuylkill permit himself to be interrogated?

Mr. WAGNER. I shall, Mr. Speaker.

Mr. CORDIER. Mr. Speaker, in all good faith and seeking information in order to intelligently vote upon this measure, I would like to ask the gentleman a few questions. I would like to ask the gentleman if he knows how many parcels of real estate are delinquent in his county.

Mr. WAGNER. Mr. Speaker, the question as I gathered it was how many parcels of real estate are delinquent in taxes in my county?

Mr. CORDIER. Yes, Mr. Speaker.

Mr. WAGNER. Mr. Speaker, we stay in session so late and I am home so little, I haven't had the time to count them, but I know there are hundreds of thousands of dollars worth of delinquent taxes, and our county needs hundreds of thousands of dollars to keep our schools open.

Mr. CORDIER. Mr. Speaker, will the gentleman say that there are about eight thousand delinquent tax parcels in his county?

Mr. WAGNER. Mr. Speaker, I can not give any figures to the gentleman, because he is a man of intelligence and he doesn't want to be kidded and since I don't know the number of parcels I would rather not have this "Button, button, who has the button" controversy.

Mr. CORDIER. Mr. Speaker, not wanting to be kidded, I have made inquiry and find that there are eight thousand four hundred and forty-two certified by your county commissioners.

Does the gentleman from Schuylkill believe if this bill is enacted, it will afford the owners of these eight thousand four hundred and forty-two parcels the same privilege of compromise as a big corporation?

Mr. WAGNER. Mr. Speaker, the gentleman ought to know how I feel about it.

Mr. CORDIER. Mr. Speaker, I don't know; I am inquiring.

Mr. WAGNER. Mr. Speaker, I will be glad to tell him. Anybody who owes taxes on property which in the judgment of the tax-levying authorities will never be collected, has a right to expect and a right to get consideration of that tax-levying body for a compromise.

Mr. CORDIER. Mr. Speaker, in the event that they would petition the tax-levying authorities for a compromise of their taxes, I would like to ask the gentleman from Schuylkill how many years it would take the courts of Schuylkill county to dispose of these eight thousand four hundred and twenty-two cases.

Mr. WAGNER. Well, Mr. Speaker, that comes under higher mathematics. I believe, and judging from experience of recent years, I cannot conceive of eight thousand people rushing and asking to pay any amount of taxes at any time under present conditions. I would like to give him a specific answer but the gentleman knows, I think, that specific answers are almost impossible, and I don't know whether he is trying to interrogate me or tell me.

Mr. CORDIER. Mr. Speaker, I was trying to interrogate him. I have in my hand here a copy of the Scranton

Times of April 24, which I think pertains particularly to the bill before us. It has to do with a test case which may prove to be the first of a series of legal moves to return lands acquired by taxing agencies to the original owners. This case was heard before Judge Hogan in our county, and was drawn up under the provisions of an act of the General Assembly, approved November 23, 1938, which gives taxing agencies an opportunity to compromise delinquent tax payers.

Attorney Butler who was the attorney told the court that the county commissioners and city council approved the request to comprosie the tax claims against the company. The concern owes taxes totaling $11,447.47, under the terms of the compromise which must receive the approval of court, the company will settle the tax obligations for five thousand dollars.

Judge Hoban indicated in his remarks that he questioned the constitutioality of the act. The jurist said that he doubted the uniformity of the act, setting forth that it would work to the advantage of some while others would not receive any benefit.

"Unless taxing laws apply equally to all, they are no good," Judge Hoban stated.

That is the opinion of the Judge of the Common Pleas Court of Lackawanna County, and I submit it to the House for its consideration on this measure.

Mr. AUKER. Mr. Speaker and ladies and gentleman of the House, I recognize the point made by the gentleman from Lackawanna is well taken, but on the other hand he is familiar as well as all of us are with the various tax abatement bills that have been passed by this House and by the Pennsylvania Legislature in the last four, five or six years, and none of those laws have been declared unconstitutional. They have all been upheld by the courts. As a matter of fact, I don't know of any that have been attacked, and this bill is based upon the same principals.

I might point out to the members of the House that three conditions have to be fulfilled.

First, before this bill is enacted into law and can be taken advantage of, all the accumulated taxes against the property must be less than the fair value of the parcel, all the accumulated taxes against the property must be less in the minds of the taxing authorities than the fair value of the property.

Second, it must meet with the approval of the courts. and,

Third, all three of the taxing authorities or four, whichever the case may be, must agree.

All those conditions must be met before the bill, if it is enacted into law, can be taken advantage of by the taxpayer. I might go on further and say that various bills have been introduced into the House to clear up the tax abatements, the tax collections and the tax sales once and for all. This bill is along that same line, to clear up the tax abatements, tax collections and tax sales and make an end of them once and for all. I therefore ask the membership of the House to vote in favor of the bill.

Mr. HOMER S. BROWN. Mr. Speaker and members of the House, I have been listening with much interest to the discussion on this bill and I simply rise to correct an impression that might be left by my good friend, the gentleman from Blair, Mr. Auker, as to the question of tax abatement bills that have been passed by this Legislature. I think the House ought to be correct, because I think the gentleman has probably misinterpreted the tax abatement bills.

This bill goes right to the heart of taxation, in that it allows a compromise of taxes. Tax abatement bills have been distinguished clearly by the courts from the question we have before us, in that in the abatement act we have abated only the interest and the penalty, and the interest and the penalty have nothing to do with the question of the uniformity of the taxes levied.

I merely rise to correct the gentleman from Blair, Mr. Auker, so that the House will not be misled in trying to harmonize this bill, which has to do with the question of taxation, rather than with the question of interest and penalty. True it is that our tax abatement bills have been declared constitutional but on the condition that the question of interest and penalty have nothing to do with the question of taxation.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—73

Ackermann,	Ewing,	Kline,	Schrope,
Allmond,	Fauset	Lee,	Seif,
Auker,	Fisher,	Leisey,	Simons,
Balliet,	Fiss,	Lyons,	Sollenberger,
Bower,	Fleming,	McKinney,	Stambaugh,
Boyd,	Freed,	McNally,	Stank,
Bretherick,	Gillan,	McVay,	Stewart,
Broad,	Goll,	Montgomery,	Tahl,
Bronson,	Haines,	Moser, F. S.,	Terry,
Check,	Hamilton,	Moser, J. L.	Thistle,
Christler,	Huntley,	O'Connor,	Thompson, E. F.,
Clearwater,	Harbeson,	O'Dare,	Thompson, G. R.,
Cooper,	Haudenshield,	Ominsky,	Tiemann,
Cortese,	Hindman,	Peale,	Wagner,
Curran,	Holland,	Powers,	Watkins,
Dalrymple,	Imbrie,	Readinger,	Webster,
Denman,	James,	Rhodes,	Turner,
Donahue,	Johnston,	Rothenberger,	Speaker.
Downey,	Jones,		

NAYS—85

Achterman,	Foor,	McLane,	Stockham,
Allen,	Fullerton,	Mihm,	Sweeney,
Alspach,	Furman,	Mooney,	Taylor
Andrews,	Gillette,	Moran,	Tronzo,
Atkins,	Gorski,	Muir,	Trout,
Baker,	Habbyshaw,	Munley,	Van Allsburg,
Bohn,	Hall,	O'Keefe,	Voorhees,
Boney,	Harkins,	O'Neill,	Walsh,
Boose,	Hewitt,	Reagan,	Weiss,
Brancato,	Jirolanio,	Reese, D. P.,	Welsh, E. B.,
Brown, H. S.,	Keenan,	Regan,	Welsh, M. J.,
Brown, S. W.,	Kenchan,	Reynolds,	Westrick,
Brunner,	Kilroy	Rider,	Wilkinson,
Carpenter,	Knoble,	Rooney,	Williams,
Chervenak,	Levy,	Rose,	Wilson,
Cook,	Leydic,	Royer,	Winner,
Cordier,	Lichtenwalter,	Schrock,	Wood, H. M.,
Corrigan,	Lovett,	Shearer,	Wood, L. H.,
Dix,	Malloy,	Skale,	Wood, N.,
Ely,	Marr,	Sloan,	Woodside,
Falkenstein,	McClester,	Snyder,	Yeakel,
Flanagan,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 12:30 a. m. Are there objections? The Chair hears none and declares a recess until 12:30 a. m.

AFTER RECESS

The House reconvened at 12:30 a. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 870, as follows:

An Act to further amend the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" further defining State employes and original members and making further exception to compulsory membership in the system

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clauses six and nine of section one and section three of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 683) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Gneral Assembly met and it is hereby enacted by the authority of the same That the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings * * * * *

6 "State employe" shall mean any person holding a State office or position under the Commonwealth of Pennsylvania employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania in any capacity whatsoever and shall include also any attorney solicitor investigator appraiser and clerk employed by the year or by the month in the office of any register of wills howsoever appointed whose compensation is actually paid from Commonwealth moneys and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropriated by the Commonwealth for such purposes and also all officers and employes of the Pennsylvania State College paid on a yearly or monthly basis other than those paid wholly from Federal funds and also all officers and employes of the Delaware River Joint Commission paid on a yearly or monthly basis if the Delaware River Joint Commission shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserves necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes and also but only for the purposes of this act all officers and employes of any separate independent public corporation created by act of Assembly (not including however any municipal or quasi-municipal corporation) who immediately prior to their employment by such public corporation were employes of the Commonwealth so long as they remain officers or employes of such public corporation if such corporation shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserve necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes But the term "State employe" shall not include those persons defined as employes in section one paragraph seven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by section one paragraph seven of the act approved the twenty-first day of April one thousand nine hundred and twenty-one (Pamphlet Laws two hundred forty-five) excepting such officers and employes of the Department of Public Instruction as are not members of or who may withdraw from the public school employes' retirement association provided by said act and no member shall be deprived of credit for prior service as a State employe because of the fact that such service was rendered while he or she was a member of the public school employes' retirement association

The term "State employe" shall also include all State officers and employes regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session but who during a legislative session instead of a fixed anual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session or who receive no fixed annual or monthly salary but are paid only upon a per diem basis during legislative sessions and subsequent thereto

In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this paragraph and its decision shall be final

* * * * * *

9 "Original member" of the retirement association shall mean a State employe who was at any time a State employe prior to January first one thousand nine hundred twenty-five whether or not such employment has been continuous and who shall have become a member of the retirement association on or before December thirty-first one thousand nine hundred thirty-five or in any case where subsequent to such date the definition of State employe has been changed so as to include additional persons not previously classed as State employes if any such person shall have become a member of the retirement association within thirty days after the effective date of the act under the provisions of which he was enabled to become a member of the association

Any such State employe who shall become an original member of the association after the approval of this amendment including those who having heretofore become a new member thereof shall become an original member under the provisions hereof shall pay to the retirement association a sum equal to all the back payments which such person would have made had he or she become a member of the retirement association when the retirement

system was established Such back payments may be spread over a period of years by having such regular payroll deduction of such person increased by not less than one third of the amount thereof which deduction increase shall be credited to such back payments owing and shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time and shall be anticipated in full at the time of retirement before a retirement allowance is granted and if not so anticipated then the member's annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated

Original member of the retirement association shall also mean any judge in service on the second Monday of January one thousand nine hundred thirty who shall elect to become a member of the retirement association at any time during the term for which he was then elected or appointd and any person hereafter elected or appointed a judge who at the time of his election or appointment is an original member of the retirement association or who was retired voluntarily or involuntarily as an original member and is at the time of his election or appointment as a judge receiving a retirement allowance as an original member

* * * * * *

Section 3 A State employes' retirement association is hereby organized the membership of which shall consist of all State employes as defined in paragraph six of section one of this act who by written application to the Retirement Board shall either as an original member or a new member elect to be covered by the retirement system Any State employe who becomes a State employe subsquent to the thirty-first day of December nineteen hundred twenty-four except as provided in paragraphs nine and ten of section one of this act as to judges shall during the first six months of employment as a State employe have the option of membership but after the first six months of such employment as a State employe membership as a new member shall be compulsory Provided however That neither the Governor nor the Lieutenant Governor nor the head or deputy heads of any administrative department nor the members of any independent administrative board or commission or of any departmental administrative board or commission or of any advisory board or commission nor the secretary to the Governor nor the budget secretary nor any legislative employe nor any person over the age of fifty years shall be compelled to become members of said State employes' retirement association

The head of each department board commission or other agency of the State government shall see to it that an application for membership is executed by each new State employe within said six months period and that payroll deductions are not delayed beyond said period

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eckels,	Levy,	Royer,
Ackermann,	Ely,	Leydic,	Sarge,
Allen,	Ewing,	Lichtenwalter,	Sarraf,
Allmond,	Falkenstein,	Long,	Scanlon,
Alspach,	Fauset	Lovett,	Schrock,
Andrews,	Finnerty,	Lyons,	Schrope,
Atkins,	Fisher,	Madden,	Seif,
Auker,	Fiss,	Malloy,	Serrill,
Baker,	Flanagan,	Malone,	Shaw,
Balliet,	Fleming,	Marr,	Shearer,
Balthaser,	Foor,	Matthews,	Simons,
Bardes,	Freed,	McClester,	Skale,
Bennett,	Fullerton,	McGarrity,	Sloan,
Bohn,	Furman,	McKinney,	Snyder,
Boles,	Gates,	McLane,	Sollenberger,
Boney,	Gillan,	McNally,	Stambaugh,
Boorse,	Gillette,	McVay,	Stank,
Boose,	Goll,	Melchiorre,	Stewart,
Bower,	Gorski,	Mihm,	Stockham,
Boyd,	Habbyshaw,	Montgomery,	Sweeney,
Brancato,	Haines,	Mooney,	Tahl,
Bretherick,	Hall,	Moran,	Taylor,
Broad,	Hamilton,	Moser, F. S.,	Terry,
Bronson,	Harbeson,	Moser, J. L.,	Thistle,
Brown, H. S.,	Harkins,	Muir,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	Munley,	Thompson, G. R.,
Brunner,	Henry,	O'Brien,	Tiemann,
Burns,	Hess,	O'Connor,	Tronzo,
Cadwalader,	Hewitt,	O'Dare,	Trout,
Calvin,	Hindman,	O'Keefe,	VanAllsburg,
Carpenter,	Hocke,	Ominsky,	Van Belle,
Check,	Hoffman, J. N.,	O'Neill,	Voorhees,
Chervenak,	Hoffman, S. K.,	Peacock,	Wagner,
Christler,	Holland,	Peale,	Walsh,
Clearwater,	Hoyt,	Powers,	Watkins,
Cohen, H. B.,	Huntley,	Preston,	Webster,
Cohen, R. E.,	Imbrie,	Readinger,	Weiss,
Cook,	James,	Reagan,	Welsh, E. B.,
Cooper,	Jirolanio,	Reese, D. P.,	Welsh, M. J.,
Cordier,	Johnston,	Reese, R. E.	Westrick,
Corrigan,	Jones,	Regan,	Wilkinson,
Cortese,	Keenan,	Reynolds,	Williams,
Curran,	Kenehan,	Rhodes,	Wilson,
Dalrymple,	Kilroy,	Rider	Winner,
Denman,	Kline,	Riley,	Wood, H. M.,
DeNote,	Knoble,	Robertson,	Wood, L. H.,
Dick,	Kowalski,	Rooney,	Wood, N.,
Dix,	Krise,	Rose,	Woodside,
Donahue,	Lee,	Roseberry,	Yeakel,
Downey,	Leisey,	Rothenberger,	Turner,

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 979. as follows:

An Act defining the rights powers and duties of collectors of county taxes except in counties of the second class and counties having local or special laws relating thereto and of collectors of city in cities of the third class borough town township school district and institution district taxes providing for the collection of such taxes by suit distraint and lien and sale of the chattels of taxables and of tenants on the real estate effected and from employers of delinquent taxables authorizing the appointment of deputies by the tax collectors defining certain defaults of tax collectors as embezzlements and imposing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Powers and Authority of Tax Collectors (a) Every collector of county taxes except in counties of the second class and in other counties having local or special laws and every collector of city in cities of the third class borough town township school district and institution district taxes shall have power in case of the neglect or refusal of any person co-partnership association or corporation to make payment of the amount of any tax due by him her them or it within thirty (30) days from the time of demand for payment to levy the amount of such tax and costs not exceeding costs and charges allowed constables for similar services by distress and sale of the goods and chattels of such delinquent wherever situate or found upon giving at least ten (10) days' public notice of such sale by posting ten (10) written or printed notices

and by one advertisement in a newspaper of general circulation published in the county

(b) The collector of such taxes shall have power to demand receive and collect from any person firm or corporation occupying any real estate any and all taxes assessed against such real estate during his or its possession or occupancy and the goods and chattels of any such person firm or corporation shall be liable to distress and sale for the non-payment of any such taxes in like manner as if they were the goods and chattels of the owner of such real estate

(c) The collector of such taxes shall have the power to demand receive and collect from all corporations political subdivisions and their various departments associations companies banks trust companies firms or individuals employing persons owing per capita or occupation taxes or having in possession moneys belonging to any person or persons owing taxes upon the presentation of a written notice and demand containing the name or names of the taxable or taxables and the amounts respectively due Upon the presentation of such written notice and demand it shall be the duty of any such corporation political subdivision or its various departments associations company bank trust company firm or individual to deduct from the wages or earnings of such individual employe or employes then owing or that shall within sixty (60) days thereafter become due or from the moneys of any such taxable in its or his possession or that shall thereafter within sixty (60) days thereafter come into its or his possession a sum sufficient to pay the respective amount of taxes and costs shown upon the said written notice or demand and to pay the same to the tax collector of the taxing district in which such delinquent taxable resides within sixty (60) days after such notice shall have been given provided however such corporation political subdivision their various departments associations banks trust companies firms or individuals shall be entitled to deduct from the moneys collected from such employe the costs incurred from the extra book-keeping necessary. to record such transactions not however to exceed two per centum of the amount of money so collected and paid over to the tax collector and upon the failure of any such corporation political subdivision association company bank trust company firm or individual to deduct the amount of such taxes and to pay the same over to the tax collector Less the cost of bookkeeping involved in such transaction as herein provided within the time specified as aforesaid such corporation political subdivision association company bank trust company firm or individual shall forfeit and pay the amount of such tax for each and every such taxable whose taxes are not withheld and paid over together with a penalty of ten per centum (10%) thereto to be recovered by an action of assumpsit in a suit to be instituted by the collector of taxes or by the taxing authorities of the district as debts of like amount are now by law recoverable except that such persons shall not have the benefit of any stay of execution or exemption law

Section 2 Collection by Suit by the Collector of Taxes and by the Taxing Authorities (a) Each such collector of taxes may institute a suit in assumpsit against a delinquent taxable for the collection of any real estate taxes due and unpaid after the fifteenth day of May of the year following the year in which the taxes were levied and assessed if (1) the property against which such taxes were levied has not been returned to the county commissioners and (2) such taxes have not been certified for entry of liens and (3) such taxes are not held in the custody of a court as herein provided Execution may be had upon any such judgment recovered without any stay or benefit of any exemption law

(b) In addition to all other remedies provided by this act each taxing district shall have power to collect unpaid taxes from the persons owing such taxes by suit in assumpsit or other appropriate remedies To each judgment obtained for such taxes there shall be added a penalty of ten per centum (10%) together with costs of suit Upon each such judgment execution may be issued without any stay or benefit of any exemption law The right of each such taxing unit to collect unpaid taxes under the provisions of this subsection shall not be affected by the fact that such taxes have been entered as liens in the office of the prothonotary or the fact that the property against which they were levied has been returned to the county commissioners

Section 3 Deputy Collectors Each such collector of taxes elected or appointed may with approval of the respective taxing districts and surety deputize in writing one or more suitable deputy tax collectors who when so deputized shall be authorized to receive and collect any or all of the taxes in like manner and with like authority as the collector of taxes appointing them Provided That any such collector of taxes appointing any deputy collector shall be responsible for and account to the taxing authorities for all taxes received or collected by said deputy

Section 4 Defaulting Tax Collectors Embezzlement Penalty If any person charged with the collection safekeeping or transfer of any such county township school city borough town or institution district taxes under any law or laws of this Commonwealth shall convert or appropriate the moneys so collected or any part thereof to his own use in any way whatever or shall use by the way of investment in any kind of property or merchandise any portion of the money so collected by him from such tax or taxes and shall prove a defaulter or fail to pay over the same or any part thereof at the time or times and place or places required by law to the person or persons legally authorized to demand and receive the same every such act shall be deemed and adjudged to be an embezzlement of so much of said money as shall be thus taken converted appropriated embezzled invested used or unaccounted for and is hereby declared a misdemeanor and every such collector of taxes and every person or persons whomsoever aiding or abetting or being in any way accessory to such act and being thereof convicted shall be sentenced to undergo imprisonment not exceeding five (5) years or to pay a fine not exceeding five thousand dollars ($5,000) or both at the discretion of the court

Section 5 Scope of Act Nothing contained in this act shall be construed as repealing or changing the existing laws providing for the return of seated real estate to the county commissioners for the collection of delinquent taxes nor the laws relating to the filing and collection of tax claims in and through the office of the prothonotary

Section 6 Repeal So much of all general acts heretofore passed as are inconsistent herewith are hereby repealed but this act shall not apply to any county taxes the collection of which is regulated by a local law or county taxes in counties of the second class

Section 7 Effective date This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Mr. TARR. Mr. Speaker, I desire to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Luzerne, Mr. Wilkinson, permit himself to be interrogated?

Mr. WILKINSON. I shall, Mr. Speaker.

Mr. TARR. Mr. Wilkinson, for the information of some of us members, we would like to ask you to explain this bill very briefly.

Mr. WILKINSON. Mr. Speaker, the purpose of this bill is three fold. First, to gather all tax collectors authority in one statute, in lieu of the conglomeration of laws which we have today and dating as far back as the late 1700's. Secondly, to create a uniform system of tax collectors authority. Third, to provide a direct statutory authority to collect taxes instead of by reference.

Mr. TARR. Mr. Wilkinson, my understanding of the bill is that the collector of taxes is empowered by this bill to go to any employer and receive occupational and per capita taxes.

Mr. WILKINSON. Mr. Speaker, that is correct.

Mr. TARR. Mr. Wilkinson, can the tax collector, under the provisions of this bill, go to any other agency such as a bank?

Mr. WILKINSON. Mr. Speaker, that is correct.

Mr. TARR. Do you mean then, Mr. Wilkinson, that occupational and per capita taxes can be just taken out of a bank account regardless of the size of the bank account?

Mr. WILKINSON. Mr. Speaker, that is correct. Even school teachers' bank accounts.

Mr. TARR. Mr. Speaker, and members of the House, when I spoke with Mr. Wilkinson some time ago regarding this bill, I thought it was a pretty good bill, but there are some things that don't quite measure up to my way of thinking of a good tax bill, and one of them is allowing the tax collector to go to a bank and take out the amount of taxes. Some of us know that we can't always afford to pay our taxes on time, and to allow a tax collector to go to the bank and draw the money from the bank for taxes is a very dangerous thing and it is also going to put a burden on the bank, if they have to go through their books to find out whose wife—I wouldn't say whose wife,—but Henry Jones, who is her husband, and find out what his account is. That is my objection to the bill but since it is part of the bill and we cannot vote for sections of the bill against other sections of the same bill, I am going to vote against the bill and ask those persons who might be thinking my way to go along and vote against it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—179.

Achterman,	Dix,	Knoble,	Royer,
Ackermann,	Donahue,	Kowalski,	Sarge,
Allen,	Eckels,	Krise,	Sarraf,
Allmond,	Ely,	Lee,	Scanlon,
Alspach,	Ewing,	Leisey,	Schrock,
Andrews,	Falkenstein,	Leydic,	Schrope,
Atkins,	Fisher,	Lichtenwalter,	Self,
Auker,	Fiss,	Long	Serrill,
Baker,	Flanagan,	Lyons,	Shaw,
Balliet,	Fleming,	Madden,	Shearer,
Balthaser,	Foor,	Malloy,	Simons,
Bardes,	Freed,	Malone,	Skale,
Bennett,	Fullerton,	Marr,	Sloan,
Bohn,	Furman,	Matthews,	Sollenberger,
Boies,	Gates,	McClester,	Stambaugh,
Boorse,	Gillan,	McGarrity,	Stank,
Boose,	Gillette,	McKinney,	Stewart,
Bower,	Goll,	McLane,	Stockham,
Boyd,	Gorski,	McNally,	Sweeney,
Brancato,	Habbyshaw,	McVay,	Tahl,
Bretherick,	Haines,	Melchiorre,	Taylor,
Broad,	Hall,	Mihm,	Terry,
Bronson,	Hamilton,	Montgomery,	Thompson, G. R.,
Brown, H. S.,	Harbeson,	Moran,	Tiemann,
Brown, S. W.,	Harkins,	Moser, F. S.,	Trout,
Brunner,	Haudenshield,	Moser, J. L.,	VanAllsburg,
Burns,	Henry,	Muir,	Van Belle,
Cadwalader,	Hess,	Munley,	Voorhees,
Calvin,	Hewitt,	O'Brien,	Wagner,
Carpenter,	Hindman,	O'Connor,	Walsh
Check,	Hocke,	O'Dare,	Watkins,
Chervenak,	Hoffman, J. N.,	Ominsky,	Webster,
Christley,	Hoffman, S. K.,	O'Neill,	Welsh, E. B.,
Clearwater,	Holland,	Peacock,	Welsh, M. J.,
Cohen, R. E.,	Hoyt,	Peale,	Westrick,
Cook,	Huntley,	Reagan,	Wilkinson,
Cooper,	Imbrie,	Reese, D. P.,	Wilson
Cordier,	James,	Reese, R. E.	Winner,
Corrigan,	Jirolanio,	Regan,	Wood, H. M.,
Cortese,	Johnston,	Reynolds,	Wood, L. H.,
Curran,	Jones,	Rhodes,	Wood, N.,
Dalrymple,	Keenan,	Riley,	Woodside,
Denman,	Kenehan,	Robertson,	Yeakel,
DeNote,	Kilroy,	Rose,	Turner,
Dick,	Kline,	Rothenberger,	Speaker.

NAYS—22.

Cohen, H. B.,	Lovett,	Rider,	Thistle,
Donohoe,	Mooney,	Rooney,	Thompson, E. F.,
Downey,	O'Keefe,	Roseberry,	Tronzo,
Fauset,	Powers,	Snyder,	Weiss,
Finnerty,	Preston,	Tarr,	Williams,
Levy,	Readinger,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1287, as follows:

An Act to further amend sections one and two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1286) entitled as amended "An act empowering cities boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" authorizing the imposition and collection of ready to serve charges and extending the purposes for which rentals and charges may be made

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1286) entitled as amended "An act empowering cities boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" as amended by section one of the act approved the fourteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 630) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any city borough incorporated town or township either singly or jointly with other municipalities or townships or both has wholly or partially constructed or shall hereafter wholly or partially construct or complete any sewer or sewage system or sewage treatment works either wholly or partially at public expense or shall have acquired or shall hereafter acquire the same either wholly or partially at public expense or whenever any city borough incorporated town or township shall singly or jointly with other municipalities or townships or both enter into any contract with any authority established in accordance with law or with any private corporation for the furnishing of sewer or sewage treatment services or both for its or their benefit and the benefit of the inhabitants thereof such city borough incorporated town or township may provide by ordinance or resolution enacted either before or after the acquisition or construction thereof or the entry into such contract for the imposition and collection of an annual rental or charge for the use of such sewer sewage system or sewage treatment works from the owners of the property served [or to be served] by it and a reasonable annual charge in the nature of a ready to serve charge from the owners of property for which service is available whether such property is located within or without the corporate limits of such city borough town or township

The annual rental or charge so imposed shall be a lien on the properities served and such liens may be filed in the office of the prothonotary and collected in

the manner provided by law for the filing and collection of municipal claims

Section 2 Any such annual rental or charge may be such sum as may be sufficient to meet any or all of the following classes of expense (a) the amount expended annually by the city borough incorporated town or township in the operation maintenance repair alteration inspection depreciation enlargements additions extensions or other expenses in relation to such sewer sewage system or sewage treatment works (b) such annual amount as may be necessary to provide for the amortization of the indebtedness incurred or the non-debt revenue bonds issued by the city borough incorporated town or township in the construction or acquisition or in the enlargement addition to or extension of such sewer sewage system or sewage treatments works and interest thereon and any taxes covenanted to be paid by the municipalities on the principal of and interest on said bonds in order that said improvements may become self-liquidating or as may be sufficient to pay the amount agreed to be paid annually under the terms of any contract with any authority or private corporation furnishing sewer or sewage treatment services to such city borough town or township and (c) sufficient to establish a margin of safety of ten per centum Any unused surplus from any preceding year shall be paid into the fund accruing from said rentals or charges and whenever the amount in said fund exceeds the said margin of safety of ten per centum the excess shall be paid into the sinking fund The amount required for sinking fund and interest shall be paid into the sinking fund and the amount so paid including any excess as above provided shall not be used for any other purpose The said annual rental or whatever charge shall be decided upon by the city borough incorporated town or township shall be apportioned equitably among the properties served and for which service is available by the said sewer sewage system or sewage treatment works

Section 2 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Areeably to the provisions of the Constitution the yeas and nays were taken and.were as follows, viz:

YEAS—188.

Ackermann,	Ely,	Leisey,	Scanlon,
Allen,	Ewing,	Leydic,	Schrock,
Allmond,	Falkenstein,	Lichtenwalter,	Schrope,
Alspach,	Fauset,	Long,	Seif,
Atkins,	Finnerty,	Lovett,	Serrill,
Auker,	Fisher,	Lyons,	Shaw,
Baker,	Fiss,	Madden,	Shearer,
Balliet,	Flanagan,	Malloy,	Simon,
Balthaser,	Fleming	Malone,	Skale,
Bardes,	Foor,	Marr,	Sloan,
Bennett,	Freed,	Matthews,	Snyder,
Bohn,	Fullerton,	McClester,	Sollenberger,
Boles,	Furman,	McGarrity,	Stambaugh,
Boney,	Gates,	McKinney,	Stewart,
Boorse,	Gillan,	McLane,	Stockham,
Boose,	Gillette,	McNally,	Sweeney,
Bower,	Goll,	McVay,	Tahl,
Boyd,	Gorski,	Melchiorre,	Tarr,
Bretherick,	Habbyshaw,	Mihm,	Taylor,
Broad,	Haines,	Montgomery,	Terry,
Bronson,	Hall,	Mooney,	Thistle,
Brown, H. S.,	Hamilton,	Moran,	Thompson, E. F.,
Brown, S. W.,	Harbeson,	Moser, F. S.,	Thompson, G. R.,
Brunner,	Harkins,	Moser, J. L.,	Tiemann,
Burns,	Haudenshield,	Muir,	Tronzo,
Cadwalader,	Henry,	Munley,	Trout,
Calvin,	Hewitt,	O'Brien,	VanAllsburg,
Carpenter	Hindman,	O'Connor,	Van Belle,
Check,	Hocke,	O'Dare,	Voorhees,
Chervenak,	Hoffman, J. N.,	O'Keefe,	Wagner,
Christler,	Hoffman, S. K.,	O'Neill,	Walsh,
Clearwater,	Holland,	Peacock,	Watkins,
Cohen, R. E.,	Hoyt,	Peale,	Webster,
Cook,	Huntley,	Readinger,	Weiss,
Cooper,	Imbrie,	Reagan,	Welsh, E. B.,
Cordier,	James,	Reese, D. P.,	Welsh, M. J.,
Corrigan,	Jirolanio,	Regan,	Westrick,
Cortese,	Johnston,	Rhodes,	Wilkinson,
Curran,	Jones,	Rider,	Williams,
Dalrymple,	Keenan,	Riley,	Wilson,
Denman,	Kenehan,	Robertson,	Winner,
DeNote,	Kilroy,	Rooney,	Wood, H. M.,
Dick,	Kline,	Rose,	Wood, L. H.,
Dix,	Knoble,	Roseberry,	Wood, N.,
Donahue,	Kowalski,	Royer,	Woodside,
Downey,	Krise,	Sarge,	Yeakel,
Eckels,	Lee,	Sarraf,	Turner, Speaker.

NAYS—13.

Achterman,	Hess,	Powers,	Reynolds,
Andrews,	Levy,	Preston,	Rothenberger,
Brancato,	Ominsky,	Reese, R. E.	Stank,
Cohen, H. B.,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 518, Printer's No. 479 was passed over at the request of Mr. DAVID P. REESE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1288, entitled:

An Act to amend the second paragraph of section eighteen of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 955), entitled "An act to promote public health, safety, morals, and welfare by declaring the necessity of creating public bodies, corporate and politic, to be known as housing authorities to engage in slum clearance, and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercise of such powers, including the acquisition of property by purchase, gift or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds, and other obligations, and giving security therefor; prescribing the remedies of obligees of housing authorities; authorizing housing authorities to enter into agreements, including agreements with the United States, the Commonwealth, and political subdivisions and municipalities thereof; defining the application of zoning, sanitary, and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation; and imposing duties and conferring powers upon the State Board of Housing, and certain other State officers and departments," providing for the payment of fees for certification to the Department of Internal Affairs in connection with the issue of bonds.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HOMER S. BROWN. Mr. Speaker and members of the House, I am going to vote "No" on this bill, but I don't want to influence any other members of the House.

I think the bill is a step in the wrong direction. If you will recall not so long ago I had a bill on the calendar to exempt housing authorities from the payment of fines on the certification of the Department of Internal Affairs. However, I gave way to this bill, because of the wishes of the majority floor leader and the Speaker of the House, and because I did not want to unduly clutter up the

calendar, but I do hope if this bill is passed, we will have enough legislative intent on the record so that the Board of Revenue and Finance will not, in deciding certain matters of appeal that are before the Board now, take any indication from the passage of this bill as to how they should act on those appeals that are now pending. We are calling that to the attention of the majority floor leader so that our legislative intent may be clear in the passing of this act.

I wish the majority floor leader would state for the record whether or not the passage of this act will in any way interfere with certain appeals that are now pending before the Board of Finance and Revenue as to which the Board of Finance and Revenue may thoughtlessly intrude on the proceedings.

Mr. WOODSIDE. Mr. Speaker and members of the House, it is my opinion that this bill will not interfere with any appeals which are now pending before the board of Finance and Revenue relating to refunds in connection with this subject. I believe that was the intent of the majority of the members of this House, and I believe that that intent should be carried out.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Ackermann,	Ewing,	Leisey,	Sarraf,
Allen,	Falkenstein,	Levy,	Scanlon,
Allmond,	Fauset,	Leydic,	Schrock,
Alspach,	Finnerty,	Lichtenwalter,	Schrope,
Atkins,	Fisher,	Long,	Seif,
Auker,	Fiss,	Lyons,	Serrill,
Baker,	Flanagan,	Madden,	Shaw,
Balliet,	Fleming,	Malloy,	Shearer,
Balthaser,	Foor,	Malone,	Simons,
Bardes,	Freed,	Marr,	Skale,
Bennett,	Fullerton,	Matthews,	Sloan,
Bohn,	Furman,	McClester,	Snyder,
Boles,	Gates,	McGarrity,	Sollenberger,
Boney,	Gillan,	McKinney,	Stambaugh,
Boorse,	Gillette,	McLane,	Stank,
Boose,	Goll,	McNally,	Stewart,
Bower,	Gorski,	McVay,	Stockham,
Boyd,	Habbyshaw,	Melchiorre,	Sweeney,
Brancato,	Haines,	Mihm,	Tahl,
Bretherick,	Hall,	Montgomery,	Tarr,
Bronson,	Hamilton,	Mooney,	Taylor,
Brown, S. W.,	Harbeson,	Moser, F. S.,	Terry,
Brunner,	Harkins,	Moser, J. L.,	Thistle,
Burns,	Haudenshield,	Muir,	Thompson, E. F.,
Cadwalader,	Henry,	Munley,	Thompson, G. R.,
Calvin,	Hess,	O'Brien,	Tiemann,
Carpenter,	Hewitt,	O'Dare,	Trout,
Check,	Hindman,	O'Keefe,	VanAllsburg,
Christler,	Hocke,	O'Neill,	Van Belle,
Clearwater,	Hoffman, J. N.,	Peacock,	Voorhees,
Cohen, H. B.,	Hoffman, S. K.,	Peale,	Wagner,
Cohen, R. E.,	Holland,	Powers,	Walsh,
Cook,	Hoyt,	Readinger,	Watkins,
Cooper,	Huntley,	Reagan,	Webster,
Cordier,	Imbrie,	Reese, D. P.,	Weiss,
Corrigan,	James,	Regan,	Welsh, M. J.,
Cortese,	Jirolanio,	Reynolds,	Westrick,
Curran,	Johnston,	Rhodes,	Wilkinson,
Dalrymple,	Jones,	Rider,	Williams,
Denman,	Keenan,	Riley	Wilson,
DeNote,	Kenehan,	Robertson,	Winner,
Dick,	Kilroy,	Rooney,	Wood, H. M.,
Dix,	Kline,	Rose,	Wood, L. H.,
Donahue,	Knoble,	Roseberry,	Wood, N.,
Downey,	Kowalski,	Rothenberger,	Woodside,
Eckels,	Krise,	Royer,	Yeakel,
Ely,	Lee,	Sarge,	Turner,

Speaker.

NAYS—13

Achterman,	Chervenak,	O'Connor,	Reese, R. E.,
Andrews,	Lovett,	Ominsky,	Tronzo,
Broad,	Moran,	Preston,	Welsh, E. B.,
Brown, H. S.,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 968, entitled:

An Act to further amend section two hundred three to repeal section four hundred seven and to amend section one thousand two hundred and one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement of other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" to reorganize the Departments of Revenue and of the Auditor General in such manner as to vest in the Department of Revenue the appointment the fixing of the compensation and the approval of the expense accounts of clerks investigators appraisers expert appraisers permanent appraisers and other employees necessary to enable the registers of wills of the several counties to collect transfer inheritance taxes.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, this bill is passed at a very propitious time and passed on a very propitious occasion, right after the installation of the Secretary of Internal Affairs and the opening of possibly two hundred or three hundred jobs which possibly have not been sufficient to satiate the job desires of the majority. For years the Department of the Auditor General has appointed the inheritance tax collectors and investigators collecting the inheritance taxes in our counties. This will take away from the Auditor General those particular appointments. It is very singular that the bill that we are now about to act upon immediately precedes another bill introduced by the same sponsor, and I feel that the title of the second bill introduced by that sponsorship should be the title of the bill upon

which we are acting, because if there ever was an attempt to by statute rape the Auditor General, this bill does it.

This is a real example. You know a layman sometimes has great difficulty in determining just what is meant by statutory rape. That is what this bill is. They are taking from the Auditor General the jobs that the Auditor General has had from time immemorial in the appointment of inheritance tax collectors throughout the sixty-seven counties of the Commonwealth. But I have no fear that the motive of the majority will be realized. I rely upon the fair play of the membership of this House that has been exemplified on many occasions. Every understanding of legislative problems, every desire to see wrongs righted, every desire to see right prevail convinces me that the majority of this House will not succumb to this criminal activity, but if I am wrong and if the appetite of the majority cannot be appeased by sandwiches and onions and they need more jobs, and if they feel that having tapped the well of patronage that they must suck it dry, if they feel and think by such activity that they are going to be able to perpetuate their activity, they are grossly mistaken. You know, issues are not made on the basis of patronage, elections are not won on the basis of patronage. The things that really win are the real legislative issues that are evaluated during a session such as this. We of the minority are quite willing that the position of the minority in future elections shall be the position the minority has taken on legislative problems. We have no fear as to the outcome of any future election based upon the legislative records of the two parties in this House. This bill further indicts the majority. It exposes their attitude not only in this respect but in the bills that are to be voted upon in the near future, it exposes their attitude on employment and compensation bills, their attitude on the Department of Assistance. So I feel that if the majority will deviate from the long record of fair play that is supposed to be characteristic of legislative halls, that they will be jumping smack into the difficulties of patronage.

I was particularly struck by the Legislative Correspondents' display on Wednesday night with the emphasis that was placed on the subject of patronage. These poor deserving Republicans who have been deprived of their birth right now going on five months, these poor deserving Republicans who have labored to elect you men in the House and are not in a job today, but with the passage of this bill there might be a possibility that they will get a job, providing the bill passes the Senate. I wish to publicly announce that there are now available in the Department of Internal Affairs two or three hundred very lucrative jobs, and I would suggest to all the deserving Republicans from all the sixty-seven counties of the Commonwealth that they come up here and say to the Secretary of Revenue, "Why don't you let the Auditor General's Department alone to perform their functions properly? If you start any messing around with the collection of taxes you are going to find that the floating debt which this state now has as a result of previous Republican administrations is going to be increased three fold. If you start in fooling around with the intricate problems of the collection of inheritance taxes, you are going to find that the budgetary estimates of your budget director are going to be far wrong, and in addition to coming back here with the necessity of raising more money in a special session as we now see it, you will have to come back here and raise additional money to make up for the inefficiency that will result by this attempted grab of a few jobs in the Auditor General's Department.

I know that every word that I say will be an indication to the membership on the other side to vote in favor of the bill. I might state that we are very pleased to have the membership on the other side vote for this bill, because it clearly indicates, with big problems waiting solution, the membership of this House of the majority are more concerned with a few paltry jobs than they are with solving the problems of the Commonwealth. Thank you.

Mr. SWEENEY. Mr. Speaker and members of the House, the gentleman from York, Mr. Cohen, has indeed paid me a compliment. He has suggested that I, a lone Republican, am about to rape the great Democratic party. That was done in the primaries by members of their own party.

Seriously speaking, the Secretary of Revenue under the present bill is required to supervise the work of investigators appraising inheritance taxes. Now, surely if he is required to supervise this work, he should have some power over the employees and he should have the right to hire and fire. What is the good of giving a man the power to supervise without giving him the power to hire and fire. Given a man in a position who does not do his work, what can the Secretary of Revenue do about it? He can't fire him, he might complain, but what good would it do him?

I therefore claim that this collection of taxes rightfully belongs with the Secretary of Revenue and I ask the members of this House to vote for this bill.

On the question recurring.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—116.

Ackermann,	Fleming,	Leydic,	Sloan,
Alspach,	Foor,	Lichtenwalter,	Snyder,
Atkins,	Freed,	Lyons,	Sollenberger,
Auker,	Gates,	Marr,	Stambaugh,
Bennett,	Gillan,	Matthews,	Stewart,
Boose,	Gillette,	McClester,	Stockham,
Bower,	Habbyshaw,	McKinney,	Sweeney,
Boyd,	Haines,	McNally,	Tahl,
Bretherick,	Hall,	McVay,	Taylor,
Bronson,	Hamilton,	Montgomery,	Terry,
Brown, S. W.,	Harbeson,	Moser, F. S.,	Thistle,
Brunner,	Haudenshield,	Moser, J. L.,	Thompson, G. R.,
Cadwalader,	Henry,	Muir,	Tiemann,
Calvin,	Hewitt,	O'Dare,	Trout,
Carpenter,	Hocke,	Peacock,	Van Allsburg,
Christler,	Hoffman, J. N.,	Peale,	Voorhees,
Cooper,	Hoyt,	Reagan,	Wagner,
Cordier,	Huntley,	Reese, D. P.,	Watkins,
Cortese,	Imbrie,	Rhodes,	Webster,
Curran,	James,	Riley,	Wilkinson,
Dalrymple,	Johnston,	Robertson,	Wilson,
Denman,	Jones,	Rose,	Winner,
Dick,	Kane,	Roseberry,	Wood, H. M.,
Dix,	Kline,	Royer,	Wood, L. H.,
Donahue,	Knoble,	Schrock,	Wood, N.,
Eckels,	Kowalski,	Seil	Woodside,
Ely,	Krise,	Serrill,	Yeakel,
Ewing,	Lee,	Shearer,	Turner,
Fisher,	Leisey,	Simons,	Speaker
Fiss,			

NAYS—59.

Achterman,	Fauset,	Mihm,	Rider,
Allen,	Finnerty,	Mooney,	Rooney,
Andrews,	Flanagan,	Moran,	Rothenberger,
Baker,	Gorski,	Munley,	Sarraf,
Boney,	Harkins,	O'Brien,	Scanlon,
Brancato,	Hindman,	O'Connor,	Schrope,

Broad,	Hoffman, S. K.,	O'Keefe,	Stank,
Brown, H. S.,	Holland,	Ominsky,	Tarr,
Burns,	Keenan,	O'Neill,	Thompson, E. F.,
Check,	Kenehan,	Powers,	Tronzo,
Chervenak,	Levy,	Preston,	Walsh,
Clearwater,	Long,	Readinger,	Weiss,
Cohen, H. B.,	Lovett,	Reese, R. E.	Welsh, E. B.,
Downey,	McLane,	Regan,	Welsh, M. J.,
Falkenstein,	Melchiorre,	Reynolds,	Williams,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 283, entitled:

An Act permitting inquiry as to good repute and consent on cross-examination of prosecutrix in cases of statutory rape.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WEISS. Mr. Speaker, I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SWEENEY. I shall, Mr. Speaker.

Mr. WIESS. Mr. Speaker, I desire to ask the gentleman from Philadelphia, Mr. Sweeney, how does this bill, if enacted, change the present law.

Mr. SWEENEY. Mr. Speaker, under the present law, if a girl under the age of sixteen has intercourse, no matter what her reputation is, the defendant is accused of statutory rape. If you can show by legal competent evidence that she has a bad reputation, the crime is reduced from rape to fornication. The crime of rape covers a sentence of from seven and one-half to fifteen years, while the crime of fornication carries a penalty of one hundred dollars fine.

Our Supreme Court has said in a number of decisions that there is only one way to establish a girl's bad reputation, and that is by bringing in people who know her, who will testify that they have known her and have known her for a number of years and that in their opinion the girl bears a bad reputation. That kind of testimony for anyone who has attempted to secure it is impossible. People will not come in and testify to that fact, first because it is liable to start a fight in the neighborhood, and secondly, they are liable to subject themselves to criminal prosecution. The only purpose of this act is, if a defendant and his attorney can determine that a girl under the age of sixteen has had intercourse and bears a bad reputation, you can ask her that when she takes the witness stand.

Mr. WEISS. Mr. Sweeney, are you by this bill going to protect any person who has anything to do with a girl under sixteen years of age?

Mr. SWEENEY. Mr. Speaker, I am not. I am only trying to make it more simple to establish what the law has stated, that if a girl does bear a bad reputation, the jury will be able to ascertain that fact.

Mr. WEISS. Mr. Speaker, that would apply even to girls who are only nine or ten years old, is that correct?

Mr. SWEENEY. Mr. Speaker, that is possible but not probable.

Mr. WEISS. Mr. Sweeney, in the title to the act you have the word "prosecutrix." Suppose the county detective or the chief of police is the prosecutor, how would you then, in accordance with the title of this act, be able to examine the prosecutor or the prosecutrix.

Mr. SWEENEY. Mr. Speaker, I don't understand how any county detective could be a prosecutrix in a rape case.

Mr. WEISS. Mr. Speaker, it is very seldom that a girl nine or ten years of age signs the information in a rape case, is that not right, Mr. Sweeney?

Mr. SWEENEY. Mr. Speaker, I don't know of any case off hand.

Mr. WEISS. Mr. Sweeney, in the title you have the word "prosecutrix"; now if the prosecutor in a case is the chief of police or the county detective or the mother of the girl, how are you going to examine her according to your title.

Mr. SWEENEY. Well, Mr. Speaker, the mother or the county detective would not be the prosecutrix. They would represent the prosecutrix. The person raped would still be the prosecutrix, no matter who she was.

Mr. WEISS. Mr. Speaker and members of the House, I am opposed to this particular bill because I believe we are trying to give protection to people who deserve no protection under the law, and furthermore I believe it is very repulsive and unsocial to have girls ten or eleven years of age take the witness stand and be asked questions as to whether they consented or not and as to their reputation. I don't believe that we should throw any cloak of protection around any individual who has anything to do with young girls, and this certainly is helping a person out who least deserves help. As far as Westmoreland County and that particular part of the State is concerned, practically in all cases I have noticed it is either the county detective or the chief of police or the mother of the particular young girl that usually brings the prosecution. I really can't see any advantage at all in voting for this particular bill. It isn't a partisan measure, it is really a social measure, and I am very much opposed to it.

Mr. SWEENEY. Mr. Speaker and members of the House, there is no one more anxious than I am to protect young innocent girls. This bill is not designed for anything like that. Anyone who gives it any thought realizes that a girl who is only nine or ten years of age is not going to bear a bad reputation. This bill is only to take care of a situation where a girl who is more mature than others, probably around the age of fourteen or fifteen who has a bad reputation, goes out and is later arrested and then the man no matter whether the girl consented or even solicited him is charged with rape which is a very serious crime and carries a penalty of imprisonment of from seven and a half to fifteen years. Now, if you can by showing her bad reputation, reduce that to fornication, it carries a fine of one hundred dollars. This law only gives the defendant the right to show, by asking the prosecutrix, whether or not she has a bad reputation.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Consitution the yeas and nays were taken and were as follows, viz:

YEAS—122.

Ackermann,	Fisher,	Lee,	Simons,
Alspach,	Fiss,	Leisey,	Sloan,
Atkins,	Fleming,	Leydic,	Snyder,
Auker,	Foor,	Long,	Sollenberger.
Balliet,	Freed,	Lyons.	Stewart,
Boorse,	Fullerton,	Madden,	Stockham,
Boose,	Gates,	Marr,	Sweeney,
Bower,	Gillan,	Matthews,	Tahl,
Boyd,	Gillette,	McClester,	Taylor,
Bretherick,	Goll,	McGarrity,	Terry,
Bronson,	Habbyshaw,	McKinney,	Thistle,
Brown, S. W.,	Haines,	McNally,	Thompson, G. R.
Brunner,	Hall,	McVay,	Tiemann,
Cadwalader,	Hamilton,	Montgomery,	Trout,
Calvin,	Harbeson,	Moser, F. S.,	Van Belle,
Carpenter,	Haudenshield,	Moser, J. L.	Voorhees,
Check,	Hess,	Muir,	Watkins,
Christler,	Hewitt,	O'Dare,	Webster,
Cook,	Hocke,	Peacock,	Welsh, E. B.,
Cooper,	Hoffman, J. N.,	Peale,	Westrick,
Cordier,	Holland,	Reagan,	Wilkinson,
Cortese,	Hoyt,	Reese, D. P.,	Wilson,
Curran,	Huntley,	Rhodes	Winner,
Dalrymple,	Imbrie,	Riley,	Wood, H. M.,
Denman,	James,	Robertson,	Wood, L. H.,
Dick,	Johnston,	Rose,	Wood, N.,
Dix,	Jones,	Roseberry	Woodside,
Donahue,	Kline,	Royer,	Yeakel,
Eckels,	Knoble,	Seif,	Turner,
Ely,	Kowalski,	Serrill,	Speaker.
Ewing,	Krise,		

NAYS—32.

Achterman,	Downey,	Lovett,	Stambaugh,
Allen,	Fauset,	Moran,	Stank,
Allmond,	Finnerty,	Munley,	Tarr,
Andrews,	Gorski,	O'Connor,	Tronzo,
Baker,	Harkins,	Ominsky,	Van Allsburg,
Balthaser,	Henry,	Rider	Wagner,
Boney,	Hindman,	Rothenberger,	Walsh,
Broad,	Kane,	Sarraf,	Weiss,
Burns,	Keenan,	Schrock,	Welsh, M. J.,
Cohen, H. B.,	Levy,	Shearer,	Williams,
Corrigan,	Lichtenwalter,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 721, entitled:

An Act to amend the act, approved the eleventh day of October, one thousand nine hundred thirty-eight (Pamphlet Laws, sixty-two), entitled "An act to amend section two of the act, approved the eleventh day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, four hundred eighty-seven), entitled 'An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons, returned to this Commonwealth by the authorities of another State, or transferred from one poor district to another by the department, and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons,' by relieving poor districts of certain costs and placing such costs on the Commonwealth," by deferring the operation of the act for a further period of time.

On the question,

Will the House agree to the bill on third readings?

It was agreed to,

On the question,

Shall the bill pass finally?

PARLIAMENTARY INQUIRY

Mr. HOMER S. BROWN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HOMER S. BROWN. Mr. Speaker, in order to conserve the time of the House and since there are three bills closely related that follow each other, would it be permissible to discuss this bill and the other two bills that immediately follow, all dealing with the same subject.

Mr. WOODSIDE. Mr. Speaker, I have no objection.

Mr. HOMER S. BROWN. Mr. Speaker and members of the House, it is to be regretted that these bills, so vital to the welfare of certain people of the Commonwealth, come before us at this late hour in our legislative day. I have never taken the position on this floor to rise to simply take the time of the House. I have always tried to be considerate of the feelings of the members insofar as almost complete exhaustion might be concerned, yet at the same time I feel that these three bills, House Bills 718, 721, and 720 ought to be given the utmost consideration by this House, and I do hope that the House will give that consideration notwithstanding the hour of the day, and notwithstanding the fact that we are all, as I said before, about physically exhausted. I think that in just a few brief moments all that can be said for or against the bill can be said.

I was a member of the Legislature during the special session of 1938. I think it is well known that I opposed a great many of the measures that came before this Legislature during the special session. However, this measure that we have before us, which was enacted during that special session, received my whole hearted approval. It was a matter which the state of Pennsylvania had for a long time failed to consider. It was a matter concerning which the state of Pennsylvania stood far down on the list insofar as the other states of the union were concerned in the care of certain people as enumerated in the bill. This Legislature wisely and considering all those people passed these three bills, and in substance the three bills go together. They may be summed up as providing for the mental patients by contributions from the Commonwealth of Pennsylvania and the taking over of institutions by the Commonwealth of Pennsylvania. That was the step forward and brought Pennsylvania within the line of many other states in the union. These bills provide, with the exception I believe of the one institution in Philadelphia county, that the Governor, upon the request of the Department of Welfare, shall make provision to take over these institutions on or before the 31st day of May, 1939. I remember when these bills were passed. I remember in January of this year that the city of Pittsburgh had its hearings before council, insofar as the taxes of the city were concerned, and believing that the Legislature of the Commonwealth of Pennsylvania during the special session of 1938 passed these laws with due regard of the people who were to become of beneficiaries under the act, did not and should not have included in its budget the care of these mental cases beyond the period specified by the law. Now, we come to the point of throwing back upon the city of Pittsburgh, the county of Allegheny and the other counties of the state of Pennsylvania, the care of these mental cases when there is absolutely no money in the budget to take care of them. We won't suffer, that

is one thing, but we ought to have regard for the people who will suffer. I am advised by the authorities of the city of Pittsburgh that it will cost the city approximately five hundred thousand dollars to take care of the mental cases from May 31, 1939 to January 1, 1940, and there isn't one penny in the budget of the city of Pittsburgh to take care of these patients. The only way the city of Pittsburgh can take care of these patients is to go out and borrow money in the sum of five hundred thousand dollars. I ask you is that fair to the poor real estate tax payers of the city of Pittsburgh? As I understand it, the city of Pittsburgh can raise no revenue to pay off these obligations which they may borrow except by levying taxes on real estate for the next year, and here we are passing on to the real estate owners another burden which was taken off of them, and which they had the right to believe would be taken off of them, and all of a sudden we place it back on them again. I am advised by the authorities of the county of Allegheny that this year's county budget is closed and that there is no legal authority whereby the county of Allegheny can borrow one red cent beyond the amount set up in the budget. What are these municipalities going to do? You may say that the state has no money, but I say to you that the state with its many resources behind it and the Legislature now in session, with the opportunity to levy taxes on many varied and different kinds of property can far better carry this load than the municipalities who must depend entirely upon real estate with the exception of the counties which do get some return from personal property, but the counties can't do anything because there is no legal authority whereby they can borrow money.

Mr. Speaker and members of the House, it is my understanding that the total population of Mayview at the present time is four thousand two hundred and thirty-five patients, of which three thousand and thirty-five are mental cases. It does seem to me, Mr. Speaker and members of the House, that while many more arguments could be made, the fair, right and the humane thing for us to do would be for us to reconsider these bills and let the state of Pennsylvania take this burden, which is rightfully the burden of the state, instead of throwing it back upon the local municipalities which have no money in their budgets to take care of these people, and those who can raise additional taxes must pass it on to those who are now overburdened real estate tax payers. I strongly request the members of the House to vote "no" on all of these bills.

Mr. HOLLAND. Mr. Speaker and members of the House, as requested by Mr. Brown, I would like to confine my remarks to the three bills before us, as I realize the hour is getting very late.

Mr. Speaker and members of the House, House Bills 721, 720, and 718 all pertain to the placing on the backs of the now overly-taxed home owners the cost of maintaining the mental cases now in our hospitals. First, I want you to understand that in 1938 I opposed the taking over by the State of our institutions who care for our insane and feeble minded persons. At that time, I felt that the local communities were given properties of considerable value to the state, however, as was pointed out to me in numerous forums as well as in public meetings that my constituents objected to my stand as they stated, investments of buildings were still the property of the tax-payers no matter where the taxpayers were located. They vigorously objected to real estate bearing the burden of the cost to care for these poor unfortunates.

I believe that the Governor stated that the state would not levy any additional taxes and, therefore, the cost of maintaining these institutions would be placed on local government agencies. But, of course, in his mad scramble for national publicity in trying to misrepresent to the entire United States that we have a budget balancing Governor, it is no doubt the Governor's intention to continue to criticize the federal government for their spending, while at the same time, get all their moneys to relieve his financial problems and to place on the backs of local authorities great tax burdens because this Governor was financed in his campaign by special interests.

POINT OF ORDER

Mr. DENMAN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Westmoreland will state his point of order.

Mr. DENMAN. Mr. Speaker, the gentleman is not confining his remarks to the bill.

The SPEAKER. The gentleman will confine his remarks to the bills before the House.

Mr. HOLLAND. Mr. Speaker, if the gentleman will just be patient, I will confine my remarks to the bill before the House.

The state has wide taxing powers. Local taxing units have only the power to tax real estates. If ever an Administration had no concern for the little man who owns a home, this Administration certainly thoroughly demonstrates it is in first place in crushing every real estate taxpayer in Pennsylvania.

This Legislature seems to be only concerned in protecting the large special interests of Pennsylvania and worries very little regarding the home owners. I would like to just point out to you what is happening in Allegheny County and if it happened in Allegheny it also happened in your county. Home owners in Allegheny county pay $3.182,192.00 in taxes that should be paid by the Utilities of Allegheny County.

POINT OF ORDER

Mr. ALSPACH. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Lancaster will state his point of order.

Mr. ALSPACH. Mr. Speaker, the gentleman should confine his remarks to the bill under discussion.

The SPEAKER. That is correct, the gentleman should confine his remarks to the discussion of the bill. The gentleman will proceed.

Mr. HOLLAND. Mr. Speaker and members of the House, however, this House does nothing to correct this evil. House Bill No. 78 has laid in committee since the first day of this session with no action being taken, however, I realize if action were taken, the Governor would break his promise to protect the utilities at all cost. Out of the real estate taxes of Allegheny $1,158,072.00 is spent for the handling of the motor vehicle traffic, a legitimate expense that should be paid from the motor fund. Real estate should be relieved of this expense and again I want to call your attention to the fact that House Bill No. 91 introduced on the first day of session is in the Committee on Appropriations and true to the policy of this adminis-

tration not to give assistance to the taxpayer nothing is done about it.

POINT OF ORDER

Mr. AUKER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Blair will state his point of order.

Mr. AUKER. Mr. Speaker, I feel that the gentleman from Allegheny ought to be allowed the greatest latitude in debating the bill, but I think he has gone far afield in doing so, and I rise to a point of order. I ask that the gentleman from Allegheny be requested to confine his remarks to the bill under discussion.

The SPEAKER. The gentleman will confine his remarks to the discussion of the bill.

Mr. HOLLAND. I just want to point out to this House by placing this burden back on the taxpayers how much the taxpayers of Allegheny county have to pay. It should be taken care of by the state right in this Legislature.

The SPEAKER. The gentleman will proceed and confine himself to a discussion of the bill.

Mr. HOLLAND. Mr. Speaker and members of the House, now, we come to these three bills, and we find that another million and a half is going to be again placed on Allegheny county owners of real estate.

POINT OF ORDER

Mr. AUKER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Blair will state his point of order.

Mr. AUKER. Mr. Speaker, the gentleman is not debating the bill and I ask that he be confined to debating on the bill.

The SPEAKER. The gentleman will proceed and confine his remarks to the bill under discussion.

Mr. HOLLAND. This statement that I am making is leading up to the bill. If ever an administration was trying to fool the public and follow the policy of P. T. Barnum, this administration certainly is.

POINT OF ORDER

Mr. HAINES. Mr. Speaker, the gentleman from Allegheny is not confining himself to the bill. May I state, Mr. Speaker, that our little block right here is prepared to stay until the wee hours of the morning or until high noon tomorrow. We are prepared to listen to whatever the gentleman has to say in the argument that he is setting forth, but we would ask that he confine his remarks to the bill under discussion.

The SPEAKER. The Chair realizes that there is always a question as to the approach to an idea, or the approach to a particular bill. The gentleman from Allegheny may be approaching it from a long distance. The gentleman will proceed.

Mr. HOLLAND. Mr. Speaker, on Monday we passed a bill giving one million dollars to help pay the salaries of teachers who are teaching school and are on relief rolls. Wednesday of the same week, we take back not only the million dollars we gave, but also five and a half million more by repealing a bill that would give assistance to those school districts of approximately $6,500,000. We certainly are putting to shame the Indian givers of old.

This session of 1939 will be indelibly impressed on the minds of the taxpayers in this state as one who mortgaged the real estate owners of Pennsylvania for generations to come. The Republican majority by their refusal to take action when action should be taken, and by taking action when they should not have taken action are compelling the real estate owners of Allegheny County to pay $5,740,264.00 more in taxes that they should be paying.

Mr. Speaker, I realize it is painful to the Republican party to have to listen to this debate. There is nothing more painful in this world than the truth. Now, try and blame this on the New Deal, and if you do, every home owner in Allegheny County when he is being evicted, when the mortgage on his home is being foreclosed due to your failure to assist him, will be in a fine mood again to listen to your political false promises that you made in the last campaign. For as has been wisely said, "You can fool some of the people some of the time, but can't fool all of the people all of the time." However, I realize that all I say today will not change your mind, you have received your orders from Colonel Estes, and like good soldiers in his brigade, you will have to carry on

POINT OF ORDER

Mr. ALSPACH. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Lancaster will state his point of order.

Mr. ALSPACH. Mr. Speaker, the gentleman is not debating any of these three bills.

The SPEAKER. The Chair feels that the gentleman from Lancaster is correct, but he feels that the shorter course would be to let the gentleman go on.

Mr. HOLLAND. Mr. Speaker, I say to my dear friends on the other side of the House that following out the orders given to them by Mr. Grundy and Mr. Weir, they are going to place on the home owners of Allegheny County the cost of paying for the feeble minded people—

Mr. Speaker and members of the House, I might say that the scant attention given to me here this afternoon is certainly a demonstration to me that the members of this House are not interested in the real estate tax payers of Pennsylvania, they only seem to be interested in—

The SPEAKER. The Chair feels that the remarks of the gentleman are not in order, that the remarks are not germane to the bill and the Chair feels that there has probably been provocation. The gentleman will confine his remarks to the bill.

Mr. HOLLAND. Mr. Speaker, I shall confine my remarks to the bill. Regardless of what I say, the members are going to vote in favor of this bill.

I believe that there are times when people should be really sincere in legislation, make an effort to present proper bills, especially when Allegheny County and the district that I represent are vitally interested in these bills. I say to you that the home owners in the district which I represent cannot afford to pay any more taxes on real estate. The men and women in my district are working just a few days a week on W.P.A. and they cannot afford to pay any more real estate taxes, but since people have decided to take off taxes from the big man, go ahead, and the next election will decide who is right.

Mr. WOODSIDE. Mr. Speaker and members of the House, the deficit for this biennium will total approxi-

mately fifty-two million dollars. The bills which we are now extending for a period of two years were signed by Governor Earle in September and October of 1938. At that time he should have known, and I think did know that he had a deficit of approximately fifty million dollars. Besides that he knew that there were approximately thirteen million dollars in new functions which were established during the past two years which did not have to be spent in the last biennium but will have to be spent in the next biennium. In spite of those facts he signed these bills, creating an additional obligation of the Commonwealth in the amount of eleven and a half million dollars. Now the facts are that during the four years of the Earle administration, they did not see fit to take over these state hospitals which would have meant a tremendous increase in taxation, which they did not care to levy, but today they try to saddle that burden upon this administration by bills passed as that administration was going out of office. I say that that was not right.

I say to the members of this House although there will be some hardship in some counties, nevertheless in the majority of cases it will be possible to absorb this increase in the present millage rate of taxes. There is no additional amount that the counties will pay over that which they have been paying through all of the years of the past. The only thing that these bills do is postpone the effective date for a period of two years, and the Governor in his budget said that these bills among others may be good measures, but at the present time with the present deficit that has to be paid during this biennium, and with the very critical condition in which the finances of the state now are, it is impossible to take over the burden at this time.

Mr. O'KEEFE. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. O'KEEFE. Mr. Speaker, has there been any legislation introduced in the General Assembly which will permit the counties to borrow?

Mr. WOODSIDE. Mr. Speaker, I know of no new law or bill that has been introduced relating to the borrowing capacities of counties. I am not acquainted with all the bills in the House and Senate. I may be wrong on that.

Mr. O'KEEFE. Mr. Speaker, may I ask if the gentleman from Dauphin is familiar with the bills introduced in the Senate by Senator Gelder.

Mr. WOODSIDE. Mr. Speaker, relative to the borrowing of counties?

Mr. O'KEEFE. That is correct, Mr. Speaker.

Mr. WOODSIDE. I am not, Mr. Speaker.

Mr. O'KEEFE. Mr. Speaker, is there any assurance that the bill that is now in the Senate will be passed in order to permit counties to borrow?

Mr. WOODSIDE. I feel, Mr. Speaker, that every effort will be made to work out the problems for all the counties, and any problem which any of the counties have, which cannot be met by legislation, that will be of benefit to the state as a whole, I feel every consideration will be given it by the Senate and by this House.

Mr. JONES. Mr. Speaker and members of the House, we in Blair county have a county hospital for the insane. We also have in conjunction our almshouse, and when this bill was passed last year it took away from us our county hospital, without any compensation whatever. We in Blair county want our Blair county hospital for Blair county people. It is meant for Blair county people. I can tell you this much right now it will cost Blair county more to maintain people in the Blair county hospital when the state takes it over, and I pledged myself in my campaign that I would try to keep our hospital there. I will therefore ask the members of the House to vote for all these three bills.

Mr. LOVETT. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated.

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. LOVETT. Mr. Speaker, I think I understood the gentleman from Dauphin to say that the last administration did not enact these laws during their administration but passed them on to the present administration. Does the gentleman from Dauphin feel that at that time the Democratic party, or the present administration, felt that the people of the state of Pennsylvania would be kidded by the propaganda that the Republican party put out in order to fool the people, and that the present administration now would be in office instead of the one that was there before?

Mr. WOODSIDE. Mr. Speaker, you can fool some of the people all the time, and all the people some of the time but you cannot fool all the people all the time. I think the Democrats were not fooling all the people all the time. I believe they wised up on November the 8th.

Mr. LOVETT. Mr. Speaker, I believe that the gentleman did not answer the question which I asked him.

The SPEAKER. The gentleman from Dauphin will answer the question.

Mr. LOVETT. Mr. Speaker, does the gentleman from Dauphin, Mr. Woodside feel that the Democratic administration at that time knew that the Republican party would now be in power in the state of Pennsylvania.

Mr. WOODSIDE. I think, Mr. Speaker, they began to see the handwriting on the wall about that time.

Mr. LOVETT. I thank the gentleman from Dauphin.

Mr. WOODSIDE. It has just been called to my attention that the bill to which the gentleman on the other side referred has been reported from Committee in the Senate. I might also refer him to Senate Bill No. 138, introduced by Senator Homsher, passed in the Senate, now in the House, which may also assist in the meeting of that problem.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I understood the gentleman to indicate that there would be a so-called deficit of fifty-two million dollars at the end of this biennium, is that correct?

Mr. WOODSIDE. Mr. Speaker, that is right, possibly fifty-two million dollars.

Mr. HERBERT B. COHEN. Mr. Speaker, will the gentle-

man from Dauphin explain the cause of that deficit, to what particular subjects will the deficit be allocated?

Mr. WOODSIDE. Mr. Speaker, the deficit was a result of the Earle administration having spent more money during the biennium than the tax program took in.

Mr. HERBERT B. COHEN. Mr. Speaker, will the gentleman from Dauphin indicate how much additional money has been appropriated for relief?

Mr. WOODSIDE. Mr. Speaker, there has been appropriated for relief by the present session of the Legislature a total of forty-three million dollars, and there was a bill introduced by me yesterday to appropriate two million dollars additional for the balance of the biennium.

Mr. HERBERT B. COHEN. Mr. Speaker, in order to save the time of the House, would the gentleman from Dauphin say that there has been two and a half million dollars deficiency appropriated including one million dollars appropriated for teachers' salaries, would that figure cover the deficiency that has been appropriated?

Mr. WOODSIDE. Mr. Speaker, what is that figure?

Mr. HERBERT B. COHEN. Mr. Speaker, two and a half million dollars.

Mr. WOODSIDE. No, Mr. Speaker, I think the sum is larger than that.

Mr. HERBERT B. COHEN. Mr. Speaker, will the gentleman indicate what that sum is?

Mr. WOODSIDE. Mr. Speaker, I shall go down the list; two thousand dollars for the Lieutenant Governor, seventy-five thousand dollars for the Department of Justice; forty-five million dollars for relief; sixty thousand dollars for the Department of Forests and Waters; one million five hundred thousand dollars for the Department of Public Instruction; one hundred forty thousand dollars for transportation for the Department of Public Instruction; one million dollars for distressed school districts, and then there was an item of two hundred seventy-five thousand dollars for the new buildings for the Department of Health, and two hundred seventy-five thousand dollars for the new buildings for the Department of Public Instruction; five hundred fifty thousand dollars for the new buildings and equipment for the Department of Welfare, which will eventually have to be met, but appropriations for which were not made in the last biennium, nevertheless they are obligations.

Mr. HERBERT B. COHEN. Mr. Speaker, will the gentleman from Dauphin indicate the total of those amounts.

Mr. WOODSIDE. Mr. Speaker, there would be one million forty-five thousand dollars for the Department of Welfare for the mental hospital in Philadelphia, and an item of three hundred eighty thousand dollars for legislative printing; seventy-nine thousand dollars for the salaries of judges in the municipal court of Philadelphia. Those items will total between forty-nine and fifty million dollars.

Mr. HERBERT B. COHEN. Mr. Speaker, will the gentleman explain where he gets the other two million dollars? Would the gentleman say that the estimated income for the second year of the biennium will not meet the anticipated collections to the extent of three and one-half million dollars?

Mr. WOODSIDE. Mr. Speaker, I did not get the gentleman's last question.

Mr. HERBERT B. COHEN. Mr. Speaker, would the gentleman from Dauphin say that the additional three and one-half million dollars to be added to that figure represents the deficiency of collections under the estimate.

Mr. WOODSIDE. That is true partially, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, so that added to the figures, instead of having fifty-two million dollars, there would be fifty-three and one-half million dollars. Does the gentleman have any other item that would enter into the deficit?

Mr. WOODSIDE. Mr. Speaker, not that occurs to me at the present time. The point that I made on this is the fact that there was a large deficit and that the Earle administration, going out of office knew that there would be a large deficit. Whether it would be fifty or fifty-one or fifty-two or forty-eight or fifty-three is not very important in consideration of the fact that they tacked about eleven and one-half million dollars expenses on the incoming administration.

Mr. HERBERT B. COHEN. Mr. Speaker, will the gentleman explain the total amount of appropriations that have been lapsed which will act as a credit to the fifty-three million dollars deficit? May I make this suggestion, does not the total amount of lapsed appropriations amount to fourteen million dollars?

Mr. WOODSIDE. Approximately that, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, would that fourteen million dollars be a reduction from the fifty-three million dollars?

Mr. WOODSIDE. Mr. Speaker, that was a saving which was made in this administration by economy.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, the gentleman is incorrect in his own figures and a little refreshing of his own memory and recollection will indicate a deficit of fifty-three million dollars less fourteen million dollars of lapsed appropriations, or what possibly could be a terminate deficit of thirty-nine million dollars, but I think the membership of this House will understand that that in reality is not a deficit. When the Democrats took over the government from the previous Republican administration there was at that time thirty-seven million dollars of floating debt. At that time too there were twenty-five million dollars of newly bonded indebtedness that had been reduced seven and one-half million dollars under the Earle administration. As a result and actual expenditure, in comparison with the moneys that were collected, represented an excess of income over expenditures in the sum of approximately seven million dollars during the Earle administration. The only position that the Commonwealth is in today is the position whereby the floating debt created by the previous Republican administration is still here to plague the people and the taxpayers of the Commonwealth. I am not saying that taxation is not a very difficult problem at this time. I realize the difficulty that attends the formation of a taxation program. I realize particularly that the necessity to raise taxes is sometimes overlooked in favor of expediency not to raise taxes, but irrespective of any situation that I might bring before your presence I cannot see how the Commonwealth of Pennsylvania can be derelict in its obligation to the insane, particularly when the financial situation is improved in comparison with the situation as it was in January 1935.

The gentleman has indicated that not to pass these bills will impose upon the Commonwealth the necessity of raising eleven and one-half million dollars. I do not know whether these figures are correct but I do know this, that it is decidedly easier for the Commonwealth of Pennsyl-

vania to raise the necessary eleven and one-half million dollars than it is for the various counties who have not included the maintenance of these hospitals in their budgets to finance the care of the insane from June, 1939 to June, 1941. We have at our disposal the wealth of the entire Commonwealth of Pennsylvania, and rather than transpose this obligation upon the counties that are not going to be able to bear that burden, I say that we in the Commonwealth should find ways and means whereby these additional moneys might be raised so that the local counties will not be in the position of not being able to take care of the thousands and thousands of indigent insane, who are going to be confronted with that very serious problem, if these bills are passed.

I say to the membership of the House that these bills should not pass, and that we should get our heads together and find the money to have the Commonwealth assume the obligation that justifiably belongs to it.

Mr. FLEMING. Mr. Speaker and members of the House, I do not want to prolong the debate but Allegheny County is very definitely concerned in this matter. In behalf of the other Republican members from Allegheny County, who are going to vote for these measures, I assure the members of the House that we have the well-being of the citizens of Allegheny County as much at heart as any Democratic members from Allegheny County have. I am thoroughly in accord with Mr. Brown's statement that this is a function of the state, but we are faced with the problem of raising the money to do it. We do not have the money, and I say to you that it is far more just to the people of Allegheny County that we do not place any more taxes on industry in Allegheny County because if we do we won't have any industry left in Allegheny County, and our citizens will have no place to work. For that reason, after careful consideration, the rest of the delegation of the Republican members from Allegheny County, along with myself, have decided to support these measures.

Mr. HARKINS. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Fleming.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. FLEMING. I shall, Mr. Speaker.

Mr. HARKINS. Mr. Speaker, I would like to ask the gentleman from Allegheny, Mr. Fleming, whether he understands that the County of Allegheny is unable to borrow money under the present law.

Mr. FLEMING. I do, Mr. Speaker.

Mr. HARKINS. Mr. Speaker, I would further ask the gentleman from Allegheny whether or not the tax millage has already been set by the County Commissioners of Allegheny County.

Mr. FLEMING. Mr. Speaker, with your indulgence, I will explain to the membership of the House that I do understand that, and further I do understand that the County Commissioners of Allegheny County knew full well that Governor James was going to postpone this date for two years, when they were setting the tax millage, they set it in a hurry only to try to embarrass the Republican administration.

Mr. HAWKINS. Mr. Speaker, I would inquire of the gentleman from Allegheny whether or not this action was taken a few weeks ago by the County Commissioners of Allegheny County.

Mr. FLEMING. Mr. Speaker, does the gentleman from Allegheny mean the setting of the tax millage?

Mr. HARKINS. That is correct, Mr. Speaker.

Mr. FLEMING. That is right, Mr. Speaker.

Mr. HARKINS. Mr. Speaker and members of the House, I would like the members of the House to consider, and I would particularly like the Republican members from Allegheny County to consider the fact that the County Commissioners of Allegheny County could not forsee, nor fortell what the policy of this administration would be. These bills placing the burden for the care of the mentally ill upon the Commonwealth were passed in 1938, and I was one of the members who voted against the passage of these bills. However, it seems to me now that the County Commissioners of Allegheny County will be without legal authority to raise money to care for these mentally ill either by taxation or by borrowing. The only thing that can happen, Mr. Speaker and members of the House, will be that these mentally ill will not be properly taken care of and the reason for that is that the burden and the blame will not be upon the County Commissioners of Allegheny County who set the millage because it is through no fault of theirs that another governmental agency superior to them, has decided to give back to them the burden assumed by that superior governmental agency. There is no doubt that the passage of these bills will increase the burden on the local home owners and the tax payers in Allegheny County but, Mr. Speaker and members of the House, that burden could be absorbed if there were a legal way of doing it at the present time. The danger in these bills is that the people who deserve aid and help and who are unable to properly care for themselves simply have to exist on no funds at all, there will be nothing to provide any food, clothing or medical care for these mentally ill. I say to you, Mr. Speaker, it is not fair to them to pass such bills as these at this time, because we know full well that when we are doing this we are shirking our responsibilities to the people who are unable to care for themselves

Therefore, I rise to oppose the passage of these bills.

Mr. McVAY. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Harkins.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. HARKINS. I shall, Mr. Speaker.

Mr. McVAY. Mr. Speaker, may I inquire of the gentleman from Allegheny if the County Commissioners of Allegheny County did not have knowledge of the Governor's budget before setting their tax millage?

Mr. HARKINS. Mr. Speaker, I have no knowledge whether the County Commissioners of Allegheny County had knowledge of the Governor's budget or not, but, Mr. Speaker and members of the House, is it not the duty of the Governor of the State to properly care for these people, is it not the duty of the Legislature to provide ample funds to take care of the responsibility of the Legislature?

Mr. McVAY. Mr. Speaker, may I inquire of the gentleman from Allegheny as to whether or not the Governor's budget included any provision for taking over respective institutions.

Mr. HARKINS. Mr. Speaker, I do not think it did, because I definitely recall that the Governor in his message proposed a postponement of the taking over of these obligations. But, Mr. Speaker and members of the House,

these obligations were imposed upon the Commonwealth by acts previosly enacted, of which the Governor and the Republican administration had knowledge.

I say, Mr. Speaker and members of the House, that it is unfair at this time, when there is no source or avenue of remedy open to the County Commissioners of Allegheny County to impose on them the responsibility of a situation which is not of their creation.

Mr. McVAY. Mr. Speaker, I would like to inquire of the gentleman, and I would respectfully request that the gentleman from Allegheny endeavor to make his answers more specific, if it is not a fact that the Governor's budget did not provide for the taking over of the respective institutions.

Mr. HARKINS. Mr. Speaker, I think I have previously answered that question by stating that I have no definite knowledge of the budget, but I suppose that the budget was consistent with the Governor's messages, and that it did not so provide. I say, Mr. Speaker, that it was the law that this obligation should be taken care of by the Commonwealth and that that should have been provided for in the Governor's budget, if it was not.

Mr. McVAY. Mr. Speaker, I would like to inquire of the gentleman from Allegheny if the County Commissioners did not fix their tax millage with knowledge that the Governor's budget did not so provide for the taking over of the respective institutions.

Mr. HARKINS. Mr. Speaker, I previously stated that I do not know what knowledge the County Commissioners had of the Governor's budget, but even if they didn't know that the Governor's budget did not provide for these funds, that matters not as I see the problem.

Mr. McVAY. Mr. Speaker, may I further inquire of the gentleman whether or not he knows the reduction in millage that the County Commissioners of Allegheny County fixed.

Mr. HARKINS. Mr. Speaker, I did not hear the question of the gentleman.

Mr. McVAY. Mr. Speaker, I would like to inquire of the gentleman whether he knows what the reduction in millage is as presently effected by the County Commissioners of Allegheny County.

Mr. HARKINS. I am not aware of that fact at the present time. I know there was a reduction in millage, but I am not certain as to the exact amount.

Mr. McVAY. Mr. Speaker and members of the House I thank the gentleman from Allegheny.

For the benefit of the gentleman from Allegheny, and for the benefit of the Democratic members from Allegheny County, and for the benefit of the membership of this House, the County Commissioners of Allegheny County with full knowledge that the Governor's budget made no provision for the taking over of the respective institutions, just very recently fixed the millage with a reduction of one fifth of one mill. That will be the political propaganda that will be used in Allegheny County in the fall compaign, but they will forget to remind the tax payers of Allegheny County that the increase in valuations by far exceed the reduction in taxes which the individual tax payers are going to have to pay by reason of this one-fifth of one mill reduction.

The gentleman from Dauphin very properly pointed out that House Bills 720, 721 and 718 were passed by the 1938 session of the Legislature. I venture to make this statement that this was the first time in the history of Pennsylvania that any call for a special session was sufficiently broad to provide for the taking over of mental institutions. I would like to inquire as to what might have developed between the adjournment of the 1937 regular session and the 1938 session that required the immediate taking over by the state of the various institutions. I further would like to call the attention of the members to the fact that when House Bill 721 was approved on the eleventh day of October, 1938, that House Bill No. 720 was likewise approved on the eleventh day of October, 1938, and that House Bill 718 was approved the twenty-ninth day of September, 1938, for the care of the indigent, insane and feeble minded and paralytics that great humanitarian administration of 1938 had in mind the payrolls of the various institutions throughout the state.

The gentleman from Blair, Mr. Jones, stated that as far as his own county was concerned that they were unalterably opposed to the state's taking over their institutions at any time. As far as I am personally concerned, although I am voting for the bills now before us, I would vote more graciously for the bills, more pleasantly for the bills, if they forever postponed the taking over of the respective institutions in Allegheny county. For the further benefit of the members of the House, neither Woodville or Mayview are institutions primarily for the care of the indigent insane, feeble minded or paralytic persons. The institutions are so filled, the personnel of the institutions is such, the growing numbers are so intermingled that it is practically impossible to separate the various classes of inmates. I feel that there should be no doubt as to the present postponement of the taking over of the institutions, and if I ever have the privilege of again voting on it, I hope it will be of a permanent nature.

Mr. HOMER S. BROWN. Mr. Speaker and members of the House, I rise for one moment to correct a wrong impression. Mr. McVay as a lawyer, and a good lawyer at that, and a good friend of mine, knows very well that under the law of the state of Pennsylvania, when Council fixed its budget in January this year, under the law they could not fix their budget regardless of what may have been in the Governor's message or what might be stated in the Governor's message. Council could not fix a budget for an expenditure which they could not make under the law as it stood then, they could not make this expenditure beyond May 31, 1939. Therefore, legally they could not make that budget even in contemplation of the expenditure which legally they did not have the right to make. I simply say that to show the condition we are in, because under the law they could not make a budget for the expenditure which they did not have the right to make.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Tronzo, Harkins and Walsh requested a verification of the roll.

The roll was verified and was as follows:

YEAS—115

Ackermann,	Ely,	Krise,	Serrill,
Alspach,	Ewing,	Lee,	Shearer,
Atkins,	Fisher,	Leisey,	Simons,
Auker,	Fiss,	Leydic,	Sloan,
Bennett,	Fleming,	Lichtenwalter,	Snyder,
Boorse,	Foor,	Lyons,	Sollenberger,

Boose,	Freed,	Madden,	Stambaugh,
Bower,	Fullerton,	Marr,	Stewart,
Boyd,	Gillan,	Matthews,	Stockham,
Bretherick,	Gillette,	McClester,	Sweeney,
Bronson,	Gorski,	McKinney,	Tahl,
Brown, S. W.,	Habbyshaw,	McNally,	Taylor,
Brunner,	Haines,	McVay,	Thistle,
Cadwalader,	Hall,	Montgomery,	Thompson, G R
Calvin,	Hamilton,	Moser, F. S.,	Tiemann,
Carpenter,	Harbeson,	Moser, J. L.,	VanAllsburg,
Christler,	Haudenshield,	O'Dare,	Wagner,
Clearwater,	Henry,	Peacock,	Watkins,
Cook,	Hewitt,	Peale,	Webster,
Cooper,	Hocke,	Reagan,	Wilkinson,
Cordier,	Hoffman, J. N.,	Reese, D. P.,	Wilson,
Cortese,	Hoyt,	Rhodes,	Winner,
Curran,	Huntley,	Riley,	Wood, H. M.,
Dalrymple,	James,	Robertson,	Wood, L. H.,
Denman,	Johnston,	Rose,	Wood, N.,
Dick,	Jones,	Roseberry,	Woodside,
Dix,	Kane,	Royer,	Yeakel,
Donahue,	Kline,	Schrock,	Turner,
Downey,	Knoble,	Seif,	Speaker.

NAYS—60

Achterman,	Fauset,	Mihm,	Rider,
Allen,	Finnerty,	Mooney,	Rooney,
Allmond,	Flanagan,	Moran,	Rothenberger,
Andrews,	Harkins,	Munley,	Sarraf,
Boles,	Hess,	O'Brien,	Scanlon,
Boney,	Hindman,	O'Connor,	Skale,
Brancato,	Holland,	O'Keefe,	Stank,
Broad,	Keenan,	Ominsky,	Tarr,
Brown, H. S.,	Kenehan,	O'Neill,	Thompson, E. F.,
Burns,	Kilroy,	Powers,	Walsh,
Check,	Levy,	Preston,	Weiss,
Chervenak,	Long,	Readinger,	Welsh, E. B.,
Cohen, H. B.,	Lovett,	Reese, R. E.	Welsh, M. J.,
Corrigan,	Malloy,	Regan,	Westrick,
Falkenstein,	Melchiorre,	Reynolds,	Williams,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

(During the vertification of the roll.)

POINT OF ORDER

Mr. ANDREWS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Cambria will state his point of order.

Mr. ANDREWS. Mr. Speaker, for the sake of getting a ruling I make the following point of order, that in checking on the roll the gentleman cannot go on a fishing expedition, and he has challenged certain definite names.

The SPEAKER. The Chair believes that the gentleman from Cambria, Mr. Andrews is correct, but that having used the same method himself, the Chair hesitates somewhat to make a ruling.

Mr. ANDREWS. I thank the Chair, Mr. Speaker.

The SPEAKER. The gentleman from Cambria is correct.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 720, entitled:

An Act to amend section three of the act, approved the eleventh day of October, one thousand nine hundred thirty-eight (Pamphlet Laws, sixty-three), entitled "An act to amend the act, approved the eleventh day of July, one thousand nine hundred twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled 'An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties,' as amended, by further defining and limiting the institutions in which persons mentally ill may receive care and treatment; relieving counties and poor districts of the payment of the cost of the admission, care, and discharge of mental patients, with certain exceptions; imposing such costs on the Commonwealth; and repealing inconsistent laws," by deferring the operation of the act for a further period of time, and permitting the care of mental patients in certain county, city, or institution district institutions during such time.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—115

Alspach,	Ely,	Krise,	Serrill,
Atkins,	Ewing,	Lee,	Shearer,
Auker,	Fisher,	Leisey,	Simons,
Balliet,	Fiss,	Leydic,	Sloan,
Bennett,	Fleming	Lichtenwalter,	Snyder,
Boorse,	Foor,	Lyons,	Sollenberger,
Boose,	Freed,	Madden,	Stambaugh,
Bower,	Fullerton,	Marr,	Stewart,
Boyd,	Gillan,	Matthews,	Stockham,
Bretherick,	Gillette,	McClester,	Sweeney,
Bronson,	Gorski,	McKinney,	Tahl,
Brown, S. W.,	Habbyshaw,	McNally,	Taylor,
Brunner,	Haines,	McVay,	Thistle,
Cadwalader,	Hall,	Montgomery,	Thompson, G. R.,
Calvin,	Hamilton,	Moser, F. S.,	Tiemann,
Carpenter,	Harbeson,	Moser, J. L.,	VanAllsburg,
Christler,	Haudenshield,	O'Dare,	Wagner,
Clearwater,	Henry,	Peacock,	Watkins,
Cook,	Hewitt,	Peale,	Webster,
Cooper,	Hocke,	Reagan,	Wilkinson,
Cordier,	Hoffman, J. N.,	Reese, D P.,	Wilson,
Cortese,	Hoyt,	Rhodes,	Winner,
Curran,	Huntley,	Riley,	Wood, H. M.,
Dalrymple,	James,	Robertson,	Wood, L. H.,
Denman,	Johnston,	Rose,	Wood, N.,
Dick,	Jones,	Roseberry,	Woodside,
Dix,	Kane,	Royer,	Yeakel,
Donahue,	Kline,	Schrock,	Turner,
Downey,	Knoble,	Seif,	Speaker.

NAYS—60

Achterman,	Fauset,	Mihm,	Rider,
Allen,	Finnerty,	Mooney,	Rooney,
Allmond,	Flanagan,	Moran,	Rothenberger,
Andrews,	Harkins,	Munley,	Sarraf,
Boles,	Hess,	O'Brien,	Scanlon,
Boney,	Hindman,	O'Connor,	Skale,
Brancato,	Holland,	O'Keefe,	Stank,
Broad,	Keenan,	Ominsky,	Tarr,
Brown, H. S.,	Kenehan,	O'Neill,	Thompson, E. F.,
Burns,	Kilroy,	Powers,	Tronzo,
Check,	Levy,	Preston,	Walsh,
Chervenak,	Long,	Readinger,	Weiss,
Cohen, H. B.,	Lovett,	Reese, R. E.,	Welsh, E. B.,
Corrigan,	Malloy,	Regan,	Welsh, M. J.,
Falkenstein,	Melchiorre,	Reynolds,	Westrick,
			Williams.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 718, entitled:

An Act to amend the act, approved the twenty-ninth day of September, one thousand nine hundred thirty-eight (Pamphlet Laws, fifty-three), entitled "An act relating to institutions of counties, cities and institution districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation or closing and abandonment thereof, and the maintenance of mental patients therein, including the collection of maintenance in certain cases; providing for the retransfer of certain property to institution districts under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws," by extending the time within which the Commonwealth shall take over all such institutions, and extending the time for the repeal of certain acts listed in section nine of said act.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—116

Alspach,	Ely,	Krise,	Serrill,
Atkins,	Ewing,	Lee,	Shearer,
Auker,	Fisher,	Leisey,	Simons,
Balliet,	Fiss,	Leydic,	Sloan,
Bennett,	Fleming,	Lichtenwalter,	Snyder,
Boorse,	Foor,	Lyons,	Sollenberger,
Boose,	Freed,	Madden,	Stambaugh,
Bower,	Fullerton,	Marr,	Stewart,
Boyd,	Gillan,	Matthews,	Stockham,
Bretherick,	Gillette,	McClester,	Sweeney,
Bronson,	Gorski,	McKinney,	Tahl,
Brown, S. W.,	Habbyshaw,	McNally,	Taylor,
Brunner,	Haines,	McVay,	Thistle,
Cadwalader,	Hall,	Montgomery,	Thompson, G.R.,
Calvin,	Hamilton,	Moser, F. S.,	Tiemann,
Carpenter,	Harbeson,	Moser, J. L.,	VanAllsburg,
Christler,	Haudenshield,	O'Dare,	Wagner,
Clearwater,	Henry,	Peacock,	Watkins,
Cook,	Hewitt,	Peale,	Webster,
Cooper,	Hocke,	Reagan,	Wilkinson,
Cordier,	Hoffman, J. N.,	Reese, D. P.,	Wilson,
Cortese,	Hoyt,	Rhodes,	Winner,
Curran,	Huntley,	Riley	Wood, H. M.,
Dalrymple,	James,	Robertson,	Wood, L. H.,
Denman,	Johnston,	Rose,	Wood, N.,
Dick,	Jones,	Roseberry,	Woodside,
Dix,	Kane,	Royer,	Yeakel,
Donahue,	Kline,	Schrock,	Turner,
Downey,	Knoble,	Seif,	Speaker.

NAYS—60

Achterman,	Fauset,	Mihm,	Rider,
Allen,	Finnerty,	Mooney,	Rooney,
Allmond,	Flanagan,	Moran,	Rothenberger,
Andrews,	Harkins,	Munley,	Sarraf,
Boles,	Hess,	O'Brien,	Scanlon,
Boney,	Hindman,	O'Connor,	Skale,
Brancato,	Holland,	O'Keefe,	Stank,
Broad,	Keenan,	Ominsky,	Tarr,
Brown, H. S.,	Kenehan,	O'Neill,	Thompson, E. F
Burns,	Kilroy,	Powers,	Tronzo,
Check,	Levy,	Preston,	Walsh,
Chervenak,	Long,	Readinger,	Weiss,
Cohen, H. B.,	Lovett,	Reese, R. E.,	Welsh, E. B.,
Corrigan,	Malloy,	Regan,	Welsh, M. J.,
Falkenstein,	Melchiorre,	Reynolds,	Westrick,
			Williams,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 845, entitled:

An Act to create a commission to act jointly with commissions appointed for like purpose by the States of West Virginia and Maryland, the Commonwealth of Virginia and the District of Columbia, which, together with three members to be appointed by the President of the United States, shall constitute the Interstate Commission on the Potomac River Basin, with power to cooperate in the abatement of the existing pollution and in the control of future pollution of the waters of the drainage basin of the Potomac River within the States of Maryland and West Virginia the Commonwealth of Virginia and the District of Columbia; to authorize the Governor of the State to execute on behalf of this State a compact with representatives of other states for the purpose of forming the above mentioned commission and creating a Potomac Valley Conservancy District; providing for the appointment of the Pennsylvania members of said commission and their terms of office; and providing an appropriation.

On the question,

Will the House agree to the bill on third reading?

Mr. STOCKHAM. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 3, page 8, lines 27 and 28, by striking out the words: "commission created by this act for the purposes herein mentioned" and inserting in lieu thereof: Interstate Commission on the Potomac River Basin as the contribution of the Commonwealth as its pro rata share of the expenses of said commission. The chairman of said commission shall file an accounting of said expenses with the Auditor General.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 519, as follows:

An Act to amend paragraph six of section two of the Act of June seventh one thousand nine hundred one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended and extended to cities of the third class boroughs incorporated towns and townships of the first class by eliminating the prohibition against connections to waterpipes by persons other than plumbers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That paragraph six of section two of the act of June seventh one thousand nine hundred and one

(Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspols in cities of the second class and imposing fines penalties and forfeitures for violations thereof" as last amended by the act of March thirty-first one thousand nine hundred thirty-seven (P. L. 168) is hereby further amended to read as follows

No person other than a registered master plumber as herein provided shall be allowed to carry on or engage in the business nor shall any person or persons expose the sign of plumbing house or building drainage or any advertisement or display pertaining thereto (wholesale show rooms excepted) unless he or they have first secured a license or certificate and been registered in the office of the board or bureau of health of such cities or in the case of a borough incorporated town or township of the first class then register with a board or bureau of health of such municipality if any functioning and if none such then with the Department of Health of the Commonwealth nor shall any person or persons other than a registered master plumber or a registered journeyman plumber in his or their employ (registered apprentices excepted) be allowed to alter repair or make connection with any [water] drain soil waste or vent-pipe or any pipe connected therewith or to repair or alter the location of any waterpipe

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—147

Ackermann,	Fleming,	Marr,	Simons,
Allen,	Foor,	Matthews,	Skale,
Alspach,	Freed,	McGarrity,	Sloan,
Atkins,	Fullerton,	McKinney,	Snyder,
Auker,	Furman,	McLane,	Sollenberger,
Balliet,	Gates,	McNally,	Stambaugh,
Bardes,	Gillan,	Melchiorre,	Stewart,
Bohn,	Gillette,	Montgomery,	Stockham,
Boorse,	Goll,	Moser, F. S.,	Sweeney,
Boose,	Gorski,	Moser, J. L.	Tahl,
Bower,	Habbyshaw,	Muir,	Taylor,
Boyd,	Haines,	O'Brien,	Terry,
Brancato,	Hall,	O'Connor,	Thistle,
Bretherick	Hamilton,	O'Dare,	Thompson, E. F.,
Bronson,	Harbeson,	Ominsky,	Thompson, G.R.,
Brown, S. W.,	Henry,	O'Neill,	Tiemann,
Brunner,	Hewitt,	Peacock,	Trout,
Cadwalader,	Hocke,	Peale,	VanAllsburg,
Calvin,	Hoffman, J. N.,	Reagan,	Van Belle,
Chervenak,	Hoyt,	Reese, D. P.,	Voorhees,
Christler,	Huntley,	Regan,	Wagner,
Clearwater,	Imbrie,	Reynolds,	Walsh,
Corrigan,	James,	Rhodes	Watkins,
Cortese,	Johnston,	Rider,	Webster,
Curran,	Jones,	Riley,	Welsh, E. B.,
Dalrymple,	Kane,	Robertson,	Westrick,
DeNote,	Kilroy,	Rooney,	Wilkinson,
Dix	Kline,	Rose,	Williams,
Donahue,	Knoble,	Roseberry,	Wilson,
Downey,	Kowalski,	Royer,	Winner,
Eckels,	Krise,	Sarge,	Wood, H. M.,
Ely,	Lee	Scanlon,	Wood, L. H.,
Fauset,	Leisey,	Schrock,	Wood, N.,
Finnerty,	Levy,	Schrope,	Woodside,
Fisher,	Leydic,	Seif,	Yeakel,
Fiss,	Lichtenwalter,	Serrill,	Turner,
Flanagan,	Long,	Shearer,	Speaker.

NAYS—28

Baker,	Denman,	Keenan,	Preston,
Bennett,	Dick,	Kenehan,	Readinger,
Boney,	Ewing,	Lovett,	Reese, R. E.
Broad,	Harkins,	Madden,	Rothenberger,
Carpenter,	Haudenshield,	McClester,	Sarrat,
Check,	Hess,	McVay,	Stank,
Cooper,	Hindman,	Moran,	Tarr,
Cordier,	Holland,	Powers,	Weiss,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1324, Printer's No. 355 was passed over at the request of Mr. KRISE.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 475, as follows:

An Act defining and regulating the practice of photography providing for the licensing of individuals copartnerships association and corporations operating photographic studios and of individuals engaging in the practice of photography creating a Board of Photographic Examiners in the Department of Public Instruction defining its powers and duties and providing penalties

The General Assembly of The Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Purpose This act is enacted under the police power of the Commonwealth to protect the public from fraud practiced by persons who without maintaining any fixed establishment in this Commonwealth through misrepresentations false pretenses and other artifices take orders and obtain money [property] without returning commensurate value therefor

Section 2 Definitions The following words and phrases as used in this act shall be construed to mean

(a) "Photography" means the process of recording or reproducing images upon chemically sensitized material by the action of light and with the use of a camera and lens and by development and fixation of such images upon sensitized materials to render the same visible or permanent and subsequently to reproduce or transfer such image either negative or positive upon sensitized material by the aid of light and chemcial action

(b) The "Practice of Photography" means engaging for profit in the profession occupation or business of photography in any or all of its branches

The "Practice of Photography" shall not be construed to include

(1) Photo-finishing motion picture photography air photography and air mapping the intaglio printing processes blue printing brown printing photo-engraving photostat and equivalent processes

(2) Photography by individuals copartnerships associations or corporations engaged therein solely for their own use and their employe's use if photographic reproductions are not sold or otherwise disposed of in this state

(3) Photography by individuals regularly in the employ of newspapers periodicals and news and picture syndicates or the sale of reproductions thereof or the sale or furnishing by any person to and the purchase acceptance and publishing by newspapers periodicals and other publications of any photographs and pictures by whomever taken or produced

(4) Photography by individuals regularly employed by agency of the Federal or State government or any political subdivision thereof if photographic reproductions are not sold or otherwise disposed of except in publications issued by such agencies or in newspapers or periodicals

(5) Photography by authors to be used as illustrations in their manuscripts and literature

(6) Photography used solel for educational and scientific purposes

(7) Photography by bonafide amateurs for their own use and for gift to their friends including occasional sales

of photographs and pictures if not in a course of business

(8) Photography by physicians and dentists used solely for clinical or educational purpose or as illustrations in manuscripts for publication

(c) "Studios" means an established place of business or a traveling unit in which the business of photography is carried on and the practice of photography engaged in

(d) "Owner" means the individual copartnership association or corporation owning and operating a studio

(e) "Photographer" means an individual qualified to engage in the practice of photography in all its branches

(f) "Operator" means an individual who makes the sittings and the negatives in connection with photography

(g) "Retoucher" means an individual who removes the blemishes from and builds up the negative and improves images appearing thereon and makes the negative ready for the printer

(h) "Printer" means an individual who makes the prints from the finished negative

(i) "Portrait Photography" means the production of portraits by means of photography

(j) "Commercial photography" means any photography other than portrait photography

(k) "Board" means the State Board of Photographic Examiners created by this act

Section 3 State Board of Photographic Examiners A State Board of Photographic Examiners is hereby created as a departmental administrative board in the Department of Public Instruction The board shall have all the powers conferred and perform all the duties imposed upon departmental administrative boards and commissions by the administrative code of 1929 and its amendments

The board shall consist of the Superintendent of Public Instruction and [five] five members who shall be appointed by the Governor by and with the advice and consent of [two-thirds] the Senate for terms of four years each and until their successors have been appointed and have qualified

Any vacancy happening in the membership of the board shall be filled for a full term of four years

The appointed members of the board shall at all times be persons who have actively engaged in the practice of photography in this Commonwealth for at least ten consecutive years

Three members of the board shall constitute a quorum and the board shall select from its members a chairman and elect a secretary who need not be a member of the board

The members of the board other than the Superintendent of Public Instruction shall receive fifteen dollars per diem when actually engaged in the transaction of official business and the secretary shall receive such reasonable compensation as shall be determined by the board with the approval of the Superintendent of Public Instruction

Section 4 Rules and Regulations The board shall have power to adopt and promulgate rules and regulations for the government of the board and for the purpose of enforcing and carrying into effect the provisions of this act but such rules and regulations shall not be inconsistent with this act

Section 5 Engaging in Practice of Photography The practice of photography shall be engaged in in this Commonwealth only in or in connection with a studio licensed in accordance with this act

Section 6 Who May Engage in Practice of Photography No copartnership association or corporation shall engage in the practice of photography unless it is the owner of a studio licensed in accordance with the provisions of this act

No individual shall engage in the practice of photography unless he is the owner of a studio or is licensed as a photographer operator retoucher or printer in accordance with the provisions of this act and is employed in or in connection with a licensed studio

Section 7 Restrictions on Licensing of Studios No studio shall be licensed under the provisions of this act unless the owner thereof is licensed as a photographer or employs in the studio a person licensed as a photographer in accordance with the provisions of this act

Section 8 Studio Owners' Licenses The board shall upon application made in writing upon forms prepared and furnished by the board accompanied by a fee of five dollars ($5.00) and such proof of qualifications of the applicant as the board may require issue to the applicant a studio owners' license certificate to any individual copartnership association or corporation engaged in or desiring to engage in the practice of photography in this Commonwealth A separate license shall be required for each separate established place of business and for each separate traveling unit

All existing studios shall be required to be licensed within ninety days after this act becomes effective and all such studios and those hereafter established shall be required to be licensed annually thereafter on or before October first of each year The fee for each such annual license certificate shall be five dollars ($5.00) payable to the board

Section 9 Photographers' Operators' Retouchers' and Printers' Licenses The board shall upon application made in writing upon forms prepared and furnished by the board and accompanied by a fee of three dollars ($3.00) and proof of such qualifications of the applicant as the board may require issue without examination to such applicant who has been continuously engaged in the practice of photography in this Commonwealth for a period of at least one year prior to the effective date of this act a photographers' operators' retouchers' printers' license certificate and an identification card without the examination required by this act

Where a photographer is also a studio owner a studio license certificate and a photographers license certificate and identification card shall be issued for one fee of five dollars ($5.00)

All photographers operators retouchers and printers shall be required to be licensed within [ninety days] ninety days after this act takes effect and all such photographers operators retouchers and printers and those thereafter qualified by examination in accordance with this act shall be required to be licensed annually thereafter on or before October first of each year The fee for each such annual license certificate and identification card shall be three dollars ($3.00) payable to the board

Section 10 Penalty for Failure to Renew License in Time The failure of a licensee to renew his or its license certificate on or before October first of any year shall not estop the renewal of such license certificate thereafter if a penalty of five dollars ($5.00) shall be paid in addition to the license fee fixed by this act

Section 11 Licenses and Indentification Cards Not Transferable License certificates and identification cards issued in accordance with this act shall not be transferable and the sale or transfer shall be deemed prohibited and a violation of this act But a studio license certificate issued for an established place of business shall be valid if such place of business is removed to another location and is conducted by the same owner or operator and if the board shall be notified of such removal within ten days after such removal is effected

Section 12 Display of Licenses Studio license certificates shall be conspicuously displayed at all times at the place of business or in the traveling unit for which issued Holders of photographer's operator's retoucher's and printer's license certificates shall be conspicuously dispayed at all times at their place of employment and identification cards shall be carried on the person at all times when engaged in the practice of photography Identification cards shall be displayed by the owner thereof upon request

Section 13 Examinations The board shall provide for the examination of applicants who desire to engage in the practice of photography either as photographers operators retouchers or printers Any individual who desires to secure a license as a photographer operator retoucher or printer shall make application to the board on a form prescribed and furnished by the board Such application shall be accompanied by a fee of [twenty-five ($25.00)] twenty-five ($25.00) dollars The board shall acknowledge the receipt of the application and shall notify the applicant of the time and place of examination at least ten days prior thereto If the applicant fails to pass the examination no part

of the fee shall be refunded but the applicant may appear for the next scheduled examination of which he shall be notified at least ten days prior thereto if he shall pay an additional fee of [ten dollars ($10.00)] $5.00 if the applicant again fails to pass the examination he may again come before the board for further examination upon the payment of a fee of [twenty-five ($25.00)] twenty-five ($25.00)

The board shall provide for the holding of an examination within sixty days after this act becomes effective in order that those now engaged in the practice of photography for less than one year and not entitled to licensure under section eight of this act may become qualified by examination as provided in this act

The board shall hold examinations at least twice each year

Section 14 Character of Examinations Examinations shall cover the kinds of photography (a) portrait photography (b) commercial photography The examinations shall be both oral and written and in each case the questions shall concern the general practice of photography or the particular branch in which the applicant seeks licensure

Oral examinations shall at all times be conducted in the presence of at least three members of the board one of whom shall be eligible to engage in the branch of photography for which the applicant is seeking licensure Oral examinations shall include actual practical demonstration by the applicant and testimony as to the education previous experience business record and general qualifications of the applicant

The board shall provide and the secretary shall maintain confidential until the time of examination two forms of written questions suitable for each class of applicants one on the subject of portrait photography and the other on the subject of commercial photography All applicants for licensure shall take written examinations simultaneously

Any applicant may be privileged to take a limited examination as it relates to either portrait or commercial photography or may take a general examination as to both subjects Where a limited examination is taken the license certificate if any granted shall designate the subject in which the applicant is licensed and in either event every license shall indicate the branch of photography in which the applicant seeks licensure i e as a photographer operator retoucher or printer

When an applicant for licensure successfully passes an examination a license certificate and identification card shall be issued to him for the remainder of the license year without the payment of the annual license fee of three dollars ($3.00) for that year

Section 15 The board shall keep a register showing the date and number of license issued for each studio and to each photographer operator retoucher and printer and the address of each such studio and licensed person together with the place of employment of licensed individuals

Section 16 Assumed or Fictitious Names No person copartnership association or corporation shall practice photography under an assumed or fictitious name unless such name together with the names of each person working under such name or who shall be in any way associated therewith shall be conspicuously printed on a card not less than twelve by fourteen inches in plain type in the English language and such card is framed under glass and prominently and continually displayed in the studio conducted under such assumed or fictitious name

Section 17 Disposition of Moneys Received All moneys received by the board under the provisions of this act shall be paid into the General Fund in the State Treasury through the Department of Revenue

Section 18 Revocation of Licenses Appeals The board shall have the power to revoke any license issued by it to any licensee who or which has been guilty of (a) fraud or misrepresentation in connection with the practice of photography or (b) any crime involving moral turpitude or (c) advertising broadcasting or distributing untrue false deceptive or misleading statements representations illustrations or coupons or (d) resorting to the use of any lottery or drawing to sell its products or (e) violating any of the provisions of this act or (f) furnishing free work except for bona fide charitable or religious organizations or employing for compensation any person to solicit business unless such person is employed by a studio or photographer licensed under this act The board shall not revoke any license without due notice in writing to the licensee by registered mail addressed to his or its last known post office address and setting forth the charges in detail At the time and place specified in such notice which time shall be at least ten days (10) after the service of the notice the licensee shall be given a public hearing at which he or it may be represented by counsel and shall have full opportunity to enter a defense and present testimony The board at such hearings shall be governed by legal rules of evidence and a complete record of the testimony shall be taken and filed Any individual copartnership association or corporation whose license is revoked as the result of such hearing or to whom a license shall be refused at the time of making original application may appeal to the Court of Common Pleas of Dauphin County which after argument and reviewing the record and testimony taken before the board shall make such order affirming the action of the board or reversing the same as to it appears just and proper

Section 19 Penalties Any individual copartnership association or corporation who or which shall engage or attempt to engage in the practice of photography or operate a studio or act in the capacity of a photographer operator retoucher or printer in this Commonwealth without first having complied with the provisions of this act or shall engage in the practice of a branch of photography in which he is not licensed or who shall violate any provisions of this act or who shall obtain or attempt to obtain a license certificate or identification card for money other than the required fee or any other thing of value or by fraudulent misrepresentations is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine for each such offense of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00) or any individual so convicted may be sentenced to imprisonment for not less than thirty days (30) nor more than one year (1) or by both fine and imprisonment Each day such violation continues shall be considered a separate offense

Section 20 Reciprocity The board shall have power to accept and endorse as valid in this Commonwealth licenses to practice photography issued by other states upon the payment of the fee prescribed for examination by this act if the standards of such other state are in the opinion of the board equal to the standards of this Commonwealth and if such other state shall recognize and endorse as valid license certificates issued by this Commonwealth

Section 21 Exemption From Act Nothing contained in this act shall be construed to prohibit a portrait or commercial photographer or studio whose principal place of business is located in another state from coming into this state and engaging in the practice of photography on the express order or request of a client or customer provided said employment is not solicited and said practice of photography is not done in the course of repeated and successive transactions of a similar nature or for the purpose of avoiding the provisions of this act

Section 22 Effective Date This act shall take effect on the first day of July one thousand nine hundred and thirty-nine

Mr. KANE. Mr. Speaker, I ask that this bill go over in its order.

Mr. HERBERT B. COHEN. Mr. Speaker, I have had my daily demeanor destroyed by seeing this bill on the calendar and I object to having the bill held any longer. I ask that the bill be called up so that we can dispose of it either one way or the other.

The SPEAKER. The Chair hears objection.

Mr. KANE. Mr. Speaker, I have had my daily demeanor somewhat destroyed also by finding that Mr. Cohen was a sponsor of a similar bill.

POINT OF ORDER

Mr. ANDREWS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Cambria will state his point of order.

Mr. ANDREWS. Mr. Speaker, the Chair cannot recognize the gentleman from York except in his place, and therefore the objection of the gentleman from York was not properly before the House.

The SPEAKER. The Chair desires to advise the gentleman from Cambria, Mr. Andrews, that he can recognize the gentleman from York any place.

Mr. ANDREWS. Mr. Speaker, I refer the Chair to the rule which says that the member must speak from his place.

The SPEAKER. The gentleman from Cambria, Mr. Andrews, is parliamentarily correct, but the rule has not been strictly enforced in the House during the time the Chair has been here.

Mr. KANE. Mr. Speaker and members of the House, in view of the fact that a parliamentary inquiry has been raised that the gentleman from York, Mr. Cohen, was not in place when he objected, also in view of the fact that the Chair has recognized the gentleman from York, Mr. Cohen, entirely too much for the last twenty-four hours, I ask that the question raised by the gentleman from Cambria, Mr. Andrews be ruled on. I do not believe that Mr. Cohen has any right to be recognized when out of his place and particularly in the place he is.

The SPEAKER. Does the gentleman desire to make a motion?

Mr. KANE. No, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman from McKean for his patience.

Mr. KANE. Mr. Speaker, I ask that this bill be passed over in order.

The SPEAKER. The gentleman from McKean asks that the bill go over in order. Is there objection?

Mr. HERBERT B. COHEN. Mr. Speaker, having at one time been deluded into introducing a bill of a similar nature and equally obnoxious, I object.

The SPEAKER. The Chair hears objection, and the bill cannot be passed over.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. KANE. Mr. Speaker and members of the House, on account of the lateness of the hour, eight minutes after three, I will save the members of the House any extended speech on the bill now before us.

This is a bill for the photographic profession for the purpose, as they stated, of preventing "fly by night" people coming into the state and posing as professional photographers for the purpose of getting money out of inhabitants and delivering nothing for it. I do not see how, after the many times this bill has been recommitted, amended and otherwise tried to accomplish the wishes of the people who had any specific objection, anyone can raise any real objection to the bill as it now stands. I therefore urge the membership of the House, who believe in allowing the profession to set up a standard for itself, to vote for this bill.

Let me in passing say to the members of the House that a legitimate photographer in your district is a much better man to protect with a law, and tie to politically, than "fly by night gyp" artists that this bill seeks to eliminate. On account of the fact that this bill must go to a test vote, against the wishes of the sponsor of the bill, because of the objection of one man at this hour of the morning, I deeply urge all my clleagues on this side of the House to vote for this bill.

Mr. SEIF. Mr. Speaker and members of the House, I think Mr. Kane's point is well taken. When he as sponsor asked that the bill go over at this late hour, and one man in the House can prevent it, it seems to me that is the best reason in the world why you should vote for this bill because the minority floor leader is against it.

I invite your attention to the amendment to this bill which I hold before me. I might say that this bill has come out in white several times. There were various objections to the bill as introduced in a previous session, but all those objections have been eliminated.

Many members of the House have spoken to me about the objections of amateurs. The reason for those objections was that in the original bill there was no provision to take care of amateurs. However, I invite your attention to page three, where amateurs are specifically exempted from the applicability of the bill. This bill, as the sponsor suggests, is necessary as a police measure. Some people will say that the police officers under the present law have sufficient power to take care of so called gyp artists, but it seems to me that the proof of the pudding is in the eating thereof. The fact remains that the present law enforcement officers do not take care of these gyps who come into towns. The Federal Trade Commission has had trouble with these people. In many instances the Federal Trade Commission in its work is looked upon with suspicion, but in the field of photography, portrait photography particularly, that field has reason to call down many blessings because the Federal Trade Commission has done much toward cleaning up some of these evils. I have before me a syllabus which shows that the Federal Trade Commission has had to step in and issue "cease and desist" orders to fly-by-night photographers. The fact that this has had to be done indicates the necessity for this legislation. The reason I have this material before me, is because I happen to be a member of the sub-committee of the Committee on Professional Licensure which considered this bill. I might say that this bill is non-partisan. I am neither an amateur photographer nor a professional one, so I am more or less an outsider in this case. I think this bill should get fair consideration by the minority floor leader, notwithstanding, the fact that the hour has grown very late.

I have in my hand various affidavits from people who have been gypped. I have one here, it is a short one, as follows:

> "During November, 1938 I had my little girl photographed by a representative of 'S' studio of Pittsburgh, Pa., and paid them the sum of one dollar fifteen cents for which they promised to deliver to me one finished photograph. Since then to date, April 1939, I have heard nothing from them and I have received no

picture or satisfaction of any kind. I do think that something should be done to protect the public from being victimized by misrepresentation of this kind."

If there is any doubt about this I shall be glad to exhibit this affidavit.

One objection that has been raised to this bill is that the newspapers do not want it. I hold in my hand a letter from the Pennsylvania Newspaper Publishers' Association, dated April 4, 1939, which states among other things as follows:

"As far as I am able to determine, they (the amendments) cover all the objections which were raised by the newspapers and therefor are satisfactory to us."

I mention these amendments because so many people have come to me and said that this group, that group, and the other group are against this bill, and that is because they have not read the amendments.

The amendment in which the newspapers are interested is as follows:

"The 'Practice of Photography' shall not be construed to include

"Photography by individuals regularly employed by agency of the Federal or State government or any political subdivision thereof if photographic reproductions are not sold or otherwise disposed of except in publications issued by such agencies or in news papers or periodicals."

Then in Section 3 is this separate paragraph B.

"Photography as defined by this act shall not include the sale of reproductions thereof or the sale or furnishing by any persons to and the purchase acceptance and publishing by newspapers periodicals", etc.

I know that the hour is getting late and I am sorry that the minority floor leader has forced this debate upon us at this time, but a lot of people are interested in this bill, and I am here to defend it, as I think it is my duty to do so. Certain people who are engaged in business in this Commonwealth, very fine ethical business men, will say they object to this act because they are required and compelled under the terms of the act to invite and send a letter to outside photographers to come here and do their work, but I say to them that a phone call or a three cent stamp, it seems to me, would be no great harsh penalty to require them to comply with the terms of the act, in order to invite outside photographers to come in here and do their work. Certainly if they require photographers from New York, Cleveland or somewhere else, we have no objection under this act to outside photographers being allowed to come into this Commonwealth if they are invited. I say to you that the passage of this act will stop gyp artists from coming into this state. I say the reliable business men, professional men, photographers want this act. I think the Commonwealth of Pennsylvania wants it, and I think that because we were forced to a vote by the minority floor leader, we should vote against his wishes and vote in favor of this bill.

Mr. JAMES. Mr. Speaker and members of the House, it is nothing short of brutal to take up a bill of this kind at this hour of the morning and discuss it. It stands to reason that the proponents of this bill will not do the bill justice in debate. It stands equally to reason that I who am opposed to it can hardly do justice to those who might also be opposed to it. The gentleman who last spoke has touched off the keynote of this bill, as it is set up in the first section. He put it in a little different language and says the bill is designed to keep the gyps out of Pennsylvania who come in here and practice photography. He has read a letter from the mother of a girl who has been mistreated by some itinerant photographer.

The purpose set forth in this act, in Section 1, Clause 1, requires the police power of the Commonwealth to see that these itinerant photographers are not permitted to practice their nefarious trade in the state of Pennsylvania, and then the bill rushes with momentous haste into its main purpose, which is to lift the business of photography to the standards of a learned profession.

Photography is not a profession; photography is a branch of the graphic arts. It divides itself naturally into two major sections. One of them, amateur photography, and the other industrial photography. There is no such thing as a line between the two because men who are engaged in many businesses and professions are camera experts. There are so called amateurs who go away on long expeditions, into the wilds, into foreign ports of the world, and they bring back a collection of photographs which are rare, and which are much sought after, and they sell those photographs to travel magazines, to nature magazines and to scientific magazines, all sorts of publications, and in many cases the sale of the work that they have done with the camera pays the expenses of their trip.

Amateur photography, it is true, is exempted in this bill, on the condition that an amateur photographer may sell occasionally a picture to his friends but he cannot sell it regularly in the course of business. It may surprise you to know, and I can state it to you absolutely, that the amateur side of the practice of photography is overwhelmingly the largest side of the practice of photography. Industrial photography is the smaller side. If this bill were to be passed, and were to restrict so-called amateur photography to the sale of an occasional picture or to the sale of an occasional few feet of movie film, then the dealers and the merchants in phtographic equipment, photographic paraphenalia, all the concerns in the State of Pennsylvania, would immediately feel the effect of this bill in a very big way. That is one of the provisions that has not been taken care of by the amendments to which the gentleman who last spoke referred.

I saw this bill and was interested in its original form and condition. With the exception of the fact that there have been a few minor changes made in the construction of the provisions, or some of the provisions of the bill, it has suffered no serious change at the hands of the committee. As far as industrial photography is concerned, there is no doubt in my mind that raising the practice of photography to the sandard of a learned profession would not have the effect of chasing out those who might practice some sort of a little racket in this field as they do in all fields. We license lawyers, and we find schyster lawyers, we find doctors who still are guilty of malpractice. We license many other type of professions, but here and there a crook will get into the profession, so that if we license photographers, we may still expect those who have the wish and the will to be crooked to go out and be crooked.

There is another feature, and I do not want to prolong this debate. This bill takes apart the license purposes of the various branches of photography. It is extremely unfair in that particular because it takes apart photography into operators, retouchers and printers. The

printer and the retouchers has no contact whatever with the public. It would be extremely unfair for a man who has no contact whatever with the public to secure a license to have a job. By the way a printer in many photographic galleries is trained to do expert work in the period of two weeks.

One of the most vicious provisions of this bill is the provisions whereby out-of-state photographers could not come into the state of Pennsylvania and regularly solicit business as a regular business. Therefore it works on certain types of publishers and advertisers in the state of Pennsylvania a very great hardship. With the development of modern photography there have come about certain types of work that is not done in all centers and it would be foolish and against the best interests of business and industry in this state, if a photographer doing a certain line of commercial work, like in the city of New York, for example, could not come into the state of Pennsylvania and solicit business regularly in that line of business.

Gentlemen, I do not want to prolong this any further. I think it is a very disastrous thing that this bill should have been called into debate at this time, but it has been called, and I want to read just one opinion from one concern qualified to talk on this subject. I will read it very briefly and quickly, as follows:

> "It is unnecessary legislation in that it seeks to regulate an enterprise which is prejudicial to neither public health, morals or safety.
>
> "It is intended to benefit only a small group at the expense of the general public.
>
> "It will be extremely harmful to business because it will restrict and discourage the activities of thousands of individuals who spend great sums of money in this state on photographic supplies.
>
> "It will tend to stifle creative artistic expression.
>
> "It is entirely one-sided in that the largest photographic group in the state, the amateurs, are not sufficiently considered or protected in the act as drawn and were given no opportunity for a hearing."

This is signed by the Beck Photographic Society which is a well-known society of photographers.

I am going to cut off my discussion at this time bluntly and ask the members of this House to vote down this bill.

Mr. HUNTLEY. Mr. Speaker and members of the House, I favor this bill because it is backed by my old friend, James B. Schriever of Scranton, whom I regard as the greatest photographer in the world. Mr. Schriever came into my town fifty years ago as a young lad. It was not long before through hard work and fair dealing, especially in the line of developing his talents, he took the gold medal in photography in a contest in this state. He has taken the national medal at different times, he also took medals for a number of years in a number of foreign countries. Mr. Schriever came up from the ranks, he is a hard worker and an expert and superior artist. He is a gentleman who can be relied upon. He has printed the only encyclopedia on photography in the world, consisting of about ten or fifteen volumes. Mr. Schriever assures me that there is nothing in this bill that will hurt anybody but it does keep track of the commercial gyps, and we know, and I think everybody in this House has had some experience with the commercial gypster who goes around from house to house selling pictures. I do not see from the argument that has been brought forward any bjection to this bill and I am willing to trust the good judgment of my friend Mr. Schriever on this matter. I think the bill is worthy of your support.

Mr. SEIF. Mr. Speaker and members of the House, I do not mean to rub it in at this late hour. I merely make the suggestion, however, that the reason there may be some opposition to this bill is because when it was introduced originally two or three sessions ago and in this session, it had some bad features. But my good frend, Mr. James, to the contrary notwithstanding, this bill has been mutilated, emasculated and emaciated, no doubt to such an extend that its own mother would not recognize it.

I ask the members of the House to glance at House bill Number 475, Printer's Number 448 before they vote, and they will realize that this bill in its present form is absolutely innocuous, and if it will do any good, the least bit of good in this Commonwealth, to keep out the gyps, I do not see how we can turn it down.

Mr. HAINES. Mr. Speaker, I would like to interrogate the gentleman from McKean, Mr. Kane.

The SPEAKER. Will the gentleman from McKean permit himself to be interrogated?

Mr. KANE. I shall, Mr. Speaker.

Mr. HAINES. Mr. Speaker, may I ask the gentleman from McKean why he thrusts upon the Commonwealth of Pennsylvania another board?

Mr. KANE. Mr. Speaker, I do not know what the gentleman means by his question, but I will answer it in this way.

This bill was brought to me by an association of professional photographers, with the request that I introduce it, and I introduced it and marked it "by request." This is not a bill of my own choosing. However, the gentlemen very kindly agreed to my suggestion to take out the provision that is very common in bills of this kind and which is common in bills in other states, where the examining board is appointed by the Governor just the same as any other board. Furthermore, when you have a license, you must have a board that knows its business to do the licensing. That is the only answer I can give to the gentleman.

Mr. HAINES. Mr. Speaker, would it be possible to keep away from the state of Pennsylvania these fly-by-night photographers without a state board of photographic examiners?

Mr. KANE. Mr. Speaker, in answer to that question I would say it is undoubtedly possible, but as a matter of fact it is not done. We are dealing with a practical situation and not a possibililty. I have no doubt that if the criminal laws were enforced perhaps the evil could be run to earth. As a matter of fact there is nothing in the statute books now to prevent people from coming in, taking orders for photographs and then not delivering them, because he is out side the state when the time comes to enforce the law.

Mr. HAINES. Mr. Speaker, does the gentleman have any idea how much it would cost to put into effect this law, if it were passed by this House, the Senate, and signed by the Governor?

Mr. KANE. Mr. Speaker, I do not know the exact cost, but I know the license fees are exactly the same as they are in many other states, and the license fees were designed merely to make the bill self-sustaining so it will not cost the people anything.

Mr. HAINES. Mr. Speaker, does the gentleman have any record of any communication to substantiate his statement that the other states have this kind of a law?

Mr. KANE. Mr. Speaker, I do not have them on my person at the present time. There are several states, West Virginia I believe is one, North Carolina is another, and I think there are something like ten or eleven states who have this law at the present time.

Mr. HAINES. Mr. Speaker, on page 12, lines 4 to 19 inclusive—

Mr. KANE. Mr. Speaker, I believe this interrogation has proceeded about as far as the House should be interested in it. If the gentleman wants to debate the bill, I will be glad to debate it.

Mr. HAINES. Mr. Speaker, my understanding is that I was interrogating the gentleman from McKean, Mr. Kane, to find out certain things which are on my mind before I vote for or against the bill

Mr. KANE. Mr. Speaker, I will agree to further interrogation as far as the gentleman wishes.

Mr. HAINES. Mr. Speaker, on page 12, lines 4 to 19 inclusive, disregarding the things that have been eliminated by the House committee, I will agree you have one of the best things that has ever been introduced in the House as far as the practice of illegal protography is concerned. Why wouldn't it be possible for the gentleman to have this bill, eliminating all of the other provisions which are so inclusive, and only include those which are on page 12, lines 4 to 19 inclusive, including those things which have been eliminated by the House committee.

MOTION TO ADJOURN

Mr. LOVETT. Mr. Speaker, I move that this House do now adjourn until Wednesday, May 3, 1939, at one o'clock p. m. Eastern Standard Time.

The motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. HAINES. Mr. Speaker, I have already interrogated the gentleman from McKean, Mr. Kane, and the question is on the floor.

Mr. KANE. Mr. Speaker, in answer to the gentleman's interrogation, I would say I have no way of knowing that the committee was going to put in it. I am not on the Professional Licensure Committee. However, if it had been possible for me to have designed a better bill than the bill now before us for discussion, I would have been glad to do so.

I do want to say, in answer to the gentleman from Delaware, Mr. James, that I earnestly solicited any amendments from people who had objections to the bill. The bill has been on the calendar so long, and has been in Committe so many times, that everyone who had a legitimate objection had ample opportunity to offer amendments designed to correct it. I have no way, Mr. Speaker, of entering an anticipatorial defense to any possible objections that people may make. However, in the case of the objection raised by Mr. James of Delaware, I will say this, that the people raised those objections to me and I offered them an opportunity to get amendments in shape and I myself would present them. I did not get any such amendments and I think it is a rather late day for people to raise objections when they had the opportunity to present them before.

The SPEAKER. Will the gentleman advise the Chair whether or not he is answering the interrogation or speaking on the bill.

Mr. KANE. Mr. Speaker, I am reluctantly answering interrogations when I would like to have had the bill put on the calendar tomorrow instead of tonight. If the Chair insists I will answer the gentleman's questions as long as he cares to ask them.

Mr. HAINES. Mr. Speaker, does the gentleman believe that the bill has enough merit to pass, regardless of the number of demerits that there are in the bill?

Mr. KANE. Mr. Speaker, in answer to the gentleman's question, I would say in my opinion it most certainly does have sufficient merit to warrant a passing vote in this House and also in the Senate. Furthermore, if the bill passes the House, there will be an opportunity for amendments to be offered in the Senate, and I am certain that the bill can be made into a very good measure.

Mr. HAINES. Mr. Speaker if the bill does pass the House, which I hope it does not, how are we to be sure that the Senate committee will amend the bill or that the bill will be amended on the floor of the Senate?

On page 12, lines 9 to 14, I believe we have one of the best provisions in this bill that could have been introduced. Speaking from a personal viewpoint and from what certain people have told me, who have been fleeced by some of these people, I think it is one of the best provisions in the bill, but the inclusion of the other parts of the bill make it prohibitive for me to vote for it. I know that there are certain towns in my county, of three hundred inhabitants, within the last four weeks that have been fleeced in the amount of sixty dollars by these people, who go around and take pictures, and do not have films in their cameras. I know of another town of eight hundred population where they took one hundred ten dollars out of that town. I am for this provision in the bill, but the inclusion in the bill of the other parts makes it prohibitive for me to vote for it.

Mr. DIX. Mr. Speaker and members of the House, I have been an amateur photographer for fifty years. I have bought every kind of camera that is made including a motion picture camera. As far as I understand this bill I cannot see where it would do any harm to amateur photographers. I am a member of the Honesdale Camera Club. The president of this club contacted me and said that he would be very willing to have me go on record as favoring this bill if I thought it was O. K. I am sure that it will raise the level of photography; it will drive the so called gyps out of the photographic profession, and it will not injure in any way the business houses that carry photographic goods. I have in my hand a telegram that I would like to read in connection with this subject. The telegram is as follows:

"The Professional Photographers Association of Pennsylvania in annual convention assembled at Penn-Alto Hotel, Altoona, Pennsylvania, representing more than three thousand professional photographers in the State of Pennsylvania. By unanimous vote endorse the professional photographers license bill known as House Bill No. 475 and urge its adoption.

"The passage of this bill will make it possible to uphold the dignity of our profession for which we are earnestly striving and deserve; as well as a protection

to the public against fly-by-night unscrupulous, would-be itinerant photographers who have become a menace to society and a disgrace to our profession.

"The members of the Photographers Association of Pennsylvania implore every representative of the Legislature to support this most worthy bill by casting your vote in its favor."

Mr. Speaker and members of the House, so long as we are licensing barbers and practically every other profession, I can see no reason why we should not license the professional photographer of Pennsylvania and raise the standard of photography here.

Mr. REYNOLDS. Mr. Speaker and members of the House, I have heard lots of the members of the House say during this session that the Committees have not given them an opportunity to come before them and tell how they felt about certain bills. The Committee on Professional Licensure had this bill out twice. They had a public hearing on it, at which time the opponents of this bill were represented by able attorneys. They had their representatives here from Chicago, New York, Philadelphia and all over the country, and after hearing all of them, the Committee decided they hadn't made out a case. If you have any confidence in your Committees you should pay some attention to their decisions. I believe we should adhere to the people who have studied photography and list them because they know what it means to the profession. In my particular district over one thousand dollars was reported to the police station of that district last year as having been fleeced from the people of that district. I believe it might be well to license these people in order that we might keep a record of them and help the police in running them down, and to pass laws to keep the photographers from other states out of the State of Pennsylvania. I believe it would be a good home rule to so license photographers in order that we might give our own photographers in the state of Pennsylvania a better opportunity to make a decent living. I am very sorry that Mr. Kane in his discussion only asked that members on his side of the House vote for it because I do not think it is a partisan measure. It is a good bill, and I think we should all vote for it because it is a good bill. Therefore, I ask the members of the House who want to give a profession that has come to us, willing to put themselves under the provisions of the state of Pennsylvania to vote for this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—40

Auker,	Cooper,	Knoble,	Reese, R. E.,
Balliet,	Cordier,	Kowalski,	Regan,
Bardes,	Dalrymple,	Lyons,	Reynolds,
Bohn,	Denman,	Malloy,	Schwab,
Boles,	Dick,	Marr,	Seif,
Brown, S. W.,	Dix,	McLane,	Wagner,
Brunner,	Fleming,	Munley,	Watkins,
Check,	Huntley,	O'Neill,	Weiss,
Christler,	Kane,	Powers,	Wilkinson,
Cook,	Kenehan,	Readinger,	Wilson,

NAYS—70

Achterman,	Ely,	Krise,	Tahl,
Alspach,	Ewing,	Levy,	Tarr,
Andrews,	Fauset,	McKinney,	Taylor,
Atkins,	Foor,	McVay,	Thompson, G. R.
Baker,	Gillette,	O'Connor,	Tiemann,
Boney,	Gorski,	Ominsky,	Tronzo,
Boorse,	Habbyshaw,	Reese, D. P.,	VanAllsburg,
Bower,	Haines,	Rhodes,	Webster,
Brancato,	Hamilton,	Rose,	Welsh, E. B.,
Bronson,	Harbeson,	Roseberry,	Welsh, M. J.,
Brown, H. S	Hewitt,	Rothenberger,	Westrick,
Cadwalader,	Hoffman, S. K.,	Sarraf,	Williams,
Calvin,	Holland,	Schrock,	Wood, N.,
Chervenak,	James,	Sloan,	Woodside,
Clearwater,	Johnston,	Snyder,	Yeakel,
Corrigan,	Jones,	Stambaugh,	Turner,
Cortese,	Kilroy,	Stockham,	Speaker.
Downey,	Kline,	Sweeney,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

COMMITTEE MEETINGS

There will be meetings of the Committees on:

Constitutional Amendments, Wednesday, at 11 a. m. in Room 333.

Counties, Thursday, at 10:30 a. m. in Room A.

Game, Thursday, at 9 a. m. in Room 325.

Judiciary Special, Wednesday, at 12 noon in Room 333.

Liquor Control, Wednesday, at 10:30 a. m. in Room 147.

Motor Vehicles, Wednesday, at 11 a. m. in Room 324.

Municipal Corporations, Wednesday, at 1 p. m. in Room 546.

Public Utilities, Thursday, at 10 a. m. in Room 100.

State Government, Thursday, at 12:15 p. m. in Room 147.

Ways and Means, Thursday, at 10:30 a. m. in Room 100.

Welfare, Wednesday, at 11 a. m. in Room 323.

There will be a Public Hearing before the Committee on Professional Licensure on House Bills 786 and 565, on Wednesday, May 3 at 9 a. m. in the House Caucus Room; also at 10 a. m. Bills 716, 717, 966.

There will be a Public Hearing before the Committee on Mines and Mining on Wednesday, May 3, at 4 p. m. in the House Caucus Room.

There will be a Public Hearing before the Committee on Mines and Mining at 2 p. m. in the House Caucus Room, on Monday, May 8.

ADJOURNMENT

Mr. LOVETT. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1 p. m.

The motion was agreed to, and (at 3:55 a. m.) the House adjourned until Wednesday, May 3, 1939 at 1 p. m.

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